



City of Hallandale Beach City Commission

Agenda Cover Memo

Meeting Date:		Item Type:		1 st Reading		2 nd Reading			
5/18/2022		<input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Other		Ordinance Reading		2/16/2022		5/18/2022	
File No.:				Public Hearing		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
22-008				Advertising Required		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
				Quasi-Judicial:		<input type="checkbox"/>		<input type="checkbox"/>	
Fiscal Impact (\$):		Account Balance (\$):		Funding Source:		Project Number:			
N/A		N/A		N/A		N/A			
Contract/P.O. Required		RFP/RFQ/Bid Number:		Sponsor Name:		Department:			
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	N/A		Vanessa Leroy, Director		Community Enhancement & Sustainable Development			
Strategic Plan Focus Areas:									
<input type="checkbox"/> Finance & Budget			<input type="checkbox"/> Organizational Capacity			<input checked="" type="checkbox"/> Infrastructure/Projects			
Implementation Timeline:									
Estimated Start Date: 2/16/2022 Estimated End Date: 5/18/22									

SHORT TITLE:

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING THE CITY OF HALLANDALE BEACH COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT AS REQUIRED BY AND IN CONFORMITY WITH SECTION 163.3177(6)(i), FLORIDA STATUTES (2021); PROVIDING FOR ADOPTION AND TRANSMITTAL OF THIS COMPREHENSIVE PLAN AMENDMENT PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR INCLUSION IN THE CITY OF HALLANDALE BEACH COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

STAFF SUMMARY:

Summary:

City Staff is requesting an amendment to the City's Comprehensive Plan to incorporate a new element, Property Rights Element, as required by Section 163.3177 (6)(i) of the Florida Statutes.

Background:

On July 1, 2021, House Bill 59 became effective and provides a new requirement in Section 163.3177(6), Florida Statutes, that each local government includes in its comprehensive plan a "property rights element to ensure that private property rights are considered in local decision-making." In addition, the new law requires that local governments "must adopt a property rights element in its comprehensive plan by the earlier of the date of the adoption of its next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to section 163.3191, Florida Statutes. A copy of House Bill 59 is attached as Exhibit "2".

On December 28, 2021, the Planning and Zoning Board considered the proposed ordinance. The Board recommended approval of the ordinance by a vote of 3 to 0. Please refer to the Planning and Zoning Board Cover Memo dated December 28, 2021 (Exhibit 5) and the Minutes of the Hearing (Exhibit 6).

On February 16, 2022, the City Commission authorized the transmittal of the proposed Ordinance to the Department of Economic Opportunity (DEO) at first reading.

The DEO has reviewed the City of Hallandale Beach's proposed comprehensive plan amendment (Amendment No. 22-01ESR) which was transmitted on February 24, 2022, and has identified no comment related to adverse impacts to important state resources and facilities within the DEO's authorized scope of review. However, DEO has provided one comment of technical assistance to strengthen consistency with the Community Planning Act (Exhibit 3). Staff has revised the Ordinance to consider private property rights in all of the City's local decision-making rather than just planning and development decisions.

Current Situation:

The Florida Legislature recently passed a new law that requires all local governments to adopt a property rights element in its Comprehensive Plan. In order to comply with the new state law, the City must adopt a property rights element in its Comprehensive Plan as discussed above under "Background".

The draft ordinance attached hereto as Exhibit 1 (the "Property Rights Comprehensive Plan Ordinance") provides for the addition of a Property Rights Element (Exhibit 1-A to the Ordinance) in the City's Comprehensive Plan in the form prescribed by the new Law.

Analysis:

The proposed amendment will ensure that the City affirms its support for the rights of the public to participate in planning and development decisions. Inclusion of the property rights element is intended to protect the private property rights and ensure they are considered in local land use decision-making.

The amendment is consistent with the Comprehensive Plan and in conformance with all applicable requirements of the Code of Ordinances which provide a framework for public participation in the development review process.

Hallandale Beach Land Development Regulations Sec. 32-2 Purpose and Intent

The amendment is consistent with Section 32-2 Purpose and Intent of the City of Hallandale Beach Land Development Code. The amendment is in the best interest of all citizens and residents of the City.

