



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3490, **Version:** 1

Subject:

Public Hearing, Re: Comprehensive Plan Text Amendment Adoption to include a Property Rights Element as required by House Bill 59.

Fiscal Impact:

None

Dept/Office:

Planning and Development

Requested Action:

It is requested that the Local Planning Agency consider adoption of a text amendment to the Comprehensive Plan to add a Property Rights Element, and to change the Table of Contents to include this Element.

Summary Explanation and Background:

This request is for a text amendment to create a Property Rights Element to the Comprehensive Plan adding Goals, Objectives, and Policies with regards to the local decision making process as it pertains to the rights of property owners.

This request is a result of House Bill 59, which became law on June 29, 2021, adding Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021: Each local government 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.

The Property Rights Element creates a decision-making policy with regards to the right of property owners to physically control, maintain, improve, protect, and sell properties.

Pursuant to the expedited state review, DEO identified no comment related to adverse impacts to important state resources and facilities within the Departments authorized scope of review. DEO provided one technical comment pertaining to the Ordinance; To revise and remove the reference to the Future Land Use Element and being applicable to the Future Land Use Element of the Comprehensive Plan. Staff has made this change. The other agencies had no comments.

On August 23, 2021, the Local Planning Agency recommended approval of transmittal, adding Paragraph (E) to the element that states Brevard County recognizes that planning and development decisions affect complex systems and have impacts that occur beyond site development. Any affected person may participate in and be a party to a hearing on a planning and development decision. An affected person is any person or local

government that will suffer adverse effect to an interest protected or furthered by this comprehensive plan, included interests related to health, safety, police, fire, service systems, density intensity of development, transportation facilities, healthcare facilities, equipment services, environmental or natural resources.

On September 2, 2021, the Board of County Commissioners approved transmittal as presented and did not include the LPA recommendation.

The Board of County Commissioners will consider adoption of the Property Rights Element on **Thursday, December 2, 2021, at 5:00 p.m.** at the Viera Government Center, 2725 Judge Fran Jamieson Way, Building C, First Floor, Viera, Florida.

Clerk to the Board Instructions:

None.