



Pinellas County

Staff Report

File #: 21-2554A, Version: 1

Subject:

Ordinance amending the Pinellas County Comprehensive Plan, providing for the enactment of a new Property Rights Element in the Comprehensive Plan, including a goal, objectives, and policies to implement Florida House Bill 59 requiring local government adoption of a property rights element into its comprehensive plan. (Legislative)

Recommended Action:

The second of two public hearings for Case Number CP-21-01 (Ordinance). Based upon evidence and findings contained in the staff report and attachments, County staff recommends the Board of County Commissioner adopt the proposed Ordinance.

This Case consists of an Ordinance amending the Pinellas County Comprehensive Plan by adding a new Property Rights Element. This new Element is being added to implement Florida House Bill 59, effective July 1, 2021, requiring local government adoption of a property rights element into its comprehensive plan. The amendment accomplishes the following:

- Implements newly adopted State law in order to comply with Statutory requirements.
- Protects private property rights to ensure such rights are considered in local decision-making.
- Provides further clarification of currently existing rights and protections for property owners embodied in the current Pinellas County Comprehensive Plan.

Strategic Plan:

Deliver First-Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach

5.4 Strive to serve the needs of all Pinellas County residents and customers

Summary:

The Pinellas County Housing and Community Development Department, Planning Division, has prepared language to adopt a new Property Rights Element into the County's Comprehensive Plan as required by recently adopted Florida House Bill 59. The Element includes one (1) Goal, two (2) associated Objectives, and two (2) associated Policies. In crafting the new Element, County staff have reviewed guidance provided by the Florida Department of Economic Opportunity (DEO), Division of Community Affairs, the Florida Chapter of the American Planning Association, and 1000 Friends of Florida. Staff finds the proposed language for the County's new Property Rights Element in compliance with Statutory requirements.

Background Information:

Florida House Bill 59 was recently approved by the Florida Legislature and signed into law on June 29, 2021. The Bill became effective on July 1, 2021. The new law adds Section 163.3177(6)(i) to the Florida Statutes requiring local governments to adopt a property rights element into its

comprehensive plan. Inclusion of this element is intended to protect private property rights and to ensure they are considered in local decision-making.

The Development Review Committee (DRC) reviewed this application on August 9, 2021 and forwarded it to the Local Planning Agency (LPA) who recommended approval by the Board at their September 17, 2021 meeting. The Board conducted the first of two (2) required public hearings on this request and authorized County staff to transmit the proposed amendment to the DEO to conduct a review per Florida Statutory requirements.

Summary of State Agency Comments and Proposed Modifications:

Per Board authorization on September 17, 2021, Planning staff transmitted the proposal to DEO to conduct a review of the proposed amendment per Florida Statutory requirements. The Planning Division received comment responses from five agencies, including the DEO, the Florida Department of Transportation (FDOT), the Southwest Florida Water Management District (SWFWMD), the Florida Department of Environmental Protection (DEP), and the Florida Fish and Wildlife Conservation Commission (FWC). In total, there were no objections, concerns, questions, or requested changes to the proposed amendment.

FWC responded having 'no comments, recommendations, or objections' to the proposal. FDOT determined that the proposed amendment 'has no impact on important state transportation resources or facilities. SWFWMD stated that 'comments are not necessary' for the proposed amendments. DEP 'found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction'. Finally, DEO stated they have 'no comment' on the proposal and provided direction for final adoption and transmittal back to the State.

Fiscal Impact:

N/A

Staff Member Responsible:

Carol Stricklin, Director, Housing and Community Development

Partners:

N/A

Attachments:

Ordinance
House Bill 59 (2021)
LPA Report - final
Presentation