

STAFF REPORT REGULAR MEETING

AGENDA DATE: July 18, 2023

DEPARTMENT: Community Sustainability

TITLE:

Ordinance No. 2023-10 - First 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 first reading, the comprehensive plan text amendment will be transmitted to the Florida Department of Economic Opportunity (DEO) for review and comment. Second reading/adoption will be scheduled upon receipt of the DEO's comments, recommendations and/or objections.

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.

MOTION:

Move to approve/disapprove Ordinance 2023-10 on first reading, to transmit to the Florida Department of Economic Opportunity for review, and to schedule the second reading after review by the State.

ATTACHMENT(S):

Ordinance 2023-10
PZB/HRPB Staff Report