

**CITY OF HOLLYWOOD, FLORIDA
DEPARTMENT OF DEVELOPMENT SERVICES
DIVISION OF PLANNING AND URBAN DESIGN**

DATE: April 11, 2023 **FILE:** 23-L-27

TO: Planning and Development Board

VIA: Andria Wingett, Assistant Director of Development/Planning Manager

FROM: Mawusi Khadija Watson, Planning Administrator

SUBJECT: An Ordinance of The City of Hollywood, Florida, Amending the City's Adopted Comprehensive Plan By Adding the Property Rights Element To The State-Approved City Of Hollywood Evaluation And Appraisal Report As More Specifically Set Forth In Exhibit "A".

REQUEST:

An Ordinance Of The City Of Hollywood, Florida, Amending The City's Adopted Comprehensive Plan By Adding Property Rights Element To The State-Approved City Of Hollywood Evaluation And Appraisal Report As More Specifically Set Forth In Exhibit "A." (Property Rights Element)

RECOMMENDATION:

Adopt

BACKGROUND

The inclusion of the Property Rights Element (PRE) in the Comprehensive Plan during the Summer of 2021 was a major change in the Community Planning Act by the Florida State Legislature.

The evaluation and appraisal notification letter (EAR) is the principal process for updating local comprehensive plans to reflect changes in state requirements in chapter 163, Part II of Florida Statutes. February 1, 2022, was the City of Hollywood's deadline to submit its EAR. On January 31, 2022, the City sent a correspondence to the Florida Department of Economic Opportunity revealing our need to amend the Comprehensive Plan and reflect changes in State requirements (see Attachment B). Furthermore, this correspondence expressed an understanding of transmitting these amendments to the State Land Planning Agency within one year of the City's determination, which was January 31, 2023.

Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida), requires a local government to adopt and include the property rights element in its comprehensive plan for any proposed plan amendment initiated after July 1, 2021. Thus, the City was required to adopt this new element by the aforementioned date, or the date of the next scheduled evaluation and appraisal of its comprehensive plan (January 31, 2023). To date, the City has not proposed nor adopted its Property Rights Element. A consultant was obtained to complete the update. The adoption of the PRE is the first step toward that effort.

CURRENT REQUEST

The 1985 Growth management Act required all units of local government to adopt Comprehensive Plans. State Statutes require local governments to adopt an Evaluation and Appraisal Report (EAR) every seven years assessing progress in implementing these local plans. The EAR identifies how Hollywood's Comprehensive Plan should be revised to address city objectives, changing conditions and trends affecting the community, in addition to new state requirements when applicable.

The inclusion of the Property Rights Element (PRE) in the Comprehensive Plan during the Summer of 2021 was a major change in the Community Planning Act by the Florida State Legislature. 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.

SITE INFORMATION

Owner/Applicant: City of Hollywood
Address/Location: City-wide

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The proposed text amendment is consistent with the Comprehensive Plan per the following policies:

Objective 3: *To revitalize and encourage re-investment in older neighborhood in which housing conditions are in a state of decline.*

Policy 2.46: *Preserve stable neighborhoods and encourage rehabilitation initiatives that will revitalize and promote stability of neighborhoods.*

CONSISTENCY WITH THE CITY-WIDE MASTER PLAN:

The proposed text amendment is consistent with the City-Wide Master Plan per the following policies:

Guiding Principle: *Promote the highest and best use of land in each sector of the City without compromising the goals of the surrounding community.*

Policy CW.15 & CW.19: *Place a priority on protecting, preserving and enhancing residential neighborhoods while incorporating the unique characteristics of redevelopment areas.*

Policy CW.44: *Foster economic development through creative land use, zoning and development regulations, City services and City policies.*

Policy CW.81: *Develop and implement city-wide and neighborhood design guidelines which must be consistent with the City's Design Review Guidelines Manual.*

APPLICABLE CRITERIA

Analysis of Criteria and Findings for Text Amendments as stated in the City of Hollywood Zoning and Land Development Regulations Article 5.3(J)(2) Text Amendments of the Zoning and Land Development Regulations.

CRITERIA 1: The proposed change is consistent with and in furtherance of the Goals, Objectives and Policies of the adopted Comprehensive Plan as amended from time to time.

ANALYSIS: The proposed amendment is consistent with multiple policies of the City's Comprehensive Plan as outlined previously in the Consistency section of this Report. Furthermore, the proposed text amendment creates regulations that would continue to promote Hollywood's unique character.

