



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	8/18/2021	<b>In control:</b>		City Commission	
<b>On agenda:</b>	9/13/2021	<b>Final action:</b>			
<b>Title:</b>	ORDINANCE NO. 30-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3177 AND SECTION 163.3184, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ENTITLED "ALWAYS DELRAY COMPREHENSIVE PLAN AMENDMENT, ORDINANCE NO. 30-21" AND INCORPORATED HEREIN BY REFERENCE, TO BRING THE ADOPTED COMPREHENSIVE PLAN INTO COMPLIANCE WITH LEGISLATIVE CHANGES TO F.S. 163.3177(6)(i)1 by adopting a property rights element; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)				
<b>Sponsors:</b>	Development Services Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agenda Cover Report, 2. Ordinance No. 30-21 Private Property Rights Element, 3. Exhibit A - Always Delray Comprehensive Plan Element, Ord. No. 30-21, 4. Private Property Rights Element-DIA (For Review Only, Not Adoption), 5. Private Property Rights Element-Staff Report, 6. Notice of Legislative Change Concerning Property Rights, 7. House Bill 59-Complete, 8. House Bill 59-Summary				

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** September 13, 2021

ORDINANCE NO. 30-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3177 AND SECTION 163.3184, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" ENTITLED "ALWAYS DELRAY COMPREHENSIVE PLAN AMENDMENT, ORDINANCE NO. 30-21" AND INCORPORATED HEREIN BY REFERENCE, TO BRING THE ADOPTED COMPREHENSIVE PLAN INTO COMPLIANCE WITH LEGISLATIVE CHANGES TO F.S. 163.3177(6)(i)1 BY ADOPTING A PROPERTY RIGHTS ELEMENT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING/PUBLIC HEARING)

### **Recommended Action:**

Review and consider Ordinance No. 30-21, an amendment to the Always Delray Comprehensive Plan, adopting a new property rights element in compliance with statutory changes to Section

163.3177, Florida Statutes.

**Background:**

House Bill 59, effective July 1, 2021, updates Section 163.3177(6), Florida Statutes to require each local government to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes. Any proposed comprehensive plan amendment package submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or if the required property rights element has not been adopted.

On August 16, 2021, the Planning and Zoning Board voted 6-0 to recommend approval of the amendment. Board discussion reflected concern with the impact of the statutory change on local government autonomy. The proposed Element adopts the minimum language required by the Department of Economic Opportunity, as well as an additional objective (Objective PPR 1.2) and policies (Policy PPR 1.2.1 and 1.2.2) that affirm the City's commitment to public engagement.

**City Attorney Review:**

Ordinance No. 30-21 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

Second reading will be scheduled after receipt of comments from the Department of Economic Opportunity and other state review agencies.