

August 16, 2023

RECEIVED

AUG 21 2023

BY: _____

The Honorable Tim Loughmiller
Mayor, Town of Havana
Cecil G. Trippe Municipal Building
711 North Main Street
Havana, Florida 32333

Dear Mayor Loughmiller:

The Florida Department of Commerce (FloridaCommerce) has completed its review of the comprehensive plan amendment adopted by the Town of Havana (Amendment No. 23-01ESR) by Ordinance No. 397 on July 12, 2023. We have reviewed the amendment in accordance with the expedited state review process set forth in Section 163.3184(2) and (3), Florida Statutes, and identified no provision that necessitates a challenge of the Ordinance adopting the amendment.

If the plan amendment is not challenged by an affected person, the amendment will become effective 31 days after FloridaCommerce notified the local government that the plan amendment package was complete. If the plan amendment is challenged by an affected person, the amendment will not become effective until FloridaCommerce or the Administration Commission enters a final order determining the amendment to be "In Compliance."

If you have any questions concerning this review, please contact Matthew Martinez, Planning Analyst, by telephone at (850)-717-8534 or by email at matthew.martinez@commerce.fl.gov.

Sincerely,



Scott Rogers, Regional Planning Administrator
Bureau of Community Planning and Growth

SR/mm

cc: Kendra G. Wilkerson, Town Manager, City of Havana
Chris Rietow, Executive Director, Apalachee Regional Planning Council

July 18, 2023

RESPONSE VIA EMAIL ONLY

Mr. Fredrick L. Green, Jr.,
Town Clerk
Town of Havana
Planning Division
Post Office Box 1068
Havana, Florida 32333

RE: CPA 2023-01

Dear Mr Green:

Thank you for submitting **the town of Havana's Plan Amendment No. 23-01ESR**, adopted by **Ordinance No. 397 on July 12, 2023**, for our review pursuant to the Expedited State Review process. The adopted package was received by the State Land Planning Agency on **July 17, 2023**.

We have conducted a preliminary inventory of the plan amendment package to verify the inclusion of all required materials. The submission package was determined to be complete on **July 18, 2023**, and your adopted plan amendment will be reviewed pursuant to the process set forth in Chapter 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review.

If you have any questions, please contact Scott Rogers, Regional Planning Administrator, who will be overseeing the review of the amendments, at (850)717-8510.

Sincerely,



Barbara Powell
Bureau of Community Planning and Growth

BP/ds

cc: External Agencies

MEMORANDUM

TO: Florida Department of Environmental Protection
Florida Department of Education
Florida Department of State
Florida Department of Transportation District 3
Apalachee Regional Planning Council
Northwest Florida Water Management

DATE: July 18, 2023

**SUBJECT: COMMENTS FOR ADOPTED EXPEDITED STATE REVIEW PLAN
AMENDMENT**

LOCAL GOVERNMENT / STATE LAND PLANNING AGENCY AMENDMENT #:
HAVANA 23-01ESR
CPA 2023-01

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER: Scott
Rogers/(850)717-8510

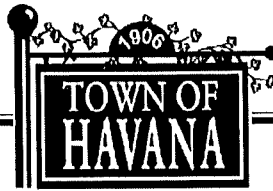
The referenced adopted comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes.

Please note that your comments must be sent directly to the above referenced local government and a copy of any comments shall also be sent to the State Land Planning Agency to the attention of Barbara Powell, Administrator, Plan Review and Processing at the Department E-mail address:
DCPexternalagencycomments@DEO.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the adopted amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment.* Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.

Kendrah Wilkerson, Town Manager
Friedrick L. Green, Jr., Town Clerk



P.O. Box 1068
Havana, Florida 32333-1068
Phone: (850) 539-2820

July 17, 2023

Ray Eubanks
Plan Processing Administrator
Department of Economic Opportunity
State Land Planning Agency
107 E. Madison Street – MSC 160
Tallahassee, FL 32399-4120

RE: Town of Havana Comprehensive Plan: Adopted CPA 2023-01

Mr. Ray Eubanks,

In accordance with the Expedited State Review Process, pursuant to Section 163.3184(3) F.S., Town of Havana is transmitting an electronic copy of an amendment to the Town of Havana Comprehensive Plan processed as FDEO package 23-01ESR.

At an advertised public hearing held on July 12, 2023, the Town Council of Havana adopted by unanimous vote the following:

Town of Havana CPA 2023-01 (Property Rights Element) - Ordinance #397

Prior to adoption, the amendment was heard and recommended for approval and transmittal to DEO by the Town Council of Havana, serving as the local planning agency, at a public hearing held on May 30, 2023. An additional Public Hearing was held on April 27, 2023 by the Town Council of Havana, serving as the local planning agency, for public comment and feedback only.

This amendment was not adopted under a joint planning agreement. The amendment was transmitted as part of DEO 23-01ESR. No changes were made between the transmittal and adoption hearings, and therefore the amendment is identical to that which was transmitted on June 8, 2023 of this year.

Town of Havana has previously submitted a complete package with support documents as part of the transmittal package. Therefore, no support documents beyond the executed Ordinance is included in this transmittal.

Pursuant to Chapter 163.3184(3) F.S., Town Council of Havana hereby request that the Department of Economic Opportunity conduct a review of the adopted plan amendment and issue the State's subsequent final determination of completeness.

The Contact Person is: Fredrick L. Green, Jr., Town Clerk
Town of Havana
Post Office Box 1068
Havana, FL 32333
Phone: (850) 539-2820
E-Mail: clerk@townofhavana.com

Please do not hesitate to contact me if you have any questions or if anything further information is required.

Sincerely,

A handwritten signature in dark ink, appearing to read 'KW', is written over a horizontal line.

Kendrah Wilkerson
Town Manager, Havana

Enclosures

**CERTIFIED
COPY**

BY: _____

TOWN CLERK

ORDINANCE 397

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

WHEREAS, the Town Council of the Town of Havana has adopted the Town of Havana Comprehensive Plan, as required pursuant to §163.3164, Florida Statutes; and

WHEREAS, The Town Council of Havana, acting as the local planning agency, reviewed this amendment and made a recommendation to the Town Council; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on May 30, 2023 by the Havana Planning/Historic Preservation Committee, and was introduced in open session of the Town Council on May 30, 2023, and was passed in open in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023;

WHEREAS, words with underline type shall constitute addition and strikethrough shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

Now therefore, be it ordained by the Town Council of Havana, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Town of Havana Comprehensive Plan as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

Those parts of Chapter 11 of the Town of Havana Comprehensive Plan in conflict herewith are hereby repealed and superseded to the extent of such conflict and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Inclusion in the Town of Havana Comprehensive Plan

This Ordinance shall be codified in the Town of Havana Comprehensive Plan as set forth in Exhibit "A."

SECTION V: Modification

It is the intent of the Town Council that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A," may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Council and filed by the Clerk.