Hallandale Beach Land Development Regulations Sec. 32-47, Required Comprehensive Plan Elements and Sec. 32-48 Optional Comprehensive Plan Elements.

The amendment is consistent with Section 32-47 Required Comprehensive Plan Elements and Section 32-48 Optional Comprehensive Plan Elements as a new requirement in Section 163.3177(6), Florida Statutes (2021) that each local government include in its comprehensive plan a “property rights element to ensure that private property rights are considered in local decision making”.

Hallandale Beach Land Development Regulations Sec. 32-963. - Land Use Plan Amendments Review Criteria:

Decisions or recommendations relating to any change to the official zoning map or the land use element of the comprehensive plan shall address but is not limited to the effect of the proposed amendment as it relates to the following:

(1) The relationship of the proposed amendment to the purposes and objectives of the city's comprehensive land use plan, when adopted, with appropriate consideration as to whether or not the proposed changes will further the purpose of this chapter and other codes, regulations and actions designed to implement the plan.

The amendment furthers the purpose of the City's Comprehensive Plan goals, objectives, and policies as well as the Land Development Regulations.

(2) The proposed change would or would not be contrary to the established land use patter

Not applicable.

(3) The proposed change would or would not create an isolated district unrelated to adjacent and nearby districts.

Not applicable.

(4) The proposed change would or would not alter the population density pattern and thereby have an adverse impact upon public facilities such as schools, utilities and streets.

The proposed amendment will have no impact on population projections.

(5) Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change.

Not applicable.

(6) Changed or changing conditions make the passage of the proposed amendment necessary.

The new requirements in Section 163.3177(6), Florida Statutes (2021) pursuant to House Bill No. 59 requires that each local government include in its comprehensive plan a "property rights element to ensure that private property rights are considered in local decision making".

(7) Substantial reasons exist why the property cannot be used in accordance with the adopted land use plan and/or the existing zoning.

Not applicable.

(8) Whether or not the change is out of scale with the needs of the neighborhood.

The change is not out of scale with the needs of the neighborhood as the intent is to protect the private property rights and ensure they are considered in local land use decision-making.

The City is proposing the attached Ordinance (Exhibit 1) approving changes to the Comprehensive Plan (Exhibit 1-A).

After First Reading of the proposed Comprehensive Plan Amendment by the City Commission, Ordinance (Exhibit 1) and Amendment (Exhibit 1-A) were transmitted to the Florida Department of Economic Opportunity (DEO) and appropriate reviewing agencies for a consistency review. As previously described in the Background Section of this Memorandum, DEO's technical assistance comment has been addressed and the amendment are now brought back to the City Commission for Second Reading for adoption.

Why Action is Necessary:

Pursuant to Article V, Division I, Section 5.01 of The City of Hallandale Beach City Charter, a City Ordinance is to be adopted to amend an existing Ordinance.

Cost Benefit:

Recently passed State Statutes require all local governments to adopt a property rights element in its Comprehensive Plan prior to the adoption of its next proposed plan amendment.

In addition to reaffirming the City's commitment to its support for the rights of the public to participate in all of the City's local decision-making, the proposed Comprehensive Plan amendment will make the City compliant with the State Statutes and allow for needed Comprehensive Plan amendments to proceed.

STAFF RECOMMENDATIONS:

Staff recommends the City Commission adopt, on Second Reading, the attached Ordinance.

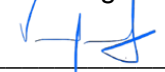
PROPOSED ACTION:

The City Commission adopt the attached Ordinance on Second Reading.

Attachments:

Exhibit 1 – Ordinance
Exhibit 1-A – Proposed Property Rights Element of the Comprehensive Plan
Exhibit 2 – Copy of "Chapter 2021-195 - House Bill No. 59"
Exhibit 3 – DEO Technical Assistance Letter
Exhibit 4 – Presentation
Exhibit 5 – Planning & Zoning Board Cover Memo, December 28, 2021
Exhibit 6 – Planning & Zoning Board Minutes, December 28, 2021

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