

# 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

July 22, 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. 2021-334/Text Amendment to the 2030 Comprehensive Plan Adding the Property Rights Element**

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairman Diamond 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 2021-334 on July 22, 2021.

P&DD Recommendation

APPROVE

PC Issues:

None

**PC Vote:**

**6-0 APPROVE**

Joshua Garrison, Chair

Aye

Dawn Motes, Vice-Chair

Absent

David Hacker, Secretary

Aye

Marshall Adkison

Aye

Daniel Blanchard

Aye

Ian Brown

Aye

Alexander Moldovan

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](mailto:KReed@coj.net)

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

**ORDINANCE 2021-334**

Ordinance 2021-334 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 2021-334**.

1 Introduced by the Council President at the request of the Mayor:  
2  
3

4 **ORDINANCE 2021-334**

5 AN ORDINANCE APPROVING A NEW ELEMENT IN THE 2030  
6 *COMPREHENSIVE PLAN* OF THE CITY OF JACKSONVILLE,  
7 TO ADD A PROPERTY RIGHTS ELEMENT TO THE 2030  
8 *COMPREHENSIVE PLAN*, AS REQUIRED BY SECTION  
9 163.3177(6), *FLORIDA STATUTES*, FOR TRANSMITTAL  
10 TO THE STATE OF FLORIDA'S VARIOUS AGENCIES FOR  
11 REVIEW; PROVIDING A DISCLAIMER THAT THE  
12 AMENDMENT TRANSMITTED HEREIN SHALL NOT BE  
13 CONSTRUED AS AN EXEMPTION FROM ANY OTHER  
14 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.  
15

16 **WHEREAS**, the Planning and Development Department has initiated  
17 certain revisions and modifications to the text of the 2030  
18 *Comprehensive Plan* in accordance with the procedures and requirements  
19 set forth in Chapter 650, Part 4, *Ordinance Code*, to add a new  
20 Property Rights Element to the 2030 *Comprehensive Plan*, as required  
21 by Section 163.3177(6), *Florida Statutes*, and as set forth in **Exhibit**  
22 **1, attached hereto**, dated May 11, 2021, and incorporated herein by  
23 reference; and

24 **WHEREAS**, the Jacksonville Planning Commission, as the Local  
25 Planning Agency, held a public hearing on this proposed Amendment to  
26 the 2030 *Comprehensive Plan*, with due public notice having been  
27 provided, and reviewed and considered all comments received during  
28 the public hearing, and made a recommendation to the City Council;  
29 and

30 **WHEREAS**, the Land Use and Zoning (LUZ) Committee held a public  
31 hearing on this proposed Amendment pursuant to Chapter 650, Part 4,

1 Ordinance Code, and having considered all written and oral comments  
2 received during the public hearing, has made its recommendation to  
3 the Council; and

4 **WHEREAS**, the City Council held a public hearing on this proposed  
5 Amendment with public notice having been provided, pursuant to Section  
6 163.3184(3), *Florida Statutes*, and Chapter 650, Part 4, *Ordinance*  
7 *Code*, and having considered all written and oral comments received  
8 during the public hearing, the recommendations of the Planning and  
9 Development Department, the Planning Commission and the LUZ  
10 Committee, desires to transmit this proposed Amendment through the  
11 State's expedited state review process to the Florida Department of  
12 Economic Opportunity, as the State Land Planning Agency, the Northeast  
13 Florida Regional Council, the Florida Department of Transportation,  
14 the St. Johns River Water Management District, the Florida Department  
15 of Environmental Protection, the Florida Fish and Wildlife  
16 Conservation Commission, the Department of State's Bureau of Historic  
17 Preservation, the Florida Department of Education, and the Department  
18 of Agriculture and Consumer Affairs; now, therefore

19 **BE IT ORDAINED** by the Council for the City of Jacksonville:

20 **Section 1. Approval of Amendment for Transmittal Purposes.**

21 The Council hereby approves the proposed Property Rights Element of  
22 the *2030 Comprehensive Plan*, as required by Section 163.3177(6),  
23 *Florida Statutes*, and as set forth in **Exhibit 1, attached hereto**,  
24 dated May 11, 2021, for transmittal to Florida's various required  
25 State Agencies for review.

26 **Section 2. Disclaimer.** The transmittal approved herein

27 shall **not** be construed as an exemption from any other applicable  
28 local, state, or federal laws, regulations, requirements, permits or  
29 approvals. All other applicable local, state or federal permits or  
30 approvals shall be obtained before commencement of the development  
31 or use, and transmittal is based upon acknowledgement, representation

1 and confirmation made by the applicant(s), owner(s), developer(s)  
2 and/or any authorized agent(s) or designee(s) that the subject  
3 business, development and/or use will be operated in strict compliance  
4 with all laws. Transmittal does **not** approve, promote or condone any  
5 practice or act that is prohibited or restricted by any federal,  
6 state or local laws.

7 **Section 3. Effective Date.** This Ordinance shall become  
8 effective upon the signature by the Mayor or upon becoming effective  
9 without the Mayor's signature.

10

11 Form Approved:

12

13 /s/ Shannon K. Eller

14 Office of General Counsel

15 Legislation Prepared By: Kristen Reed

16 GC-#1435296-v1-2021-334\_Original\_Bill

# 2030 COMPREHENSIVE PLAN

## PROPERTY RIGHTS

### ELEMENT



MAY 2021

*The Honorable Lenny Curry*  
*Mayor*

*William B. Killingsworth*  
*Director of Planning & Development*

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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>



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## **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.**