Section VI: Scrivener's Errors

The Town Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

Section VII: Effective Date

This Ordinance shall become effective as provided by law.

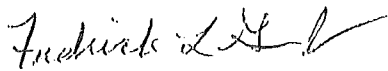
INTRODUCED in open session of the Town Council of the Town of Havana, Florida, on the 30th day of May, 2023.

PASSED in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023

By: 

Presiding Officer of the Town Council of the Town of Havana, Florida

ATTEST:



Clerk of the Town of Havana and
Clerk of the Town Council thereof

PLAN AMENDMENTS FOR EXPEDITED STATE REVIEW

TO: Scott Rogers
From: David Samuel

DATE: July 18, 2023

SUBJ: Distribution of Adopted Plan Amendment to Review Team

Please find enclosed adopted comprehensive plan amendment documents from the following local government:

HAVANA 23-01ESR
CPA 2023-01

TEAM NOTE:

This adopted amendment is being processed pursuant to Section 163.3184(3), F.S.

Completeness Determination Date: 7/18/2023

The staff evaluation memo for the Department's petition with the Division of Administrative Hearings must be prepared before the decision date below for the challenge to be timely filed with DOAH.

Challenge Decision Date: 8/10/2023

Mail Out Date: 8/16/2023

The cover letter transmitting the challenge filing with DOAH (if challenged) and to the local government chief elected official is to be prepared and **RECEIVED** by the local government and Division of Administrative Hearings no later than **(30 days from determination of complete package)** to request a formal hearing.

Challenge Filing Date: 8/17/2023

Should you have any procedural questions on this matter, please contact Barbara Powell, Administrator, Plan Review/DRI Team, at 717-8504.

ESTIMATED MEETING DATES TO BE DETERMINED BY RPA

DUE TO REGIONAL PLANNING ADMINISTRATOR _____

DUE TO BUREAU CHIEF _____

From: noreply@salesforce.com on behalf of [Comprehensive Plan Site Guest User](#)
To: [Plan Processing Team](#)
Subject: ComprehensivePlan - Amendment Uploaded.
Date: Tuesday, July 18, 2023 9:08:23 AM

Comprehensive Plan Support Team,

A Comprehensive plan amendment is uploaded.

From: manager@townofhavana.com
Local Government: Havana
Amendment Type: Expedited State Review
Amendment Stage: Adopted
File Title: Havana Adoption Transmittal CPA 2023-01 FDEO 23-01ESR.pdf

Thank you



July 17, 2023

Ray Eubanks
Plan Processing Administrator
Department of Economic Opportunity
State Land Planning Agency
107 E. Madison Street – MSC 160
Tallahassee, FL 32399-4120

RE: Town of Havana Comprehensive Plan: Adopted CPA 2023-01

Mr. Ray Eubanks,

In accordance with the Expedited State Review Process, pursuant to Section 163.3184(3) F.S., Town of Havana is transmitting an electronic copy of an amendment to the Town of Havana Comprehensive Plan processed as FDEO package 23-01ESR.

At an advertised public hearing held on July 12, 2023, the Town Council of Havana adopted by unanimous vote the following:

Town of Havana CPA 2023-01 (Property Rights Element) - Ordinance #397

Prior to adoption, the amendment was heard and recommended for approval and transmittal to DEO by the Town Council of Havana, serving as the local planning agency, at a public hearing held on May 30, 2023. An additional Public Hearing was held on April 27, 2023 by the Town Council of Havana, serving as the local planning agency, for public comment and feedback only.

This amendment was not adopted under a joint planning agreement. The amendment was transmitted as part of DEO 23-01ESR. No changes were made between the transmittal and adoption hearings, and therefore the amendment is identical to that which was transmitted on June 8, 2023 of this year.

Town of Havana has previously submitted a complete package with support documents as part of the transmittal package. Therefore, no support documents beyond the executed Ordinance is included in this transmittal.

Pursuant to Chapter 163.3184(3) F.S., Town Council of Havana hereby request that the Department of Economic Opportunity conduct a review of the adopted plan amendment and issue the State's subsequent final determination of completeness.

The Contact Person is: Fredrick L. Green, Jr., Town Clerk
Town of Havana
Post Office Box 1068
Havana, FL 32333
Phone: (850) 539-2820
E-Mail: clerk@townofhavana.com

Please do not hesitate to contact me if you have any questions or if anything further information is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'KW', is positioned above the printed name of the signatory.

Kendrah Wilkerson
Town Manager, Havana

Enclosures

**CERTIFIED
COPY**

BY: _____

TOWN CLERK

ORDINANCE 397

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

WHEREAS, the Town Council of the Town of Havana has adopted the Town of Havana Comprehensive Plan, as required pursuant to §163.3164, Florida Statutes; and

WHEREAS, The Town Council of Havana, acting as the local planning agency, reviewed this amendment and made a recommendation to the Town Council; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on May 30, 2023 by the Havana Planning/Historic Preservation Committee, and was introduced in open session of the Town Council on May 30, 2023, and was passed in open in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023;

WHEREAS, words with underline type shall constitute addition and strikethrough shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

Now therefore, be it ordained by the Town Council of Havana, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Town of Havana Comprehensive Plan as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

Those parts of Chapter 11 of the Town of Havana Comprehensive Plan in conflict herewith are hereby repealed and superseded to the extent of such conflict and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Inclusion in the Town of Havana Comprehensive Plan

This Ordinance shall be codified in the Town of Havana Comprehensive Plan as set forth in Exhibit "A."

SECTION V: Modification

It is the intent of the Town Council that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A," may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Council and filed by the Clerk.

Section VI: Scrivener's Errors

The Town Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

Section VII: Effective Date

This Ordinance shall become effective as provided by law.

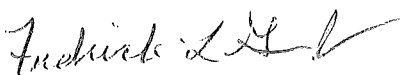
INTRODUCED in open session of the Town Council of the Town of Havana, Florida, on the 30th day of May, 2023.

PASSED in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023

By: 

Presiding Officer of the Town Council of the Town of Havana, Florida

ATTEST:



Clerk of the Town of Havana and
Clerk of the Town Council thereof

Exhibit A

CHAPTER 11

PROPERTY RIGHTS ELEMENT

PURPOSE: This element is intended to ensure that the County considers the rights of private property owners when making decisions.

GOAL 11A: Consider the property rights of private property owners when making decisions.

OBJECTIVE 11.1: The following rights shall be considered in the decision-making process including:

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 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.

These policies preserve and respect judicially acknowledged, and constitutionally protected private property rights. No additional policies shall be adopted in accompanying elements of the Comprehensive Plan which conflict with or negate these property rights.