FINDING: Consistent

CRITERIA 2: That conditions have substantially changed from the date the present zoning regulations were established.

ANALYSIS: Conditions have substantially changed from the date the present zoning regulations were established. Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida), requires a local government to adopt and include the property rights element in its comprehensive plan for any proposed plan amendment initiated after July 1, 2021. Thus, the City was required to adopt this new element by the aforementioned date, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.

FINDING: Consistent.

ATTACHMENTS

ATTACHMENT A: Draft Element

ATTACHMENT B: Correspondence

ATTACHMENT A

Draft Element

Text Added to City of Hollywood Comprehensive Plan Land Use Element

I. BACKGROUND

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida), requires a local government to adopt and include the property rights element in its comprehensive plan for any proposed plan amendment initiated after July 1, 2021. A proposed comprehensive plan amendment is initiated on the date the amendment is first considered at a public hearing, as outlined in Section 163.3174(4), Florida Statutes, held by the local planning agency.

This chapter, as mandated by Florida Statutes, considers the property rights for the residents of the City of Hollywood. As noted in Section 163.3177(6)(i), Florida Statutes, the following rights shall be considered in local decision making:

1. The rights 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.

II. GOALS, OBJECTIVES, POLICIES

GOAL:

To ensure that private property rights are protected and considered in the City's decision-making processes.

Objective 1:

The City shall protect and preserve private property rights.

Policy 1.1 The owner of real property shall have private property rights protected and preserved as follows in accordance with Florida Statutes:

- a) The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b) The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state and local ordinances.
- c) The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d) The right of a property owner to dispose of his or her property through sale or gift.

ATTACHMENT B

Correspondence

Ron DeSantis
GOVERNOR



Meredith Ivey
ACTING SECRETARY

February 16, 2023

Ms. Andria Wingett
Assistant Director
City of Hollywood
Post Office Box 229045
Hollywood, Florida 33022-9045

RE: Notification of prohibition on adoption of plan amendments for failure to submit proposed Evaluation and Appraisal Amendments

Dear Assistant Director Wingett:

The purpose of this letter is to inform you of a statutory prohibition outlined in Chapter 163, Part II, Florida Statutes, which will have an impact on your jurisdiction's ability to adopt comprehensive plan amendments in the future.

Section 163.3191(4), Florida Statutes, states that if a local government determines that amendments to its comprehensive plan are necessary to reflect changes in state requirements, and fails to prepare and transmit such plan amendment or amendments to the statutory reviewing agencies for review pursuant to s. 163.3184(4), Florida Statutes, within one (1) year after notifying the Department of its determination, it may not amend its comprehensive plan until such time as it complies by submitting the proposed amendments.

According to our records the City of Hollywood has not submitted the proposed Evaluation and Appraisal amendments which were due on **January 31, 2023**; and therefore, the City may not adopt amendments to its comprehensive plan until the proposed Evaluation and Appraisal amendments are submitted to the reviewing agencies.

If you have any questions concerning the processing of the proposed Evaluation and Appraisal amendments please contact Barbara Powell, Deputy Bureau Chief, at (850) 717-8504 or James Stansbury, Bureau Chief at (850) 717-8512.

Sincerely,

A handwritten signature in blue ink that reads 'Barbara Powell'.

Barbara Powell, Deputy Bureau Chief
Bureau of Community Planning and Growth

BP/dh

January 31, 2022

RECEIVED
JAN 31 2022

LTR22-019

Florida Department of Economic Opportunity
Ray Eubanks
107 E Madison Street
Tallahassee, FL 32399

Re: Hollywood Evaluation and Appraisal Notification Letter

To whom it may concern:

In accordance with the requirements of section 163.3191, Florida Statutes and the timeframes in Rule Chapter 73C-49, Florida Administrative Code, the City of Hollywood has evaluated its Comprehensive Plan and has **determined that amendments are necessary to reflect changes in state requirements** since the last Comprehensive Plan update. The City understands that the necessary amendments must be transmitted to the State Land Planning Agency within one year of this determination, which occurs on January 31, 2023.

Should you have any questions, please do not hesitate to reach out by email at ldelmonte@hollywoodfl.org or at 954-921-3000 option 3. We look forward to working with you and the State Land Planning Agency throughout this process.

Sincerely,



Leslie A. Del Monte
Planning Manager

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P.O. Box 229045
Hollywood, Florida
33022-9045

hollywoodfl.org