



# TOWN OF HIGHLAND BEACH AGENDA MEMORANDUM

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**MEETING TYPE:** Town Commission Meeting

**MEETING DATE** September 6, 2022

**SUBMITTED BY:** Ingrid Allen, Town Planner, Building Department

**SUBJECT:** AN ORDINANCE OF THE TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING THE TOWN'S COMPREHENSIVE PLAN BY ADDING A NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

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## **SUMMARY:**

On June 7, 2022, the Town Commission unanimously approved the transmittal (one of two required public hearings) of the above-referenced Comprehensive Plan amendment to the State Land Planning Agency – the Department of Economic Opportunity (DEO). In addition and pursuant to Section 163.3184(3), Florida Statutes, the amendment was simultaneously transmitted to the following review agencies:

- Department of Environmental Protection
- Department of State
- Department of Transportation
- Treasure Coast Regional Planning Council (TCRPC)
- South Florida Water Management District
- Palm Beach County

The Town received the following “technical assistance” comment from DEO (see Attachment No. 1) which it offered as a suggestion to strengthen the Town’s Comprehensive Plan in an effort to “...foster a vibrant, healthy community...” and to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S.:

*The proposed property rights element limits the consideration of property rights matters to “planning and development decisions” as opposed to considering them in all “local decision making.”*

*The Department strongly encourages the Town of Highland Beach, prior to adoption, to revise Goal 1 of the proposed amendment to consider private property rights in all of the Town’s local decision making.*

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Note that as indicated in the June 7, 2022 Commission Agenda Memorandum (First reading), the proposed goals, objectives and policies of the Property Rights Element were based on the model element authored by the 1000 Friends of Florida (dated July 20, 2021). The text referencing “planning and development decisions” came verbatim from the model element. That said, several municipalities in Palm Beach County were provided the same technical assistance comment, as noted above, from DEO. Staff has revised proposed Goal 1 of the Property Rights Element to reflect that property rights will be considered in local decision-making as follows (deletions are denoted by a ~~striethrough~~ and additions are denoted by an underline):

#### Goal 1

The Town will make local ~~planning and development~~ decisions with respect for property rights and with respect for people’s rights to participate in decisions that affect their lives and property.

The Town received no comments from the remaining review agencies noted above. Chapter 163, Florida Statutes, requires that the Regional Planning Council review local government Comprehensive Plan amendments prior to their adoption. On July 15, 2022, the TCRPC approved the proposed amendment.

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#### **FISCAL IMPACT:**

NA

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#### **ATTACHMENTS:**

Attachment No. 1 - DEO technical assistance comment, dated July 15, 2022.

Ordinance

Commission Agenda Memorandum, First Reading, June 7, 2022

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#### **RECOMMENDATION:**

Adopt Comprehensive Plan amendment with changes.