Comprehensive Plan Amendment (Proposed) - Adopting Property Rights Element

Kendrah Wilkerson <Manager@townofhavana.com>

Fri 6/9/2023 9:15 AM

To: compplans@freshfromflorida.com <compplans@freshfromflorida.com>; Barbara.Powell@DEO.MyFlorida.com
<Barbara.Powell@DEO.MyFlorida.com>; CompPlans@fldoe.org <CompPlans@fldoe.org>; Plan.Review@dep.state.fl.us
<Plan.Review@dep.state.fl.us>; CompliancePermits@DOS.MyFlorida.com
<CompliancePermits@DOS.MyFlorida.com>; FWCConservationPlanningServices@myfwc.com
<FWCConservationPlanningServices@myfwc.com>; Jared.Kirkland@dot.state.fl.us
<Jared.Kirkland@dot.state.fl.us>; CSmith@arpc.org <CSmith@arpc.org>; Paul.Thorpe@nwfwater.com
<Paul.Thorpe@nwfwater.com>

📎 1 attachments (1 MB)

Proposed CPA - Property Rights Element - Town of Havana.pdf;

Attention Reviewing Agencies:

Please see attached our Proposed Comprehensive Plan Amendment - Adopting Property Rights Element.

Please contact me with any questions/comments.

Kendrah G. Wilkerson

Town Manager | Town of Havana
711 North Main Street
Havana, FL 32333
850-539-2820 Main
850-539-2830 Fax
Manager@TownofHavana.com
<http://TownofHavana.com>

David Samuel
850-717-8462

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing. The information contained in this email and/or attachment(s) may be confidential and intended solely for the use of the individual or entity to whom it is addressed. This email and/or attachment(s) may contain material that is privileged or protected from disclosure under applicable law. If you are not the intended recipient or the individual responsible for delivering to the intended recipient, please notify sender immediately by telephone to obtain instructions as to whether information in this email and/or attachment(s) is confidential and privileged or protected from disclosure under applicable law.

Proposed PRE |

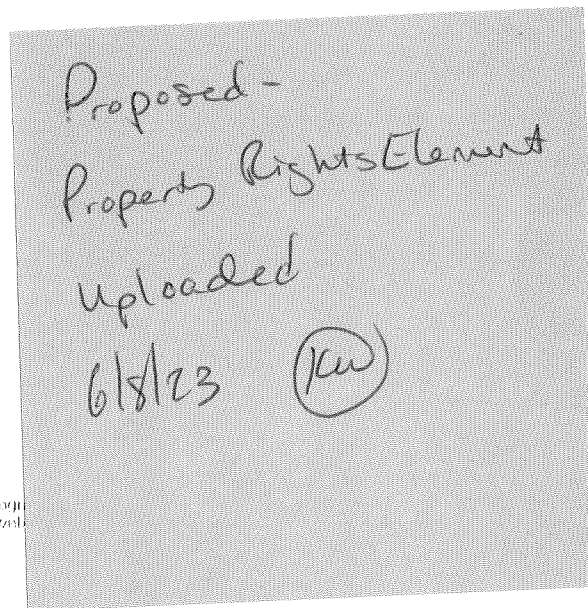
- 1) Re-Submit as PRE / all one package
- 2) then 30 days (get feedback)
- 3) then 2nd reading to Adopt
then send adopted to DEO to adopt

Comprehensive Plan PDF Upload Successful

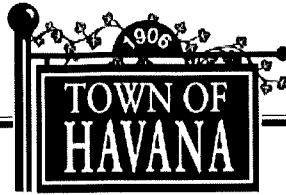
Your amendment has been uploaded successfully.
The Department's IT Division will scan the amendment for security purposes and send it to the Community Development Plan Processing Team for processing. You will be receiving an acknowledgement letter confirming the Department's receipt of the amendment package once the amendment package has been processed.

Donna Harris
Plan Processing

(850)717-8491
[E-mail](#)

[Back](#)[Exit](#)

Kendral Wilkerson, Town Manager
Kimberly J. McMillan, Town Clerk



P.O. Box 1068
Havana, Florida 32333-1068
Phone: 850/539-2820

June 8, 2023

Ray Eubanks
Plan Processing Administrator
Department of Economic Opportunity
State Land Planning Agency
107 E. Madison Street – MSC 160
Tallahassee, FL 32399-4120

RE: Proposed - Property Rights Element, Chapter 11 Town of Havana Comprehensive Plan
(CPA 2023-01)

Mr. Ray Eubanks,

At a public hearing held on May 30, 2023, the Town Council of Havana voted to approve Ordinance #397, the Property Rights Element, Chapter 11, Town of Havana Comprehensive Plan (CPA 23-01) for transmittal to DEO.

Prior to approval, the Large Scale amendment was heard and recommended for approval by the Town Council of Havana, serving as the local planning agency, at a public hearing held on August May 30, 2023.

This amendment was determined to be a large-scale amendment (Comprehensive Plan Text Amendment) pursuant to §163.3187, Florida Statutes. The amendment adds Chapter 11, Property Rights Element to the Town of Havana Comprehensive Plan, as required by F.S. § 163.3177.

The FLUM amendment is not located in an Area of Critical State Concern.

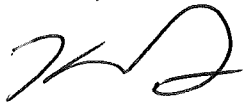
This proposed package transmittal with attachments is submitted pursuant to the procedures and requirements of § 163.3187, Florida Statutes. This is the first large scale amendment of 2023.

(Continued on p. 2)

The Contact Person is: Shelia Evans, Town Clerk
Town of Havana
Post Office Box 1068
Havana, FL 32333
Phone: (850) 539-2820
E-Mail: clerk@townofhavana.com

Please do not hesitate to contact me if you have any questions or if anything further information is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'KW', with a large, stylized loop at the end.

Kendrah Wilkerson
Town Manager, Havana

Enclosures

Town of Havana

Town Council Agenda Request

Date of Meeting: May 30, 2023

Item Number: 02

To: Honorable Mayor and Members of the Council

From: Kendrah G. Wilkerson, Town Manager

Subject: Consideration of Adoption of Ordinance 397, to adopt Chapter 11 Property Rights Element to the Town of Havana Comprehensive Plan

Statement of Issue:

Consideration of Adoption of Ordinance 397, adding Chapter 11, Property Rights Element, to the Town of Havana Comprehensive Plan.

Ordinance 397 (by Title Only)

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

House Bill 59 was signed into law in 2021 to amend Chapter 163.3177 Florida Statutes adding subsection (6)(i), the requirement for each local government to adopt a Property Rights Element into their Comprehensive Plan.

Intent of Legislation

The intent of this legislation is to ensure that private property rights are considered in local decision making. The required language addresses:

- The right of a property owner to possess and control his or her interests in the property, including easements, leases, or mineral rights.
- The right of the 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.
- The right of a property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- The right of a property owner to dispose of his or her property through sale or gift.

The Department of Economic Opportunity (DEO) has indicated that no further comprehensive plan amendments will be processed or reviewed until the Property Rights Element has been adopted into the local government's Comprehensive Plan.

Planning Commission Recommendation

- At their May 30, 2023 meeting, the Planning Committee voted to approve the proposed text, without changes, for Chapter 11, Property Rights Element, of the Town of Havana Comprehensive Plan.

