

Coastal High Hazard Area EAR Statements

Section 163.3191(2)(m), Florida Statutes says that:

If any of the jurisdiction of the local government is located within the coastal high-hazard area, an evaluation of whether any past reduction in land use density impairs the property rights of current residents when redevelopment occurs, including, but not limited to, redevelopment following a natural disaster. The property rights of current residents shall be balanced with public safety considerations. The local government must identify strategies to address redevelopment feasibility and the property rights of affected residents. These strategies may include the authorization of redevelopment up to the actual built density in existence on the property prior to the natural disaster or redevelopment.

BACKGROUND

Does your municipality have land that is located within the defined Coastal High Hazard Area (CHHA)? That is, does your jurisdiction have lands that are located within the evacuation zone of a Category 1 hurricane as identified by the most recent regional Hurricane Evacuation Plan? If the answer is “Yes,” then you must evaluate the following issues in your EAR.

1. Has there been a change in zoning or land use designation that resulted in a reduction in dwelling unit density within the area since the plan was adopted or after the last plan amendment?
2. Did the reduction in density impair owners property rights when the intensity of permitted development or redevelopment was reduced? Note that redevelopment can occur following a natural disaster or it can be a result of a decision to tear down and rebuild. Also note that while the statute refers to “current residents,” the intent is to determine if the property rights of current *owners* have been impaired.
3. If a plan amendment reduced the land use density within the CHHA, your city or town must identify strategies to address redevelopment feasibility and the property rights of those affected.

I. EAR STATEMENT FOR DOWNZONED PROPERTY

Did your municipality down-zone any property since the plan was adopted or last amended? If the answer is “Yes,” and a down-zoning has taken place, evaluate your plan to determine if it addresses these two questions:

- a. Did the down-zoning impair property rights? If so, how? How many dwelling units can be built now compared with what could previously have been built?
- b. Does the comprehensive plan address redevelopment after a natural disaster or for purposes of rebuilding?

If the comprehensive plan does not address these situations, or if the existing strategies are inadequate, you may consider making the following recommendations within your EAR:

The [City/Town of _____] comprehensive plan will be amended to include redevelopment strategies that address:

- a. How redevelopment will occur following a natural disaster; and
- b. How redevelopment will be evaluated as a result of demolition of an existing structure or structures within the CHHA for the purpose of redevelopment.

II. EAR STATEMENT FOR PROPERTY THAT HAS NOT BEEN DOWNZONED

If no down-zoning has occurred since the last amendment to your comprehensive plan, you may consider making the following statement within your EAR. This could be a statement within the evaluation of the successes or shortcomings of the Future Land Use Element, or the Coastal Management Element.

No changes have been made to the land use categories as designated in the [City/Town of _____] comprehensive plan as of [date]. Therefore, no property within the CHHA has been subject to a decrease in density or intensity since the plan’s [adoption/amendment] in [date].

III. EAR STATEMENT FOR PLANS NOT REFERENCING THE CHHA

If the comprehensive plan does not contain any reference to the Coastal High Hazard Area, or, if the plan defines the Coastal High Hazard Area as the FEMA velocity zone or uses some other definition, then you should consider inserting the following recommendation in your EAR:

The [City/Town of _____] comprehensive plan will be amended to provide the proper definition, to develop strategies to address redevelopment feasibility and the

property rights of affected property owners in the event that the [town/city] decides to limit the density or intensity of properties within the CHHA.

IV. EAR STATEMENT FOR MUNICIPALITIES HAVING NO LAND IN THE CHHA

If your jurisdiction does not have any land within the CHHA, then you may consider using the following statement either separately or within the summary of the Future Land Use Element or the Coastal Management Element.

The [Town/City of _____] does not have any land located within the Coastal High Hazard Area as depicted on the Hurricane Evacuation Map, Category 1 zone of the most current regional hurricane evacuation study. This study is on file with the Pinellas County Emergency Management Office, the Pinellas County Planning Department, and the Tampa Bay Regional Planning Council.