



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Public Hearing

H.1.

11/4/2021

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 Board of County Commissioners table the 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, to the December 2, 2021, Zoning meeting.

Summary Explanation and Background:

The Local Planning Agency was scheduled to hear the Property Rights Element on October 25, 2021, but failed to have a quorum, and therefore did not make a recommendation.

The Local Planning Agency will meet on November 15, 2021, and will make a recommendation.

Clerk to the Board Instructions:

None



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November 5, 2021

MEMORANDUM

TO: Tad Calkins, Planning and Development Director

Attn: Jeffrey Ball

RE: Item H.1., Public Hearing on a Comprehensive Plan Text Amendment Adoption to include a Property Rights Element as Required by House Bill 59

The Board of County Commissioners, in regular session on November 4, 2021, tabled the 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, to the December 2, 2021, Zoning Meeting; and directed staff to bring back to the Board information on the options for the following items at the December 7, 2021, Board meeting:

- consolidating the Local Planning Agency (LPA) and the Planning and Zoning (P&Z) Board meetings into one meeting;
- amending County ordinances in order to reduce quorum requirements for the LPA and P&Z from six members to three voting members including a review of the current ordinance language defining a quorum as "present and voting"; and
- directing the County Attorney's Office in reference to any ambiguity under Florida Chapter 163 to research whether it is possible for certain items to come directly to the Board of County Commissioners, in the event that there is a failure of the LPA or P&Z to reach a quorum, either by submitting an Attorney General's Opinion (AGO) or by other alternative measures.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL SADOFF, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

cc: County Attorney