

# **UMATILLA CITY COUNCIL MEETING AS LAND PLANNING AGENCY**

**AUGUST 17, 2021, 5:50 PM**

**Umatilla Council Chambers 1 S. Central Avenue, Umatilla, FL 32784**

***Masks are highly recommended and a limited supply will be available. Social distancing will be observed. Overflow seating in room behind Chambers.***

*Please silence your cell phones*

**Call to Order**

**Roll Call**

## **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

1 Ordinance 2021-G Private Property Rights Amendment

## **PUBLIC COMMENT**

At this point in the meeting, the Umatilla CRA Board will hear questions, comments and concerns from the public. Please write your name and address on the paper provided on the podium. Zoning or code enforcement matters which may be coming before the Board at a later date should not be discussed until such time as they come before the Board in a public hearing. Comments, questions, and concerns from the public regarding items listed on this agenda shall be received at the time the Board addresses such items during this meeting. Public comments are generally limited to three minutes.

## **ADJOURNMENT**

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352)669-3125.

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by the Board with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Umatilla is an equal opportunity provider and employer.

**CITY OF UMATILLA  
LAND PLANNING AGENCY  
AGENDA ITEM STAFF REPORT**

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**DATE: August 10, 2021**

**MEETING DATE: August 17, 2021**

**SUBJECT: Private Property Rights**

**ISSUE: Create New Comprehensive Plan Property Rights Element**

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**BACKGROUND SUMMARY:**

House Bill 59, which became law on June 29, 2021, adds Section 163.3177(6)(i), Florida Statutes. Effective July 1, 2021, each local government is required to adopt a property rights element into its comprehensive plan. This new element must be adopted by the earlier of the date of its adoption of its next proposed plan amendment, or the date of the next scheduled evaluation and appraisal of its comprehensive plan pursuant to Section 163.3191, Florida Statutes. For the City of Umatilla this must be the adoption of the next proposed Plan amendment which is scheduled for August 3, 2021 transmittal hearing.

Any proposed comprehensive plan amendment package submitted after July 1, 2021, will be returned to the local government if the package does not include a property rights element or comprehensive plan does not already include the required property rights element.

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**STAFF RECOMMENDATIONS: Approval**

**FISCAL IMPACTS:**

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**COUNCIL AS LPA - ACTION:**

Reviewed by City Attorney    Yes            No            vN/A

Reviewed by City Engineer    Yes            No            vN/A

**CHAPTER 11**  
**PRIVATE PROPERTY RIGHTS ELEMENT**  
**GOALS, OBJECTIVES, AND POLICIES**

**GOAL 11-1: Private Property Rights.** The City of Umatilla hereby establishes a private property statement of rights.

**OBJECTIVE 11.1: Local Decision Making.** To ensure that private property rights are considered in local decision making, complying with Section 163.3167(6)(i), Florida Statutes.

**Policy 11.1.1: Property Owner Rights.** The City will consider 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 11.1.2: Consistency with Local Ordinances.** The City will consider 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 including but not limited to the City of Umatilla Comprehensive Plan and Land Development Code.

**Policy 9.1.3: Property Owner Privacy.** The City will consider the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property in accordance with Florida law.

**Policy 9.1.4: Disposal of Property.** The City will consider the right of a property owner to dispose of his or her property through sale or gift.

# **NOTICE OF PUBLIC HEARINGS**

## **ORDINANCE 2021-G**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, LAKE COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3184; AMENDING THE CITY'S COMPREHENSIVE PLAN; ADDING AND ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT; DIRECTING THE CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND REVIEWING AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

The proposed Ordinance will be considered at the following public meetings:

Umatilla Land Planning Agency Meeting on August 17, 2021 at 5:50 p.m.

Umatilla City Council Meeting on August 17, 2021 at 6:00 p.m.

All meetings will be held at the City Council Chambers, 1 S. Central Ave., Umatilla, Florida. The proposed Ordinance may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 669-3125.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).