Options:

1. Recommend approval of the first reading of Ordinance #397, Adding Chapter 11, Property Rights Element to the Comprehensive Plan and authorizing the Mayor to sign all related documents. Recommend transmittal of all documents to DEO for review.
2. Recommend denial.
3. Council Direction.

Attachment(s):

Ordinance 397 – Property Rights Element
Exhibit A - Chapter 11 Property Rights Element
Property Rights Element Bill Summary

ORDINANCE 397

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

WHEREAS, the Town Council of the Town of Havana has adopted the Town of Havana Comprehensive Plan, as required pursuant to §163.3164, Florida Statutes; and

WHEREAS, The Town Council of Havana, acting as the local planning agency, reviewed this amendment and made a recommendation to the Town Council; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on May 30, 2023 by the Havana Planning/Historic Preservation Committee, and was introduced in open session of the Town Council on May 30, 2023, and was passed in open in open session of the Town Council of the Town of Havana, Florida, on the _____ day of _____, 2023;

WHEREAS, words with underline type shall constitute addition and strikethrough shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

Now therefore, be it ordained by the Town Council of Havana, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Town of Havana Comprehensive Plan as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

Those parts of Chapter 11 of the Town of Havana Comprehensive Plan in conflict herewith are hereby repealed and superseded to the extent of such conflict and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Inclusion in the Town of Havana Comprehensive Plan

This Ordinance shall be codified in the Town of Havana Comprehensive Plan as set forth in Exhibit “A.”

SECTION V: Modification

It is the intent of the Town Council that the provisions of this Ordinance, including the amendment attached hereto as Exhibit “A,” may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Council and filed by the Clerk.

Section VI: Scrivener’s Errors

The Town Attorney may correct any scrivener’s errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

Section VII: Effective Date

This Ordinance shall become effective as provided by law.

INTRODUCED in open session of the Town Council of the Town of Havana, Florida, on the 30th day of May, 2023.

PASSED in open session of the Town Council of the Town of Havana, Florida, on the _____ day of _____, 2023

By: _____
Presiding Officer of the Town Council of the Town of
Havana, Florida

ATTEST:

Clerk of the Town of Havana and
Clerk of the Town Council thereof

Exhibit A

CHAPTER 11

PROPERTY RIGHTS ELEMENT

PURPOSE: This element is intended to ensure that the County considers the rights of private property owners when making decisions.

GOAL 11A: Consider the property rights of private property owners when making decisions.

OBJECTIVE 11.1: The following rights shall be considered in the decision-making process including:

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 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.

These policies preserve and respect judicially acknowledged, and constitutionally protected private property rights. No additional policies shall be adopted in accompanying elements of the Comprehensive Plan which conflict with or negate these property rights.

CHAPTER 11

PROPERTY RIGHTS ELEMENT

PURPOSE: This element is intended to ensure that the County considers the rights of private property owners when making decisions.

GOAL 11A: Consider the property rights of private property owners when making decisions.

OBJECTIVE 11.1: The following rights shall be considered in the decision-making process including:

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 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.

These policies preserve and respect judicially acknowledged, and constitutionally protected private property rights. No additional policies shall be adopted in accompanying elements of the Comprehensive Plan which conflict with or negate these property rights.



TOWN OF HAVANA Regular Council Meeting Agenda

Meeting Location

Cecil G. Trippe Municipal Building
Council Chambers
711 North Main Street
Havana, Florida

Meeting Date/Time

May 30, 2023
6:00 P.M.

Call to Order

- Invocation & Pledge of Allegiance

Swearing In – New Council Members

- Seat 1 – Larry Dwight Vickers
- Seat 2 – Tabatha Nelson
- Seat 3 – Penny Key

Appointment of Mayor by Town Council

Roll Call

- Council Members state name for the record

Recognition of Visitors

- Any visitor wishing to address the Council will limit comments to three minutes.

Request to Approve Minutes

- April 27, 2023 Public Hearing
- April 27, 2023 Council Meeting

Old Business

Item #1

- Discussion on Meeting Frequency

New Business

Item #2

- First Reading of Ordinance 397 - Proposed Adoption of Property Rights Element

Item #3

- First Reading of Ordinance 398 - Amendment of Future Land Use Map (NMC)

Item #4

- First Reading of Ordinance 399 - Amendment of Future Land Use Map (5 Parcels)

Item #5

- Request for Lot Split – 2nd Public Hearing (Loughmiller)

Item #6

- Request for Lot Merge (Vieth)

Item #7

- Request for Use Rescue Funds – 8th Avenue Repair

Item #8

Resolution 2023-06R - Grant Application – DEO Community Planning / Tech Assistance

Item #9

Resolution 2023-07R - for Grant Application – DEO Competitive Florida Partnership

Item #10

- Employee Health Insurance Plan Renewal

Item #11

- ~~Request for Special Events Permit – Use of Hazel Baker – GED/ESOL Classes~~
 - ITEM PULLED - MOVED TO NEXT MEETING

Item #12

- Request for Special Events Permit – Juneteenth Celebration 6/17/2023

Item #13

- Request for Special Events Permit - Male Empowerment Outreach 6/24/2023

Item #14

- Historic Preservation/Planning Committee Appointments

Item #15

- Walking Park Bid Selection – FRDAP Grant Project

Report of the Town Manager

- Public Safety Report
- Audit Update – FY21 / FY22
- Request for Juneteenth Off (Monday June 19th)

Recognition of Each Council Member

Motion to Pay the Bills

Motion to Adjourn



TOWN OF HAVANA Planning Council Public Hearing Agenda

Meeting Date/Time

May 30, 2023 5:30 PM

Meeting Location

Cecil G. Trippe Municipal Building - Council Chambers
711 North Main Street
Havana, Florida

Call to Order

- Invocation
- Pledge of Allegiance
- Roll Call

Recognition of Visitors

- Any visitor wishing to address the Committee about a non-Agenda item will limit comments to three minutes.

New Business

Item #1

- Amending Comprehensive Plan – Ch. 11 Property Rights Element (Ordinance 397)

Item #2

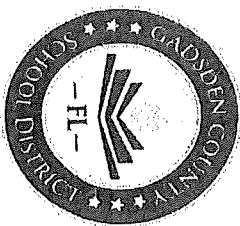
- Amending Comprehensive Plan – Future Land Use Map (NMC) (Ordinance 398)

Item #3

- Amending Comprehensive Plan – Future Land Use Map (5 Parcels) (Ordinance 399)

Recognition of Each Committee Member

Motion to Adjourn



THE SCHOOL BOARD OF GADSDEN COUNTY

Elijah Key, Superintendent of Schools

35 Martin Luther King, Jr. Blvd Quincy, Florida 32351

Main: (850) 627-9651 or Fax: (850) 627-2760

LEGAL NOTICE

The SCHOOL BOARD OF GADSDEN COUNTY, FLORIDA, announces a School Board Workshop, its Regular School Board Meeting, to which all interested persons are invited and opened to the public; and Master Board Training which is closed to the public.

