

MEMORANDUM

TO: Town Council, Town of Howey-in-the-Hills
FROM: Tom Wilkes, Town Attorney
DATE: July 17, 2024
SUBJECT: Readoption of Comprehensive-Plan Amendments

The Florida Department of Commerce has informed the Town that, because of a technical statutory deadline, the Town must readopt the amendments approved last month by Town Council to the Future Land Use Element of the Comprehensive Plan. I have advised the Town Clerk and the Town Manager to re-agenda a comp-plan readoption ordinance for both a first and second reading. Here is why:

When a city or county adopts amendments to its comprehensive plan, paragraph 163.3184(3)(c)2 of Florida Statutes requires the city or county to transmit the final amendments to the Department of Commerce for its review. The statute says the city or county must transmit the approved amendments within ten working days after the public hearing at which the comp-plan amendments are enacted.

The Town Council voted to approve the comp-plan amendments on June 24. Under the statute, the deadline to transmit to the Department was July 9. The amendments were sent on July 12, three days late.

Our Town Clerk has the refreshing habit of moving things along timely. He and I were not aware of the ten-day deadline. Normally, that would be of no consequence. John would have mailed the amendments within two or three working days of the adoption hearing.

John had departed on vacation, however, on June 17 and did not return to the office until July 1. With the backlog of stuff awaiting him, he got the comp-plan amendments into the mail on July 12, three days late. These things happen.

My recommendation is that the Town Council enact a new ordinance readopting the comp-plan amendments. The council can readopt the amendments after two readings, on July 22 and August 12. We can then transmit the amendments timely to the Department and get on with the related LDC amendments. The seven-week delay in finalizing the amendments should be of no consequence.

Please call if you have questions.

CC: Town Manager
Town Clerk
Town Planner