

STAFF REPORT REGULAR MEETING

AGENDA DATE: September 19, 2023

DEPARTMENT: Community Sustainability

TITLE:

Ordinance 2023-10 - Second Reading - Amending the City's Comprehensive Plan, adding a new property rights element as required by F.S. 163.3177(6)(i)

SUMMARY:

The proposed ordinance would amend the City's Comprehensive Plan by adding a new property rights element as required by F.S. 163.3177(6)(i.). If approved on second reading / adoption, the comprehensive plan text amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) for final completeness review.

BACKGROUND AND JUSTIFICATION:

On June 28, 2021, the Governor signed into law House Bill 59, which amended statutory provisions regarding optional and required comprehensive plan elements by creating a new required property rights element (F.S. 163.3177(6)(i.)). As of July 1, 2021, all local governments must adopt this element as part of their comprehensive plans by the next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of their comprehensive plan. The Florida Department of Economic Opportunity (DEO) has informed the City that any future amendments to its comprehensive plan, including the Future Land Use Map, cannot be adopted until the adoption of a property rights element occurs.

This new required element must include policies consistent with the legislative intent that local governments respect existing "judicially acknowledged and constitutionally protected private property rights" in local decision-making. These required policies are identified in the attached advisory board (PZHP) staff report. Further, staff also added policies referring to the existing and established rights that people have to participate in planning and development decisions that affect their lives and property.

The **Planning & Zoning Board** recommended unanimous approval of the ordinance at their May 24, 2023 meeting. The Historic Resources Preservation Board also recommended unanimous approval of the ordinance at their June 14, 2023 meeting.

The **City Commission** unanimously voted to approve the text amendment on first reading, and to transmit it to the DEO for review and comment at their July 18, 2023 meeting.

The text amendment was transmitted to the DEO and required reviewing agencies on July 20, 2023. No comments were provided by either the reviewing agencies or the DEO during the 30-day review period.

MOTION:

Move to approve/disapprove Ordinance 2023-10 on Second Reading, and to transmit to the Florida Department of Economic Opportunity for final completeness review.

ATTACHMENT(S):

Ordinance 2023-10
PZB/HRPB Staff Report