

Introduced by: Council Member Cory Nichols
1st Reading: March 21, 2022
2nd Reading: April 4, 2022

ORDINANCE NO. 2022-8175

AN ORDINANCE OF THE CITY OF JACKSONVILLE BEACH, FLORIDA ADOPTING AMENDMENTS TO THE JACKSONVILLE BEACH 2030 COMPREHENSIVE PLAN TO ADOPT A NEW PROPERTY RIGHTS ELEMENT WITH A NEW GOAL, OBJECTIVE AND POLICY TO MEET THE REQUIREMENTS OF SECTION 163.3177(6), FLORIDA STATUTES; PROVIDING DIRECTIONS TO THE PLANNING AND DEVELOPMENT DEPARTMENT, FOR LEGISLATIVE FINDINGS, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 163.3167 Florida Statutes, the City of Jacksonville Beach ("City") is required to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, the City Council adopted a Comprehensive Plan for the City on October 15, 1990 by Ordinance No. 7474; and

WHEREAS, effective July 1, 2021, the Florida Legislature adopted Florida Statutes, Section 163.3177(6)(i) which requires the City of Jacksonville Beach to include a property rights element within its Comprehensive Plan; and

WHEREAS, the City of Jacksonville Beach 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 a required goal, objective, and policy to meet the requirements of Section 163.3177(6)(i), 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, on December 13, 2021, the City Planning Commission, acting as the Local Planning Agency at an advertised public hearing, unanimously recommended transmittal of the proposed amendments in application PC#14-21, to the Florida Department of Economic Opportunity (DEO); and

WHEREAS, on January 18, 2022, the City Council adopted Resolution No. 2098-2022, tentatively approving the proposed amendment to the 2030 Comprehensive Plan, application PC#14-21, and authorized the transmittal of same for review by the DEO and other State agencies; and

WHEREAS, after receiving comments from the reviewing agencies, Section 163.3184(3)(c)1., Florida Statutes, requires a local government to hold a second public hearing on whether to adopt one or more comprehensive plan amendments; and

WHEREAS, the application has been reviewed and the changes proposed therein are deemed to be consistent with the overall adopted 2030 Comprehensive Plan, and the City has been instructed by the DEO that it may proceed with the adoption of the proposed Comprehensive Plan Text amendments.

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

SECTION 1. RECITALS AND LEGISLATIVE FINDINGS. That the above recitals and legislative findings are ratified, correct, and made a part of this Ordinance.

SECTION 2. AMENDMENTS TO THE 2030 COMPREHENSIVE PLAN. That the proposed amendments to the 2030 Comprehensive Plan, as set forth in "Exhibit A" attached to this Ordinance, are hereby approved and adopted.


SECTION 3. SUBMIT ADOPTION PACKAGE TO DEO. That the Planning and Development Director is hereby authorized and directed to transmit the adoption package to the DEO.


SECTION 4. CONFLICTING ORDINANCES. That all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. SEVERABILITY. It is the intention of the City Council that if any section, subsection, clause, or provision of this Ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this Ordinance.

SECTION 6. EFFECTIVE DATE. This amendment shall take effect on the forty-sixth day following its adoption, in accordance with the law.

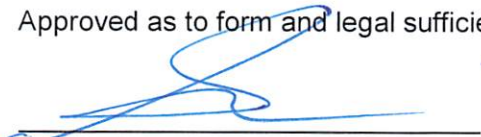
AUTHENTICATED THIS 4th DAY OF April, 2022.



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.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

January 26, 2022

The Honorable Christine Hoffman
Mayor, City of Jacksonville Beach
11 North Third Street
Jacksonville Beach, Florida 32250

Dear Mayor Hoffman:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the City of Jacksonville Beach (Amendment No. 22-01ESR) received on January 19, 2022. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The City should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the City is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the City. **If the City receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the City that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | www.Twitter.com/FLDEO | www.Facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

The Honorable Christine Hoffman, Mayor

January 26, 2022

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If you have any questions concerning this review, please contact Benjamin Naselius, Planning Analyst, by telephone at (850) 717-8421 or by email at Benjamin.Naselius@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink that reads "Barbara Powell". The signature is written in a cursive style with a large initial "B" and "P".

Barbara Powell, Regional Planning Administrator
Bureau of Community Planning and Growth

BP/bn

Enclosure(s): Procedures for Adoption

cc: Heather Ireland, AICP, Planning and Development Director, City of Jacksonville Beach
Margo Moehring, Director of Policy & Planning, Northeast Florida Regional Council