

RESOLUTION No. 21-243

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING GOING FORWARD WITHOUT A RECOMMENDATION TO TRANSMIT TO THE LOCAL GOVERNING BODY A TEXT AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN TO INCORPORATE A PROPERTY RIGHTS ELEMENT, AS REQUIRED BY SECTION 163.3177 FLORIDA STATUTES; AUTHORIZING THE TRANSMITTAL OF THE TEXT AMENDMENT ADOPTION PACKAGE TO THE STATE LAND PLANNING AGENCY IN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED GOVERNMENTAL REVIEWING AGENCIES PURSUANT TO THE PROVISIONS OF SECTION 163.3184, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the 1985 Local Government Comprehensive Planning and Land Development Regulation Act, also known as Florida's Growth Management Act, as amended, requires the City of Doral (the "City") to prepare, adopt, implement and amend, the City's Comprehensive Plan; and

WHEREAS, House Bill 59 (the "Bill"), was approved by Governor DeSantis on June 29, 2021, and became effective on July 1, 2021; and

WHEREAS, the Bill requires local governments to include a property rights element in their comprehensive plan by specified dates and provides a model statement of rights that local governments may adopt; and

WHEREAS, the City of Doral staff have prepared a text amendment to the City's Comprehensive Plan to incorporate a Property Rights Element, including Goals, Objectives and Policies to provide that property rights be considered in local decision-making in accordance with Section 163.3177(6)(i), as amended by Chapter 2021-195, Law of Florida; and

WHEREAS, on October 27, 2021, the City Council of the City of Doral sitting as the Local Planning Agency (LPA) at a properly advertised hearing received testimony and evidence related to the text amendment to the City's Comprehensive Plan as required by state law and local ordinances.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA SITTING AS THE LOCAL PLANNING AGENCY THAT:

Section 1. Recitals. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. Approval. The Local Planning Agency hereby recommends going forward without a recommendation to the Local Governing Body (City Council) of an amendment to the text of the City of Doral Comprehensive Plan, to incorporate a "Property Rights Element," as provided in "Exhibit A" which is attached hereto and made part thereof.

Section 3. Effective Date. This Resolution shall become effective immediately upon its adoption by the Local Planning Agency (LPA).

The foregoing Resolution was offered by Councilmember Mariaca who moved its adoption. The motion was seconded by Councilmember Puig-Corve and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Absent/Excused
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

TRANSMITTED WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY (CITY COUNCIL) THIS 27 DAY OF OCTOBER, 2021.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

EXHIBIT “A”

XI. PROPERTY RIGHTS ELEMENT

Goals, Objectives and Policies

- Goal:** To ensure that the City of Doral respects judicially acknowledged and constitutionally protected private property rights.
- Objective 11.1:** **Protection of Private Property Rights**
The following policies are to ensure that private property rights are considered in the City’s decision making.
- Policy 11.1.1:** The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- Policy 11.1.2:** 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.
- Policy 11.1.3:** The right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.
- Policy 11.1.4:** The right of a property owner to dispose of his or her property through sale or gift.