
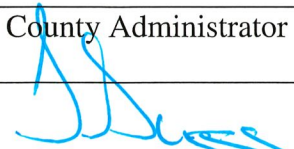

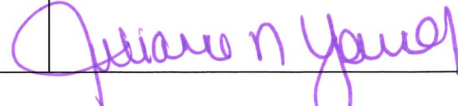


BOARD OF COUNTY COMMISSIONERS
PUTNAM COUNTY, FLORIDA

AGENDA ITEM

ITEM: TA21-02 – Transmittal to the Department of Economic Opportunity an Amendment to the text of the Putnam County Comprehensive Plan adding Element J. “Property Rights Element”		DEPARTMENT: Planning
AGENDA SECTION: Public Hearing 9:05 a.m.		AMOUNT: N/A
ATTACHMENTS: (X) ORDINANCE () RESOLUTION () OTHER (See Summary Highlights) (X) SUPPORTING DOCUMENTS		DATE: November 23, 2021
<p>SUMMARY HIGHLIGHTS: House Bill 59 provided an amendment to the Community Planning Act (Title XI County Organization and Intergovernmental Regulations, Chapter 163 Part II – Growth Policy; County and Municipal Planning; Land Development Regulations) to require local governments to include a property rights element in their Comprehensive Plan (F.S. 163.3177 required and optional elements of comprehensive plan; studies and surveys.). The bill went into effect on July 1, 2021.</p> <p>The amendment was reviewed by the Planning Commission/Local Planning Agency, at its October 13, 2021, meeting forwarding a recommendation of approval of the Ordinance.</p>		
PUBLIC PURPOSE: To ensure that private property rights are considered in local decision making.		
RECOMMENDED ACTION: Adopt the Ordinance to transmit the amendment.		
DEPARTMENT HEAD: 		
County Administrator	County Attorney	Deputy County Administrator Procurement / Budget
		

**PUTNAM COUNTY
PLANNING & DEVELOPMENT SERVICES**

2509 Crill Ave., Suite 300
Palatka, FL 32177
Fax: (386) 329-1213
Email: pzb@putnam-fl.com
Website: main.putnam-fl.com



Planning: (386) 329-0491
Zoning: (386) 329-0316
Building: (386) 329-0307
Animal Control (386) 329-0396
Code Enforcement (386) 329-0317

MEMORANDUM

DATE: October 13, 2021
TO: Putnam County Planning Commission
FROM: Gabriel Quintas, Senior Planning Manager *GQ.*
RE: TA21-002 Agenda Item – Amendment to the text of the Putnam County Comprehensive Plan adding Element J. “Property Rights Element”

BACKGROUND

House Bill 59 provided an amendment to the Community Planning Act (Title XI County Organization and Intergovernmental Regulations, Chapter 163 Part II – Growth Policy; County and Municipal Planning; Land Development Regulations) to require local governments to include a property rights element in their Comprehensive Plan (F.S. 163.3177 required and optional elements of comprehensive plan; studies and surveys.). The bill went into effect on July 1, 2021.

As provided under Florida Statutes 163.3177 (6)(i)1., “In accordance with the legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decisionmaking. A local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decisionmaking:

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.”

Subsection 163.3177 (6)(i)2., Florida Statutes, requires “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 s. 163.3191. If a local government adopts its own property rights element, the element may not conflict with the statement of rights provided in subparagraph 1.”

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the Board of County Commissioners transmit the proposed amendment and ordinance to the Department of Economic Opportunity for expedited review.

responsible for drainage improvements, if Public Works determined those improvements were necessary for drainage.

PROPERTY OWNER/APPLICANT PRESENTATION:

Mark Jones, owner, 221 Georgetown Shortcut Rd, was in attendance to address any questions from the Planning Commission.

Mr. Schwing clarified that the rezone was for Agriculture so that property could be developed as a Type II Subdivision. Mr. Jones responded correct.

PUBLIC PARTICIPATION: Opened to the public at 5:28 pm

Craig Sherar, 147 Pine Tree Rd, commented on the case.

DISCUSSION AND MOTION:

Erin Fortner moved to recommend approval of the request Planned Unit Development (PUD) to Agriculture (AG), Joey Froehlich seconded, and the motion carried 6-0.

C: TA21-002: An amendment to the text of the Putnam County Comprehensive Plan adding Element J. "Property Rights Element."

Gabriel Quintas gave the background and explained the purpose was to ensure that private property rights are considered in the local decision making.

