

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

October 21, 2021

The Honorable Samuel Newby, President
The Honorable Rory Diamond, LUZ Chair
And Members of the City Council
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report / Ordinance No. 2021-631/Property Rights Element
Text Amendment to the Future Land Use Element of the 2030 Comprehensive Plan**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairman Boylan and Honorable Members of the City Council:

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **APPROVED** Ordinance 2021-631 on October 21, 2021

P&DD Recommendation APPROVE
PC Issues: None
PC Vote: 7-0 APPROVE

David Hacker, Chair	Aye
Alexander Moldovan, Vice-Chair	Aye
Ian Brown, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Joshua Garrison	Aye
Dawn Motes	Absent
Jason Porter	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

Kristen D. Reed

Kristen D. Reed, AICP
Chief of Community Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7837
KReed@coj.net

**Staff Report on Proposed 2021B Series Text Amendment
to add a Property Rights Element to the
2030 Comprehensive Plan**

ORDINANCE 2021-631

Ordinance 2021-631 is an amendment to add a Property Rights Element (PRE) to the 2030 Comprehensive Plan. House Bill 59, signed by the Governor on June 29, 2021, requires that local government comprehensive plans include a property rights element by the earlier of the date of adoption of the next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of the comprehensive plan, which is November 1, 2023.

The general intent of the new element is to ensure that private property rights are considered in local decision making and that government respects judicially acknowledged and constitutionally protected private property rights.

The Planning and Development Department recommends **APPROVAL** of the text amendment in the attached **EXHIBIT 1** submitted as **Ordinance 2021-631**.

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2021-631**

5 AN ORDINANCE ADOPTING THE 2021B SERIES TEXT
6 AMENDMENT TO THE 2030 COMPREHENSIVE PLAN OF THE
7 CITY OF JACKSONVILLE, TO ADD A PROPERTY RIGHTS
8 ELEMENT TO THE 2030 COMPREHENSIVE PLAN, AS
9 REQUIRED BY SECTION 163.3177(6), FLORIDA
10 STATUTES; PROVIDING AN EFFECTIVE DATE.
11

12 **WHEREAS**, the Planning and Development Department has initiated
13 certain revisions and modifications to the text of the 2030
14 *Comprehensive Plan* in accordance with the procedures and requirements
15 set forth in Chapter 650, Part 4, *Ordinance Code*, to facilitate the
16 appropriate and timely implementation of the plan, and has provided
17 the necessary supporting data and analysis to support and justify the
18 amendments determined to be required, and accordingly, has proposed
19 certain revisions and modifications, which are more particularly set
20 forth in **Exhibit 1**, dated May 11, 2021, **attached hereto**, and
21 incorporated herein by reference; and

22 **WHEREAS**, the City, by the adoption of Ordinance 2021-334-E,
23 approved this amendment to the 2030 *Comprehensive Plan* for transmittal
24 to the Florida Department of Economic Opportunity (DEO), as the State
25 Land Planning Agency, and other required state agencies, for review
26 and comment; and

27 **WHEREAS**, by various letters and e-mails, the DEO and other state
28 reviewing agencies transmitted their comments, if any, regarding this
29 proposed amendment to the 2030 *Comprehensive Plan*; and

30 **WHEREAS**, the Planning and Development Department reviewed the
31 proposed revisions, considered all comments received, prepared a

1 written report and rendered an advisory recommendation to the Council
2 with respect to this proposed amendment to the *2030 Comprehensive*
3 *Plan*; and

4 **WHEREAS**, the Planning Commission, as the Local Planning Agency,
5 held a public hearing on this proposed amendment to the *2030*
6 *Comprehensive Plan*, with due public notice having been provided, and
7 reviewed and considered all comments received during the public
8 hearing, and made a recommendation to the City Council; and

9 **WHEREAS**, pursuant to Section 650.408, *Ordinance Code*, the Land
10 Use and Zoning Committee held a public hearing in accordance with the
11 requirements of Chapter 650, Part 4, *Ordinance Code*, on this proposed
12 amendment to the *2030 Comprehensive Plan*, and has made its
13 recommendation to the City Council; and

14 **WHEREAS**, pursuant to Section 163.3184(3), *Florida Statutes*, and
15 Chapter 650, Part 4, *Ordinance Code*, the City Council held a public
16 hearing, with public notice having been provided, on this proposed
17 amendment to the *2030 Comprehensive Plan*; and

