

RESOLUTION NO. 2098-2022

A RESOLUTION OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, TENTATIVELY APPROVING AMENDMENTS TO THE JACKSONVILLE BEACH 2030 COMPREHENSIVE PLAN FOR THE PURPOSE OF ADOPTING A NEW PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN TO MEET THE REQUIREMENTS OF SECTION 163.3177(6) FLORIDA STATUTES; AUTHORIZING TRANSMITTAL OF SAID AMENDED ELEMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR ADOPTION OF RECITALS, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS AND COUNCIL DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Jacksonville Beach ("City") City Council adopted a Comprehensive Plan for the City by Ordinance No. 7474; and

WHEREAS, effective July 1, 2021, the Florida Legislature adopted Florida Statutes, Section 163.3177(6); pursuant to Section 163.3177(6)(i), Florida Statutes, the City is required to include a Property Rights Element within its Comprehensive Plan; and

WHEREAS, the City has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the City has initiated an amendment to the 2030 Comprehensive Plan in order to incorporate a Property Rights Element with required goals, objectives, and policies to meet the requirements of Section 163.3177, Florida Statutes; and

WHEREAS, Section 163.3184, Florida Statutes, provides that a local government shall, following an advertised public hearing, transmit by affirmative vote of not less than a majority of the members of the governing body present at the hearing, proposed comprehensive plan amendments to the applicable reviewing agencies and local governments; and

WHEREAS, at an advertised public hearing on December 13, 2021, the City Planning Commission, acting as the Local Planning Agency for the City, unanimously recommended transmittal of the amendments to the Florida Department of Community Affairs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

SECTION 2. Proposed Amendments. That the proposed amendments to the 2030 Comprehensive Plan, as set forth in "Exhibit A" attached to this resolution, are hereby tentatively approved. Such approval is subject to the review by and receipt of any objectives, recommendations, and comments from the Florida Division of Economic Opportunity, Division of Community Development.

SECTION 3. Transmittal to Florida Department of Economic Opportunity. That the Planning and Development Director is hereby authorized to transmit said proposed amendments

and any supporting documents that may be required to the Florida Department of Economic Opportunity, Division of Community Development, for their review and consideration.

SECTION 4. Repeal of Prior Inconsistent Resolutions and Council Decisions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 5. Severability. If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 6. Effective Date. This resolution shall become effective immediately upon passage and adoption by City Council and publication as required by law.

AUTHENTICATED this 18th day of January, 2022.



Christine H. Hoffman, MAYOR



Sheri Gosselin, CITY CLERK

Approved as to form and legal sufficiency:



Sandra R. Robinson, City Attorney

**City of Jacksonville Beach
Comprehensive Plan Amendment
Responding to House Bill 59
Property Rights Element Requirements
(s. 163.3177(6), Florida Statutes)**

**PROPERTY RIGHTS ELEMENT
GOALS, OBJECTIVES, AND POLICIES**

Goal PR 1.

The City will respect judicially acknowledged and constitutionally protected private property rights, in accordance with the legislative intent of the Community Planning Act established in Chapter 163, Florida Statutes.

Objective PR 1.1

The City will ensure that private property rights are considered in local decision making.

Policy PR 1.1.1

The following private property rights shall be considered in local decision making.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.