DATE: Tuesday, May 23, 2023

School Board Workshop

TIME: 4:30 P.M.

Regular School Board Meeting

6:00 P.M.

Wednesday, May 24, 2023

Master Board Training

9:00 A.M.

PLACE:

School Board Meeting Room

Max D. Walker School Administration Building

35 Martin Luther King, Jr. Blvd.

Quincy, Florida

PURPOSE OF THE SCHOOL BOARD WORKSHOP: For Board members to discuss financial data issues; and other such business as may be ready for consideration.

PURPOSE OF THE REGULAR SCHOOL BOARD MEETING: To ratify payment of bills, consider personnel actions, consider bids and quotations, consider and/or act on proposal and/or adoption of Administrative Rules, and such other business as may be ready for consideration.

PURPOSE OF THE MASTER BOARD TRAINING: For Board members to receive training that

Helping Senior citizens beat the heat

Stephen Klein
Gadsden County News Service

Local non-profit organization Blessings of Hope Empowerment Outreach is working to help senior citizens beat the heat this summer by holding its second annual Fan

Hope president Anissa Butler.

Fans or financial donations may be dropped off at the Havana Police Department, and Blessings of Hope will also accept monetary donations through Cash App

efficiency, and collectively as a governance group while maintaining a focus on student achievement and factors contributing to the success of schools.

A copy of this agenda may be obtained by writing to, or otherwise contacting: The School Board of Gadsden County, Florida, Attention: Mr. Elijah Key, Superintendent of Schools, 35 Martin Luther King, Jr. Blvd., Quincy, Florida 32351.

Notice is hereby given that if a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings are made, which records would include the testimony and evidence upon which the appeal is to be based.

Dated this 12th day of May, 2023 A.D.

THE SCHOOL BOARD OF GADSDEN COUNTY, FLORIDA

Elijah Key, Superintendent of Schools

Cathy Johnson
DISTRICT NO. 1
HAVANA, FL 32351
HAWAII, FL 3236

Steve Scott
DISTRICT NO. 2
QUINCY, FL 32351
HAWAII, FL 3236

Leroy McMillan
DISTRICT NO. 3
CHATTANOOGUE, FL 32351
CHERRYBROOK, FL 32351

Charlie Frost
DISTRICT NO. 4
CHERRY, FL 32351
QUINCY, FL 32351

Karema Dudley
DISTRICT NO. 5
QUINCY, FL 32351

the organization has been collecting floor and table fans since April to give to citizens aged 55 and older, and the drive will last until May 26. On May 27 at 9 a.m., donated fans will be distributed at the Hazel J. Baker Community Center in Havana, which is in the same building as the Havana Volunteer Fire Department. "We're hoping to get enough fans this year for each senior to receive two fans," said Blessings of Commerce Credit Union, or their mailing address at P.O. Box 1185 Havana, FL 32333. "We're accepting new fans, because we don't want there to be any mechanical issues," Butler said. For more information or to volunteer, Blessings of Hope can be contacted by phone at (850) 294-1083 or email at boheo2013@gmail.com. The organization is also on Facebook and Instagram.

Town of Havana

Regular Council Meeting
5/30/2023 at 6:00 PM
Council Chambers - Town Hall
Cecil Tripp Building
711 North Main Street
Havana, FL 32333

Notice of Intent to Enact the Following Ordinances

Ordinance 397 - Amending Comprehensive Plan to Adopt Ch. 11 - Property Rights Element
AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA, COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE

Ordinance 398 Amending Comprehensive Plan Future Land Use Map

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR TWO ADJOINING PARCELS IDENTIFIED BY PARCEL ID NUMBERS 2-27-3N-2W-0250-0000C-0350 AND 2-27-3N-2W-0250-0000C-0360, CONTAINING APPROXIMATELY 1.65 ACRES, FROM NEIGHBORHOOD CONSERVATION DISTRICT TO DEVELOPMENT DISTRICT, PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS, AND PROVIDING AN EFFECTIVE DATE.

The Property Address of the first parcel is East 1st Avenue HAVANA FL, and the Parcel ID is 2-27-3N-2W-0250-0000C-0350. The Property Address of the second parcel is Horseshoe

Town of Havana

Planning/Historic Preservation Committee
Public Hearing
5/30/2023 at 5:30 PM
Council Chambers - Town Hall
Cecil Tripp Building
711 North Main Street
Havana, FL 32333

To Discuss for Town Council Recommendation: Notice of Intent to Enact the Following Ordinances

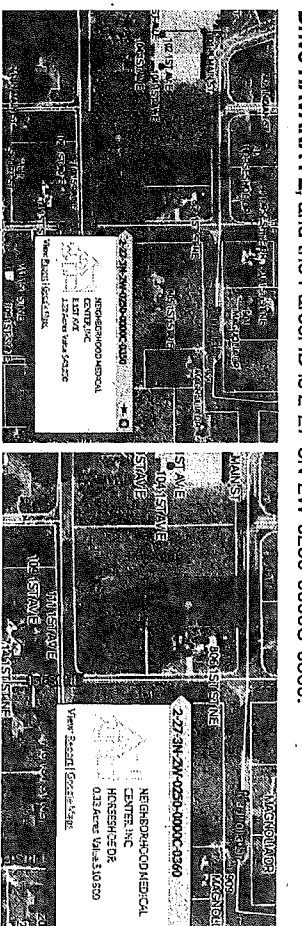
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The Property Address of the first parcel is East 1st Avenue HAVANA FL, and the Parcel ID

Drive HAVANA FL, and the Parcel ID is 2-27-3N-2W-0250-0000C-0360.



Ordinance 399 Amending Comprehensive Plan Future Land Use Map

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR FIVE PARCELS IDENTIFIED BY PARCEL ID NUMBERS 2-27-3N-2W-0250-0000C-0120, 2-27-3N-2W-0250-0000C-0140, 2-27-3N-2W-0250-0000C-0171, 2-27-3N-2W-0250-0000C-0210 AND 2-27-3N-2W-0250-0000C-0280, CONTAINING APPROXIMATELY 6.91 ACRES, FROM NEIGHBORHOOD CONSERVATION DISTRICT TO DEVELOPMENT DISTRICT; PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

