



City of Hallandale Beach

Planning and Zoning Board Agenda Cover Memo

Primary Application Type:	Comprehensive Plan Text Amendment	Hearing Date:	December 28, 2021		
Additional Applications:	N/A	Public Hearing:	Yes	No	
			X		
General Title:	Amendment to the Comprehensive Plan to add a Property Rights Element	Quasi-Judicial:	Yes	No	
				X	
Applicant:	City of Hallandale Beach	Workshop:	Yes	No	
				X	
Application #	PA-21-03953	Advertisement Type Required:	DISPLAY	REGULAR	N/A
			X		
Staff Recommendation:		Approve	Approve with Conditions		Reject
		X			
Request:			Strategic Plan Priority Area:		
Ordinance Amending the Comprehensive Plan to add a Property Rights Element as required by and in conformity with Section 163.3177(6), Florida Statutes (2021)			<input type="checkbox"/> Safety <input checked="" type="checkbox"/> Quality <input checked="" type="checkbox"/> Vibrant Appeal		
Sponsor Name:	Vanessa Leroy, Director Community Enhancement and Sustainable Development Department	Prepared By:	Christy Dominguez, Planning and Zoning Manager		

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), 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:

BACKGROUND

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.

House Bill 59 became effective July 1, 2021, and provides a new requirement in Section 163.3177(6), Florida Statutes, 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." 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 its 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".

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.

EXHIBIT 3

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 pattern

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.

EXHIBIT 3

(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).

WHY ACTION IS NECESSARY

Pursuant to Chapter 2, Section 2-231 of the City of Hallandale Beach Code of Ordinances, the Planning and Zoning Board/Local Planning Agency shall review and make advisory recommendations to the City Commission on applications for amendments to the City of Hallandale Beach Comprehensive Plan.

Staff Recommendation:

Staff recommends the Planning and Zoning Board/Local Planning Agency recommend the City Commission APPROVE and adopt the proposed ordinance.

Attachment(s):

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"

