



**TOWN OF HIGHLAND BEACH
ORDINANCE NO. 2022-006**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE
TOWN OF HIGHLAND BEACH, FLORIDA, AMENDING
THE TOWN'S COMPREHENSIVE PLAN BY ADDING A
NEW PROPERTY RIGHTS ELEMENT; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICTS; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, House Bill 59, effective July 1, 2021, updated Section 163.3177(6)(i)1, Florida Statutes, to require each local government to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision-making; and

WHEREAS, the Town Commission of the Town of Highland Beach desires to amend its Comprehensive Plan in order to add such property rights element consistent with Section 163.3177(6)(i)1, Florida Statutes; and

WHEREAS, on May 12, 2022 the Planning Board, sitting as the Local Planning Agency, conducted a public hearing to review the proposed amendment to the Town's Comprehensive Plan and providing a recommendation to the Town Commission; and

WHEREAS, having conducted all of the duly advertised public hearings required by Chapter 163, Florida Statutes, the Town Commission wishes to amend its Comprehensive Plan and determines that the adoption of this Ordinance is in the interests of the health, safety and welfare of the residents of the Town of Highland Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF HIGHLAND BEACH, FLORIDA that:

SECTION 1. The Comprehensive Plan is hereby amended to create a "Property Rights Element," which shall read as follows:

Goal 1

The Town will make local ~~planning and development~~ decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 1.1 The Town will respect judicially acknowledged and constitutionally protected private property rights.

Policy 1.1.1. The Town will consider the following rights in its decision making.

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 for the use of any other person, subject to state law and local ordinances.

3. The right of 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.

SECTION 2. The foregoing facts and recitations contained in the preamble to this Ordinance are hereby adopted and incorporated.

SECTION 3. In accordance with Section 163.3184(3), Florida Statutes, Town staff is hereby directed to transmit the Comprehensive Plan amendment documents to the Department of Economic Opportunity and other agencies within ten (10) working days after the initial public hearing.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance.

SECTION 6. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the Comprehensive Plan amendment package is complete or, if timely challenged, this Ordinance shall become effective upon entry of a final order by the Department of Economic Opportunity or the Administration Commission determining the adopted amendment to be in compliance.

The forgoing Ordinance, on first reading, was moved by Commissioner David, seconded by Vice Mayor Moore, and upon being put to a vote, the vote was as follows:

VOTES:	YES	NO
Mayor Douglas Hillman	X	
Vice Mayor Natasha Moore	X	
Commissioner Peggy Gossett-Seidman	X	
Commissioner Evalyn David	X	
Commissioner John Shoemaker	X	

PASSED on first reading at the Regular Commission meeting held on the 7th day of June 2022.

The forgoing Ordinance, on second reading, was moved by Commissioner _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

VOTES:

YES NO

Mayor Douglas Hillman
Vice Mayor Natasha Moore
Commissioner Peggy Gossett-Seidman
Commissioner Evalyn David
Commissioner John Shoemaker

PASSED and ADOPTED on second and final reading at the Regular Commission meeting held on the 6th day of September, 2022.

ATTEST:

Douglas Hillman, Mayor

**REVIEWED FOR LEGAL
SUFFICIENCY**

Lanelda Gaskins, MMC
Town Clerk

Glen Torcivia, Town Attorney
Town of Highland Beach