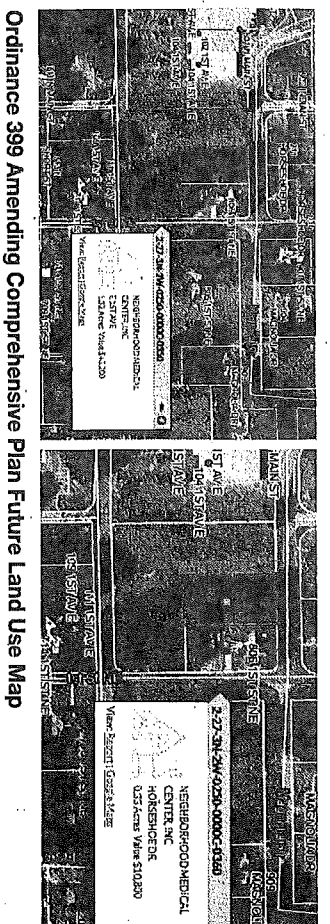
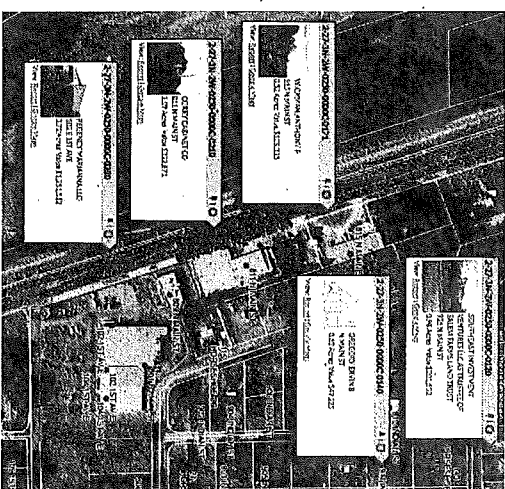
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Such ordinances may be inspected by the public at the office of the Town Clerk in the Cecil G. Trippe Municipal Building in such Town.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinances. If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and for such purpose, 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.

This 12th day of May, 2023.

Shelia Evans
Interim Town Clerk, Town of Havana, FL



Ordinance 399 Amending Comprehensive Plan Future Land Use Map

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Shelia Evans
Interim Town Clerk, Town of Havana, FL

Town of Havana
Regular Council Meeting
5/30/2023 at 6:00 PM
Council Chambers - Town Hall
Cecil Tripp Building
711 North Main Street
Havana, FL 32333

Notice of Intent to Enact the Following Ordinances

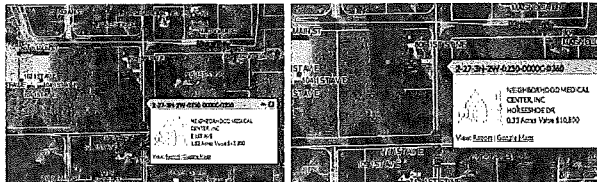
Ordinance 397 - Amending Comprehensive Plan to Adopt Ch. 11 - Property Rights Element

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA, COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE

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This 12th day of May, 2023.

Shella Evans
Interim Town Clerk, Town of Havana, FL

Town of Havana
Planning/Historic Preservation Committee
Public Hearing
5/30/2023 at 5:30 PM
Council Chambers - Town Hall
Cecil Tripp Building
711 North Main Street
Havana, FL 32333

**To Discuss for Town Council Recommendation:
Notice of Intent to Enact the Following Ordinances**

Ordinance 397 - Amending Comprehensive Plan to Adopt Ch. 11 - Property Rights Element

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA, COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE

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This 12th day of May, 2023.

Shella Evans
Interim Town Clerk, Town of Havana, FL

Town of Havana

Town Council Agenda Request

Date of Meeting: July 12, 2023

Item Number: 01

To: Honorable Mayor and Members of the Council

From: Kendrah G. Wilkerson, Town Manager

Subject: **FINAL READING:** Consideration of Adoption of Ordinance 397, to adopt Chapter 11 Property Rights Element to the Town of Havana Comprehensive CPA 2023-01
DEO Amendment Package 23-01ESR

Statement of Issue:

Consideration of Adoption of Ordinance 397, adding Chapter 11, Property Rights Element, to the Town of Havana Comprehensive Plan.

Ordinance 397 (by Title Only)

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Background:

House Bill 59 was signed into law in 2021 to amend Chapter 163.3177 Florida Statutes adding subsection (6)(i), the requirement for each local government to adopt a Property Rights Element into their Comprehensive Plan.

Intent of Legislation

The intent of this legislation is to ensure that private property rights are considered in local decision making. The required language addresses:

- The right of a property owner to possess and control his or her interests in the property, including easements, leases, or mineral rights.
- The right of the 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.
- The right of a property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

ORDINANCE 397

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

WHEREAS, the Town Council of the Town of Havana has adopted the Town of Havana Comprehensive Plan, as required pursuant to §163.3164, Florida Statutes; and

WHEREAS, The Town Council of Havana, acting as the local planning agency, reviewed this amendment and made a recommendation to the Town Council; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on May 30, 2023 by the Havana Planning/Historic Preservation Committee, and was introduced in open session of the Town Council on May 30, 2023, and was passed in open in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023;

WHEREAS, words with underline type shall constitute addition and strikethrough shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

Now therefore, be it ordained by the Town Council of Havana, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Town of Havana Comprehensive Plan as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

Those parts of Chapter 11 of the Town of Havana Comprehensive Plan in conflict herewith are hereby repealed and superseded to the extent of such conflict and shall have no further effect whatsoever.

SECTION III: Severability

Exhibit A

CHAPTER 11

PROPERTY RIGHTS ELEMENT

PURPOSE: This element is intended to ensure that the County considers the rights of private property owners when making decisions.

GOAL 11A: Consider the property rights of private property owners when making decisions.

OBJECTIVE 11.1: The following rights shall be considered in the decision-making process including:

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 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.

These policies preserve and respect judicially acknowledged, and constitutionally protected private property rights. No additional policies shall be adopted in accompanying elements of the Comprehensive Plan which conflict with or negate these property rights.

Kendrah Willkerson, Town Manager
Fredrick L. Green, Jr., Town Clerk



P.O. Box 1068
Havana, Florida 32333-1068
Phone: (850) 539-2820

July 17, 2023

Ray Eubanks
Plan Processing Administrator
Department of Economic Opportunity
State Land Planning Agency
107 E. Madison Street – MSC 160
Tallahassee, FL 32399-4120

RE: Town of Havana Comprehensive Plan: SSPA 2023-001 & SSPA 2023-002

Mr. Ray Eubanks,

In accordance with the Expedited State Review Process, pursuant to Section 163.3184(3) F.S., Town of Havana is transmitting an electronic copy of three amendments to the Town of Havana Comprehensive Plan processed as FDEO package 23-01ESR.

At an advertised public hearing held on July 12, 2023, the Town Council of Havana adopted by unanimous vote, Ordinance #398 and #399 amending the Future Land Use Map for Town of Havana Comprehensive Plan.

Prior to adoption, the amendments were heard and recommended for approval and transmittal to DEO by the Town Council of Havana, serving as the local planning agency, at a public hearing held on May 30, 2023. An additional Public Hearing was held on April 27, 2023 by the Town Council of Havana, serving as the local planning agency, for public comment and feedback only.

