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ORDINANCE NO. 2023-10 OF THE CITY OF LAKE WORTH BEACH, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN, ADDING A NEW PROPERTY RIGHTS ELEMENT AS REQUIRED BY F.S. 163.3177(6)(i); PROVIDING THAT CONFLICTING ORDINANCES ARE REPEALED; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Florida Local Government Comprehensive Planning and Land Development Regulation Act, section 163.3220, *et seq.*, Florida Statutes, requires each municipality to adopt a comprehensive plan, including a future land use map and authorizes amendments to an adopted comprehensive plan; and

WHEREAS, City staff has prepared and reviewed an amendment to add a new required element to the City’s Comprehensive Plan regarding property rights in accordance with F.S. 163.3177(6)(i); and

WHEREAS, on May 24, 2023, the City Planning and Zoning Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the addition of the new required “Property Rights Element” to the Comprehensive Plan of the City; and

WHEREAS, on June 14, 2023, the City Historic Resources Preservation Board, sitting as the duly constituted Local Planning Agency for the City, recommended approval of the addition of the new required “Property Rights Element” to the Comprehensive Plan of the City; and

WHEREAS, the City has received public input and participation through hearings before the Local Planning Agency and the City Commission in accordance with Section 163.3181, Florida Statutes; and

WHEREAS, the State of Florida in F.S. 163.3177(6)(i), requires the creation of a “Property Rights Element” with specified property rights that must be considered by local governments in decision-making;

WHEREAS, the property rights for consideration as required in F.S. 163.3177(6)(i) reflect long established and prevailing judicially acknowledged and constitutionally protected private property rights without enhancement;

WHEREAS, the City of Lake Worth Beach will continue to respect judicially acknowledged and constitutionally protected private property rights as has always been required by prevailing law; and

WHEREAS, the City of Lake Worth Beach respects the rights of all people to participate in land use planning processes.

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LAKE WORTH BEACH, FLORIDA, that:

Section 1. The foregoing recitals are hereby affirmed and ratified.

Section 2. The text amendment language is provided in **Exhibit A**.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable,

Section 5. The effective date of this text amendment shall be thirty-one (31) days after the Department of Economic Opportunity notifies the City that the plan amendment package is complete. If timely challenged, this amendment does not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

The passage of this ordinance on first reading was moved by _____, seconded by Commissioner _____, and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

The Mayor thereupon declared this ordinance duly passed on first reading on the ____ day of _____, and shall be transmitted to the Florida Department of Economic Opportunity for review.

The passage of this ordinance on second reading was moved by Commissioner _____, seconded by Commissioner _____, as amended and upon being put to a vote, the vote was as follows:

- Mayor Betty Resch
- Vice Mayor Christopher McVoy
- Commissioner Sarah Malega
- Commissioner Kimberly Stokes
- Commissioner Reinaldo Diaz

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The Mayor thereupon declared this ordinance duly passed on the __ day of _____,
2023.

LAKE WORTH BEACH CITY COMMISSION

By: _____
Betty Resch, Mayor

ATTEST:

Melissa Ann Coyne, City Clerk

EXHIBIT A

12. PROPERTY RIGHTS ELEMENT

Goal 12.1 The City will make decisions with respect for judicially acknowledged and constitutionally protected private property rights, and with respect for people's rights to participate in decisions that affect their lives and property.

Objective 12.1.1 The City will respect judicially acknowledged and constitutionally protected private property rights.

Policy 12.1.1.1 The City will consider in its decision-making the right of a property owner/s to physically possess and control their interests in the property, including easements, leases, or mineral rights.

Policy 12.1.1.2 The City will consider in its decision-making the right of a property owner/s to use, maintain, develop, and improve their property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 12.1.1.3 The City will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 12.1.1.4 The City will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

Objective 12.1.2 People have the right to participate in planning and development decisions that affect their lives and property. As such, the City will establish land development regulations that foster transparency in decision-making processes so that all people may participate in decisions that affect their lives and property.

Policy 12.1.2.1 The City shall comply with all requirements for public notice, and shall implement its adopted enhanced notice and public outreach requirements, including a developer meeting for significant projects.

Policy 12.1.2.2 The City shall periodically review notice and public outreach requirements and best practices in support of process transparency and to effectively utilize current technology.

Policy 12.1.2.3 The City shall implement its public hearing and affected party procedures adopted in the land development regulations to ensure transparency for decision makers, applicants and affected parties in accordance with federal and state law.