

ORDINANCE NO. 2024-20

AN ORDINANCE OF THE CITY OF FLAGLER BEACH, FLORIDA, AMENDING THE COMPREHENSIVE PLAN TO ADD A PROPERTY RIGHTS ELEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires the City to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires the City's comprehensive plan to include a property rights element; and

WHEREAS, the City of Flagler Beach respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the City of Flagler Beach respects the rights of all people to participate in land use planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a new Section "J" Property Rights Element.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLAGLER BEACH CITY COMMISSION

SECTION 1. The City of Flagler Beach comprehensive plan is amended by adding the property rights element attached as EXHIBIT A and made a part of this ordinance as if set forth in full.

SECTION 2. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 3. Codification. It is the intent of the City Commission of the City of Flagler Beach that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provisions of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become after adoption in accordance with applicable law.

Ordinance 2024-20 cont.

First Public Hearing September 3, 2024. First reading September 17, 2024.

ADOPTED by the City Commission of the City of Flagler Beach, Florida, this _____ day of _____, 2024.

City of Flagler Beach, Florida

Patti King, Mayor

Attest:

Penny Overstreet, City Clerk

EXHIBIT A

J.- PROPERTY RIGHTS ELEMENT

GOAL J.1: Ensure that private property rights are considered in the City's decision-making process.

Objective J.1: Private property rights. The City will consider the property rights set forth in the policies of this element when making land use and zoning decisions. This objective and the policies within this element do not create any property rights or due process rights that are not already judicially acknowledged and constitutionally protected. This objective and the policies within this element are not intended to alter the legislative nature of decisions made in the adoption of comprehensive plan amendments and land development code amendments. This objective and the policies within this element are not intended to require evidence, discussion, or findings of fact concerning the matters set forth herein. Ordinances adopted and land use and zoning decisions made by the City are presumed to have considered the matters set forth in this element.

Policy J.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 J.1.2. 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.

Policy J.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 J.1.4 The right of a property owner to dispose of his or her property through sale or gift.