None of these amendments were adopted under a joint planning agreement. The amendments were transmitted as part of DEO 23-01ESR. No changes were made between the transmittal and adoption hearings, and therefore the amendments are identical to that which was transmitted on June 8, 2023 of this year.

Town of Havana has previously submitted a complete package with support documents as part of the transmittal package. Therefore, no support documents beyond the executed Ordinances are included in this transmittal.

Pursuant to Chapter 163.3184(3) F.S., Town Council of Havana hereby request that the Department of Economic Opportunity conduct a review of the adopted plan amendments and issue the State's subsequent final determination of Completeness.

The Contact Person is: Fredrick L. Green, Jr., Town Clerk
Town of Havana
Post Office Box 1068
Havana, FL 32333
Phone: (850) 539-2820
E-Mail: clerk@townofhavana.com

Please do not hesitate to contact me if you have any questions or if anything further information is required.

Sincerely,

A handwritten signature in black ink, appearing to read 'KW', is positioned above the printed name of the signatory.

Kendrah Wilkerson
Town Manager, Havana

Enclosures

ORDINANCE 398

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR TWO ADJOINING PARCELS IDENTIFIED BY PARCEL ID NUMBERS 2-27-3N-2W-0250-0000C-0350 AND 2-27-3N-2W-0250-0000C-0360, CONTAINING APPROXIMATELY 1.65 ACRES, FROM NEIGHBORHOOD CONSERVATION DISTRICT TO DEVELOPMENT DISTRICT; PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has adopted Chapter 163, F.S., which requires Town of Havana, Florida to prepare and adopt and enforce a comprehensive plan; and

WHEREAS, the Havana Town Council, acting as the Local Planning Agency, held a properly noticed public hearing to consider the proposed amendment to the Future Land Use Map of the Comprehensive Plan on April 27, 2023 and again on May 30, 2023, and recommended that the amendment be approved by the Havana Town Council for transmittal and adoption; and,

WHEREAS, the amendment is known by the name of the Neighborhood Medical Center Small Scale Future Land Use Map Comprehensive Plan Amendment ("SSPA 2023-01")

WHEREAS, the Havana Town Council held a properly noticed public hearing on May 30, 2023, to consider SSPA 2023-01 and after consideration of the data and analyses and public comments received during the public hearing, voted to adopt and transmit SSPA 2023-01 to the to the Florida Department of Economic Opportunity ("DEO"); and,

WHEREAS, in the exercise of its authority, the Havana Town Council finds it necessary and desirable to adopt and does hereby adopt the Comprehensive Plan Amendment SSPA 2023-01, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the incorporated jurisdictional boundaries of the Town of Havana.

Now therefore, be it ordained by the Havana Town Council, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Future Land Use Map of the Town of Havana Comprehensive Plan, as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

All parts of the Future Land Use Map of the Town of Havana Comprehensive Plan in conflict with this ordinance are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held void, unenforceable or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining provisions, sentences, clauses, or phrases and their application shall not be affected and shall remain in full force and effect.

Section IV: Correction of Scrivener's Errors

The Town Attorney may correct any scrivener's errors found in this Ordinance, including the Exhibits attached hereto, by filing a corrected copy of the Ordinance with the Clerk.

Section V: Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be thirty-one (31) days after the state land planning agency notifies the Town that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administrative Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

INTRODUCED in open session of the Town Council of the Town of Havana, Florida, on the 30th day of May, 2023.

PASSED in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023

By: 

Presiding Officer of the Town Council of the Town of Havana, Florida

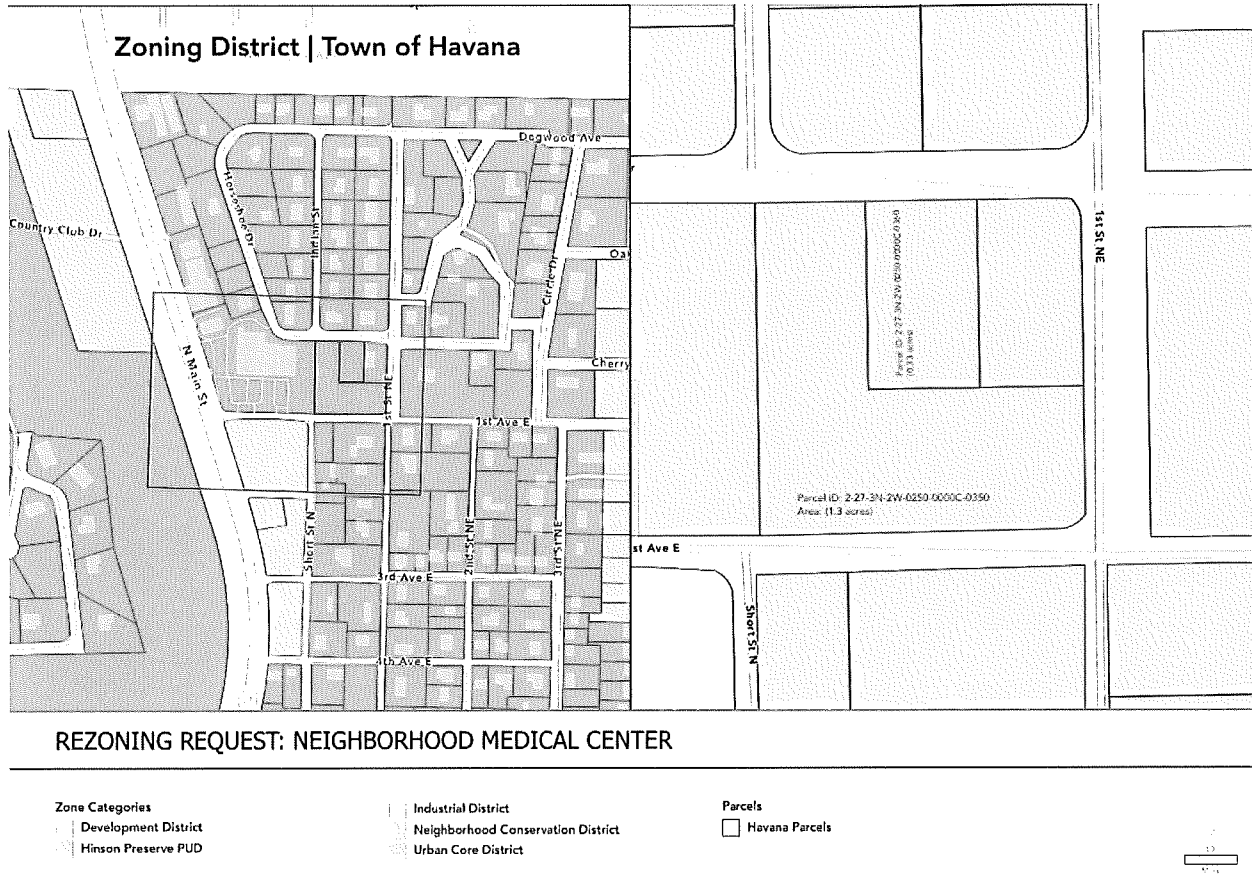
ATTEST:



