



**PLANNING AND ZONING
PUBLIC HEARING AGENDA
APRIL 26, 2022 – 6:00 PM
YANKEETOWN TOWN HALL
6241 HARMONY LN. YANKEETOWN, FL 34498**

You can also dial in using your phone.

United States: +1 (646) 749-3122

Access Code: 343-285-021

HEARING CALLED TO ORDER

Pledge to the flag

Roll Call

AGENDA

1. Public Hearing / Ordinance 2022-05

AN ORDINANCE AMENDING THE TOWN OF YANKEETOWN COMPREHENSIVE PLAN; PROVIDING FOR THE ENACTMENT OF A PROPERTY RIGHTS ELEMENT WITH GOALS, OBJECTIVES AND POLICIES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS PROVISION AND RATIFICATION OF PRIOR ACTS OF THE TOWN; PROVIDING FOR CONFLICTS; CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR THE IMPLEMENTATION OF THE STATUTORY STATE REVIEW PROCESS AND AN EFFECTIVE DATE.

Open for Public Comment

(All Speakers Sign in at Podium)

Close Hearing to Public

Open the Hearing for Discussion from Members

Adjournment:

POSTED BY: April 20, 2022

William Ary Town Administrator

NOTICE TO PUBLIC

One or more other elected or appointed officials may be in attendance at this meeting.

All persons are advised that if they decide to appeal any decision made at the above referenced meeting, they will need a record of the proceedings, and that, for such purpose, they 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, pursuant to Florida Statutes Section 286.0105.

Any handicapped or person with disabilities requiring reasonable accommodation to participate in this meeting should contact the Town Clerk at (352) 447-2511 at least 48 hours prior to the meeting so arrangements can be made pursuant to Florida Statutes Section 286.26.

P&Z Public Hearing

ORDINANCE 2022-05

AN ORDINANCE AMENDING THE TOWN OF YANKEETOWN COMPREHENSIVE PLAN; PROVIDING FOR THE ENACTMENT OF A PROPERTY RIGHTS ELEMENT WITH GOALS, OBJECTIVES AND POLICIES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS PROVISION AND RATIFICATION OF PRIOR ACTS OF THE TOWN; PROVIDING FOR CONFLICTS; CODIFICATION AND DIRECTIONS TO THE CODE CODIFIER AND PROVIDING FOR THE IMPLEMENTATION OF THE STATUTORY STATE REVIEW PROCESS AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, which is a part of Florida’s Community Planning Act, requires the Town of Yankeetown to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Florida’s Community Planning Act was amended during the 2021 Legislative Session by the passage of Committee Substitute for Committee Substitute for Committee Substitute for House Bill Number 59 (initially codified as Chapter Number 2021-195, Laws of Florida) to require every Town and county within the State of Florida “to include in its comprehensive plan a property rights element.” (Section 163.3177(6)(i)1, Florida Statutes); and

WHEREAS, the Town of Yankeetown respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the Town of Yankeetown planning and zoning staff has reviewed and opined that the amendment to the Town’s *Comprehensive Plan* as set forth in this Ordinance are consistent with state law, the state comprehensive plan, the regional plan and are internally consistent with all other elements, goals, objectives and policies of the Town of Yankeetown Comprehensive Plan.

WHEREAS, the Town’s Planning and Zoning Board recommended approval of this Ordinance at its meeting of December 7, 2021; and

WHEREAS, the Town of Yankeetown has complied with all requirements and procedures of Florida law in processing this amendment to the Town of Yankeetown Comprehensive Plan including, but not limited to, Section 163.3184, Florida Statutes, as well as other controlling law; and

WHEREAS, the Town Council of the Town of Yankeetown is enacting this Ordinance in order to protect the public health, safety and welfare.

12/8/21

Policy 13.1.3

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

Policy 13.1.4

The right of a property owner to dispose of his or her property through sale or gift.

Section 3. Implementing Administrative Actions. The Town Clerk/Administrator, Town Attorney, Town Planner, or their designees, are hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Savings Provision; Ratification of Prior Actions. The prior actions of the Town Council and its agencies in enacting and causing amendments to the Comprehensive Plan of the Town of Yankeetown, as well as the implementation thereof, are hereby ratified and affirmed.

Section 5. Severability. If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity of the Ordinance or effect of any other action or part of this Ordinance.

Section 6. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Codification/Instructions to Code Codifier. It is the intention of the Town Council of the Town of Yankeetown, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the Town of Yankeetown Comprehensive Plan and/or the Code of Ordinances of the Town of Yankeetown, Florida by adding a new Property Rights Element to the Comprehensive Plan.

Section 8. Charter Referendum prior to Second Reading. Pursuant to the home rule powers grandfathered by Florida Statutes in Town of Yankeetown Charter Section 11. "Voter approval is required for approval of comprehensive land use plan or comprehensive land use plan amendments affecting more than five parcels except for amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule. Amendments to the capital improvements element of the comprehensive plan, including annual updates to the capital improvement schedule shall not require voter approval. A comprehensive plan or comprehensive plan