RECOMMENDATION: Staff recommended the adoption of the Ordinance to transmit the amendment.

Planning Commission voted unanimously 6-0 to move the case to the Board of County Commissioners for approval.

Old Business: Approval of Minutes-September 8, 2021

Mr. DeSantis moved to approve the Minutes of September 8, 2021. Mr. Froehlich seconded, and the motion carried unanimously, 6-0.

Adjournment: Meeting adjourned at 5:42 PM.

Susan Roberts, Chair

Date

ATTEST:

ORDINANCE NO. 2021-033

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PUTNAM COUNTY, FLORIDA, TRANSMITTING AN AMENDMENT TO THE PUTNAM COUNTY COMPREHENSIVE PLAN ADDING A PROPERTY RIGHTS ELEMENT, PURSUANT TO THE REQUIREMENTS OF SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 et seq., Florida Statutes established the Community Planning Act; and

WHEREAS, the Board of County Commissioners adopted Ordinance 1991-30, as amended, adopting the Putnam County Comprehensive Plan; and

WHEREAS, Section 163.3184, Florida Statutes, establishes a process for adoption of comprehensive plans or plan amendments; and

WHEREAS, the Legislature has amended Chapter 163.3177, Florida Statutes to establish that governmental entities respect judicially acknowledged and constitutionally protected private property rights, therefore each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making; and

WHEREAS, 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 s. 163.3191; and

WHEREAS, the adopted property rights element may not conflict with the statement of rights provided in s. 163.3177; and

WHEREAS, on October 13, 2021, the Putnam County Planning Commission, the County's Local Planning Agency, held a public hearing on the proposed Amendment, with due public notice having been provided, to review and consider the proposed Amendment and made a recommendation to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners hereby reaffirms its commitment to the goal of enacting and implementing sound growth management practices within the County; and

WHEREAS, the Board of County Commissioners held a public hearing for the purpose of transmitting an amendment to the Putnam County Comprehensive Plan and finds that this Ordinance is in the best interests of the health, safety, and welfare of the citizens of Putnam County.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Putnam County, Florida, as follows:

SECTION 1. TRANSMITTAL.

Pursuant to Section 163.3184, Florida Statutes, the Putnam County Board of County Commissioners shall transmit to the Florida Department of Economic Opportunity, the Northeast Florida Regional Council, the St. Johns River and Suwannee River Water Management Districts, the Florida Department of Environmental Protection, the Florida Department of State, the Florida Department of Transportation, the Florida Fish and Wildlife Conservation Commission, the Florida Department of Agriculture and Consumer Services; adjacent counties and the cities of Palatka and Crescent City, and the towns of Interlachen, Pomona Park and Welaka for their statutory review and comment of the proposed amendment described in Exhibit "A" which adds a Property Rights Element to the Putnam County Comprehensive Plan.

SECTION 2. CONFLICT.

All ordinances, resolutions, official determinations or parts thereof previously adopted or entered by the County or any of its officials and in conflict with this Ordinance are repealed to the extent inconsistent herewith.

SECTION 3. SEVERABILITY.

If a Court of competent jurisdiction at any time finds any provision of the Ordinance to be unlawful, illegal, or unenforceable the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 4. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon its adoption.

SECTION 5. RECORDING OF ORDINANCE.

This ordinance shall be recorded by the Clerk of the Board of County Commissioners of Putnam County, Florida in the official records of Putnam County.

DULY ADOPTED AND APPROVED on this 23rd day of November, 2021.

**BOARD OF COUNTY COMMISSIONERS
PUTNAM COUNTY, FLORIDA**

Larry Harvey, Chairman

ATTEST:

Matt Reynolds. Clerk of Court

EXHIBIT A

PUTNAM COUNTY COMPREHENSIVE PLAN

PROPERTY RIGHTS ELEMENT GOALS, OBJECTIVES AND POLICIES

J. Property Rights Element Goals, Objectives and Policies

Goal J.1: Putnam County shall recognize and respect constitutionally protected private property rights in accordance with the Community Planning Act established in Chapter 163, Florida Statutes, the Putnam County Comprehensive Plan, and other applicable statutory requirements.

Objective J.1.1: Local decisionmaking shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive. Accordingly, Putnam County shall consider the following policies in local decisionmaking affecting the unincorporated portion of Putnam County:

Policy J.1.1.1: The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy J.1.1.2: 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.

Policy J.1.1.3: The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy J.1.1.4: The right of a property owner to dispose of his or her property through sale or gift.