18 **WHEREAS**, the City Council further considered all oral and
19 written comments received during the public hearings, including the
20 data collection and analysis portions of this proposed amendment to
21 the *2030 Comprehensive Plan*, the recommendations of the Planning and
22 Development Department and the Planning Commission, the final
23 recommendations of the Land Use and Zoning Committee, and the
24 comments, if any, of the DEO and the other state agencies; and

25 **WHEREAS**, in the exercise of its authority, the City Council has
26 determined it necessary and desirable to adopt this proposed amendment
27 to the *2030 Comprehensive Plan* to preserve and enhance present
28 advantages, encourage the most appropriate use of land, water and
29 resources, consistent with public interest, overcome present
30 deficiencies, and deal effectively with future problems that may
31 result from the use and development of land within the City of

1 Jacksonville; now, therefore

2 **BE IT ORDAINED** by the Council of the City of Jacksonville:

3 **Section 1. Purpose and Intent.** This Ordinance is adopted
4 to carry out the purpose and intent of, and exercise the authority
5 set out in, the Local Government Comprehensive Planning and Land
6 Development Regulation Act, Sections 163.3161 through 163.3248,
7 *Florida Statutes*, and Chapter 166, *Florida Statutes*, as amended. The
8 amendment adds a Property Rights Element to the *2030 Comprehensive*
9 *Plan* of the City of Jacksonville, as required by Section 163.3177(6),
10 *Florida Statutes*.

11 **Section 2. Amendment to Comprehensive Plan.** The *2030*
12 *Comprehensive Plan* is hereby amended to include the new Property
13 Rights Element from the 2021B Series, as required by Section
14 163.3177(6), *Florida Statutes*, which has been initiated by the
15 Planning and Development Department, as more particularly set forth
16 in **Exhibit 1**, dated May 11, 2021, **attached hereto**, and incorporated
17 herein by reference.

18 **Section 3. Effective Date.** This Ordinance shall become
19 effective upon the signature by the Mayor or upon becoming effective
20 without the Mayor's signature.

21
22 Form Approved:

23
24 /s/ Mary E. Staffopoulos

25 Office of General Counsel

26 Legislation Prepared By: Kristen Reed

27 GC-#1450277-v2-2021-631_2021B_Txt_Amd_(Property_Rights_Element).docx

2030 COMPREHENSIVE PLAN

PROPERTY RIGHTS

ELEMENT



MAY 2021

The Honorable Lenny Curry
Mayor

William B. Killingsworth
Director of Planning & Development

JACKSONVILLE PLANNING AND DEVELOPMENT DEPARTMENT

214 N. Hogan Street, Suite 300, Jacksonville, Florida 32202

CITY OF JACKSONVILLE

The Honorable Lenny Curry, Mayor

CITY COUNCIL MEMBERS

<i>The Honorable Terrance Freeman</i>	<i>At-Large, Group 1</i>
<i>The Honorable Ronald B. Salem</i>	<i>At-Large, Group 2</i>
<i>The Honorable Tommy Hazouri</i>	<i>At-Large, Group 3</i>
<i>The Honorable Matt Carlucci</i>	<i>At-Large, Group 4</i>
<i>The Honorable Samuel Newby</i>	<i>At-Large, Group 5</i>
<i>The Honorable Joyce Morgan</i>	<i>District 1</i>
<i>The Honorable Al Ferraro</i>	<i>District 2</i>
<i>The Honorable Aaron L. Bowman</i>	<i>District 3</i>
<i>The Honorable Kevin Carrico</i>	<i>District 4</i>
<i>The Honorable LeAnna Cumber</i>	<i>District 5</i>
<i>The Honorable Michael Boylan</i>	<i>District 6</i>
<i>The Honorable Reggie Gaffney</i>	<i>District 7</i>
<i>The Honorable Ju'Coby Pittman</i>	<i>District 8</i>
<i>The Honorable Garrett L. Dennis</i>	<i>District 9</i>
<i>The Honorable Brenda Priestly Jackson</i>	<i>District 10</i>
<i>The Honorable Danny Becton</i>	<i>District 11</i>
<i>The Honorable Randy White</i>	<i>District 12</i>
<i>The Honorable Rory Diamond</i>	<i>District 13</i>
<i>The Honorable Randy DeFoor</i>	<i>District 14</i>

TABLE OF CONTENTS

GOAL, OBJECTIVE AND POLICY 4
GOAL 1 Protect private property rights..... 4

GOAL, OBJECTIVE AND POLICIES

GOAL 1

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

Objective 1.1 Local decision making shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive.

Policies 1.1.1

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

1.1.2

The following 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.