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2 **ORDINANCE 2021-G**  
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4 **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, LAKE**  
5 **COUNTY, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA**  
6 **STATUTE 163.3184; AMENDING THE CITY’S COMPREHENSIVE PLAN; ADDING**  
7 **AND ADOPTING A PRIVATE PROPERTY RIGHTS ELEMENT; DIRECTING THE**  
8 **CITY CLERK TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER**  
9 **APPROVAL TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY**  
10 **AND REVIEWING AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES;**  
11 **PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR**  
12 **AN EFFECTIVE DATE.**

13  
14 **WHEREAS**, the City of Umatilla, Florida on January 21, 1992, by Ordinance No 1992-A, adopted  
15 a Comprehensive Plan which incorporated a Future Land Use Element setting forth the goals,  
16 objectives, and policies to guide and direct future development and growth; and  
17

18 **WHEREAS**, the City of Umatilla, Florida on July 15, 2014, by Ordinance No 2013-S, adopted a  
19 new Comprehensive Plan to govern land use and development through the year 2035;  
20

21 **WHEREAS**, the City Council has determined that it is in the best interest of the health, safety and  
22 welfare of the citizens of the City of Umatilla to adopt a new element to the Comprehensive Plan  
23 to ensure that private property rights are considered in local decision making;  
24

25 **THEREFORE BE IT ORDAINED BY THE** City Council of the City of Umatilla, Florida, as  
26 follows:  
27

28 **SECTION 1.** The adopted local Comprehensive Plan for the City of Umatilla, Florida, is hereby  
29 amended to add Chapter 11, Private Property Rights Element, as follows:  
30

31 **CHAPTER 11**  
32 **PRIVATE PROPERTY RIGHTS ELEMENT**  
33 **GOALS, OBJECTIVES, AND POLICIES**  
34

35 **GOAL 11-1: Private Property Rights.** The City of Umatilla hereby establishes a private  
36 property statement of rights.  
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38 **OBJECTIVE 11.1: Local Decision Making.** To ensure that private property rights are considered  
39 in local decision making, complying with Section 163.3167(6)(i), Florida  
40 Statutes.  
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43 physically possess and control his or her interests in the property, including  
44 easements, leases, or mineral rights.  
45

46 Policy 11.1.2: **Consistency with Local Ordinances.** The City will consider the right of a  
47 property owner to use, maintain, develop, and improve his or her property  
48 for personal use or for the use of any other person, subject to state law and  
49 local ordinances including but not limited to the City of Umatilla  
50 Comprehensive Plan and Land Development Code.

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52 Policy 9.1.3: **Property Owner Privacy.** The City will consider the right of the property owner  
53 to privacy and to exclude others from the property to protect the owner's  
54 possessions and property in accordance with Florida law.

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56 Policy 9.1.4: **Disposal of Property.** The City will consider the right of a property owner to  
57 dispose of his or her property through sale or gift.

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59  
60 **SECTION 2.** With the recommendations of the City Council, the proposed Comprehensive Plan  
61 Amendments shall be transmitted by the City Clerk to the Florida Department of Economic  
62 Opportunity and other reviewing agencies pursuant to Chapter 163, Florida Statutes, for  
63 appropriate review and approval.

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65 **SECTION 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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67 **SECTION 4.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
68 unconstitutional by a Court or competent jurisdiction, then said holding shall in no way affect the  
69 validity of the remaining portions of said Ordinance.

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71 **SECTION 5.** A copy of said Comprehensive Plan Amendment is filed in the Office of the City  
72 Clerk of the City of Umatilla as a matter of permanent record of the City and the matters and  
73 contents therein are made a part of this Ordinance by reference as fully and completely as if set  
74 forth herein, and such copy shall remain on file in said office available for public inspection.

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76 **SECTION 6.** That the City Clerk, after passage of this Ordinance, is hereby directed to indicate  
77 the changes adopted in this Ordinance and to reflect the same in the Comprehensive Land Use  
78 Plan of the City of Umatilla.

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80 **SECTION 7.** The effective date of this Ordinance shall be the date the state land planning agency  
81 issues a final order determining the Comprehensive Plan, as attached hereto and amended prior to  
82 this Ordinance becoming effective, to be in compliance with Chapter 163, Florida Statutes, or the  
83 date the Division of Administrative Hearings issues a final order determining the adopted 2035  
84 Comprehensive Plan to be in compliance with Chapter 163, Florida Statutes, whichever occurs  
85 first.

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93 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake  
94 County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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96 \_\_\_\_\_  
97 Kent Adcock, Mayor  
98 City of Umatilla, Florida

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100  
101 ATTEST:

Approved as to Form:

102  
103  
104 \_\_\_\_\_  
105 Gwen Johns, MMC  
106 City Clerk

\_\_\_\_\_

Kevin Stone  
City Attorney

Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_  
(SEAL)

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