

MEMORANDUM

DATE: September 21, 2021

TO: Honorable Mayor and City Commissioners

VIA: James Slaton, City Manager

FROM: Mark J. Bennett, Development Services Director
Autumn Cochella, Development Services Manager

SUBJECT: Ordinance D2021-15
Amendments to the Comprehensive Plan – 1st Reading and **Public Hearing**

SYNOPSIS: *Development Services Staff requests the approval of City Commission to amend the City of Lake Wales Comprehensive Plan to include a revised Future Transportation Network Map, and a proposed Property Rights Element.*

RECOMMENDATION

Staff recommends approval at first hearing, and adoption at second reading, following a public hearing, for the following:

A revised Future Transportation Network Map
Proposed Property Rights Element

BACKGROUND

Future Transportation Network Map

The City of Lake Wales recently updated the Comprehensive Plan based on the Evaluation and Appraisal Report (EAR), with a new planning timeline to the year 2040. During the compliance review of the updated Plan, the Florida Department of Economic Opportunity (DEO) staff identified a need for Future Transportation Network Map.

While the adopted map identified collector and arterial roadways, it did not show the lane types (2 lane vs 4 lane, divided vs. undivided). DEO found the updated amendment to be in compliance. However, to address their concerns, the proposed change to the Future Transportation Network Map is suggested.

Property Rights Element

House Bill 59 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 its next plan amendment initiated after July 1, 2021. Staff has opted to utilize the following Property Rights Element language prepared by the Regional Planning Council:

POLICY: Consistent with Section 163.3177(6), Florida Statutes, the City of Lake Wales shall consider the following private property rights 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.

On August 31, 2021, the Planning Board recommended approval of this request.

FISCAL IMPACT

None.

ATTACHMENT

Ordinance D2021-15
Revised Future Transportation Network Map