Clerk of the Town of Havana and
Clerk of the Town Council thereof

Exhibit A

The Amendment to the Future Land Use Map of the Town of Havana Comprehensive Plan



ORDINANCE 399

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR FIVE PARCELS IDENTIFIED BY PARCEL ID NUMBERS 2-27-3N-2W-0250-0000C-0120, 2-27-3N-2W-0250-0000C-0140, 2-27-3N-2W-0250-0000C-0171, 2-27-3N-2W-0250-0000C-0210 AND 2-27-3N-2W-0250-0000C-0280, CONTAINING APPROXIMATELY 6.91 ACRES, FROM NEIGHBORHOOD CONSERVATION DISTRICT TO DEVELOPMENT DISTRICT; PROVIDING FOR REPEAL, SEVERABILITY, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida legislature has adopted Chapter 163, F.S., which requires Town of Havana, Florida to prepare and adopt and enforce a comprehensive plan; and

WHEREAS, the Havana Town Council, acting as the Planning Committee, held a properly noticed public hearing to consider the proposed amendment to the Future Land Use Map of the Comprehensive Plan on April 27, 2023 and again on May 30, 2023, and recommended that the amendment be approved by the Havana Town Council for transmittal and adoption; and,

WHEREAS, the amendment is known by the name of the NORTH MAIN STREET Small Scale Future Land Use Map Comprehensive Plan Amendment ("SSPA 2023-02")

WHEREAS, the Havana Town Council held a properly noticed public hearing on May 30, 2023, to consider SSPA 2023-02 and after consideration of the data and analyses and public comments received during the public hearing, voted to adopt and transmit SSPA 2023-02 to the to the Florida Department of Economic Opportunity ("DEO"); and,

WHEREAS, in the exercise of its authority, the Havana Town Council finds it necessary and desirable to adopt and does hereby adopt the Comprehensive Plan Amendment SSPA 2023-02, in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the incorporated jurisdictional boundaries of the Town of Havana.

Now therefore, be it ordained by the Havana Town Council, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Future Land Use Map of the Town of Havana Comprehensive Plan, as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

All parts of the Future Land Use Map of the Town of Havana Comprehensive Plan in conflict with this ordinance are hereby repealed and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held void, unenforceable or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining provisions, sentences, clauses, or phrases and their application shall not be affected and shall remain in full force and effect.

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PASSED in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023

By: _____

Presiding Officer of the Town Council of the Town of Havana, Florida

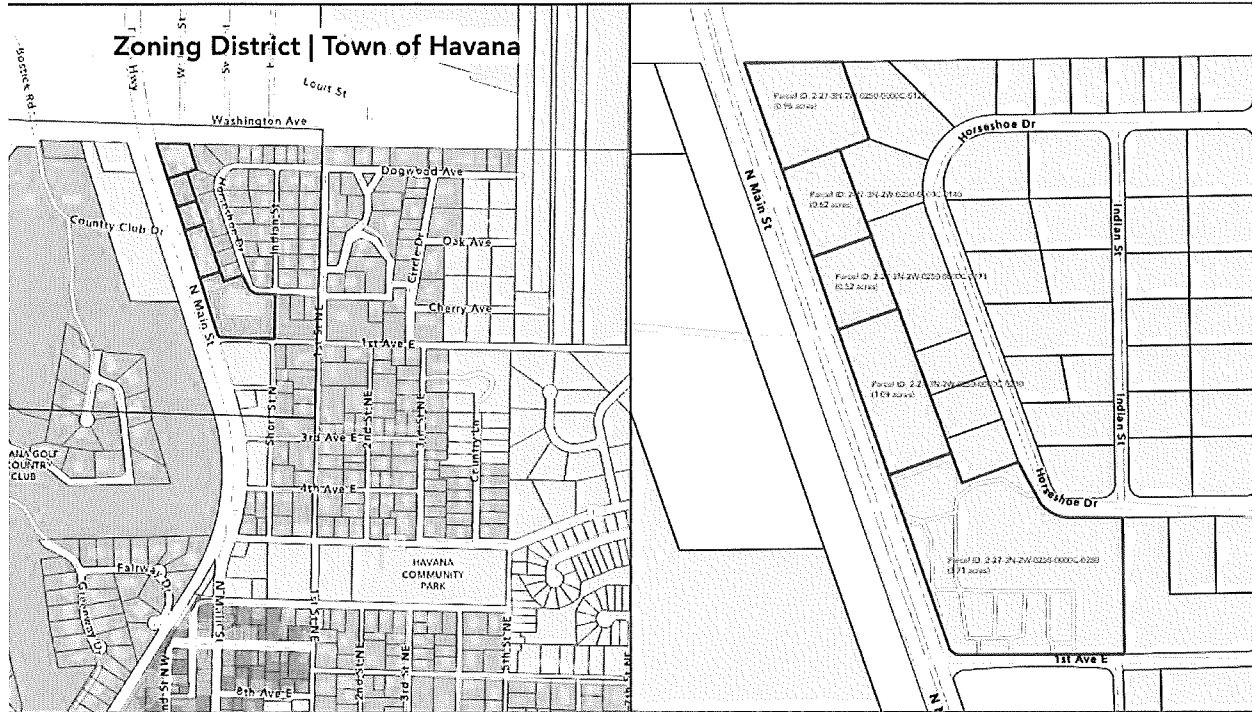
ATTEST:

Frederick L. B.

Clerk of the Town of Havana and
Clerk of the Town Council thereof

Exhibit A

The Amendment to the Future Land Use Map of the Town of Havana Comprehensive Plan



REZONING REQUEST: FIVE PARCELS FRONTING US 27

Zone Categories
Development District
Hinson Preserve PUD

Industrial District
Neighborhood Conservation District
Urban Core District

Parcels
Havana Parcels



Comprehensive Plan PDF Upload Successful

Your amendment has been uploaded successfully. The Department's IT Division will scan the amendment for security purposes and send it to the Community Development Plan Processing Team for processing. You will be receiving an acknowledgement letter confirming the Department's receipt of the amendment package once the amendment package has been processed.

Donna Harris
Plan Processing

(850)717-8491
[E-mail](#)

[Back](#)[Exit](#)

- uploaded final/adopted
7/17/23 2:00 pm KW



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>	<p>A. Signature <input checked="" type="checkbox"/> Cheryl Powers <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>																
<p>1. Article Addressed to:</p> <p>Regency Marianna LLC 380 Cross Pointe Blvd N. Evansville, IN 47715</p>	<p>B. Received by (Printed Name) Cheryl Powers</p> <p>C. Date of Delivery</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7021 1970 0002 1149 0590</p>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>9590 9402 7582 2098 5685 12</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Collect on Delivery Restricted Delivery		<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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PS Form 3811, July 2020 PSN 7530-02-000-9053

Domestic Return Receipt