

ORDINANCE NO. 2022-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WESTLAKE, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, FLORIDA STATUTES, TO ADD AND ADOPT A PRIVATE PROPERTY RIGHTS ELEMENT; PROVIDING FOR TRANSMITTAL TO THE STATE LAND PLANNING AGENCY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AUTHORITY TO CODIFY, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities adopt comprehensive plans to regulate development and planning with regard to land within their corporate limits; and

WHEREAS, the State Legislature of the State of Florida has also mandated that all municipalities shall include in their Comprehensive Development Plans a property rights element to ensure that private property rights are considered in local decision-making; and

WHEREAS, all amendments to the Comprehensive Development Plan must be adopted in accordance with detailed procedures which must be strictly followed; and

WHEREAS, the City of Westlake, Florida, has carefully prepared an amendment to its Comprehensive Development Plan in order to add a Property Rights Element; and

WHEREAS, the City of Westlake has held all duly required public hearings; both prior to submission of the proposed amendments of the plan to the State Department of Economic Opportunity and after the proposed amendment of the plan was returned to the City of Westlake, in accordance with Chapter 163.3184, Florida Statutes; and

WHEREAS, the City Council desires to adopt certain amendments to its current Comprehensive Development Plan to guide and control the future development of the City, and to preserve, promote and protect the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA, THAT:

Section 1. The City of Westlake Comprehensive Development Plan is hereby amended to add a “Private Property Rights Element”, as follows:

CHAPTER 10

PRIVATE PROPERTY RIGHTS ELEMENT

- Goal PPR 1.0.0** Ensure private property rights are considered in local decision-making to respect 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 PPR 1.1.0** Private property rights shall be considered in local decision-making based upon the following policies.
- Policy PPR 1.1.1** Property owners shall have the right to physically possess and control their interests in the property, including easements, leases, or mineral rights.
- Policy PPR 1.1.2** Property owners shall have the right to use, maintain, develop, and improve their property for personal use or the use of any other person, subject to state law and local ordinances.
- Policy PPR 1.1.3** Property owners shall have the right to privacy and to exclude others from the property to protect the owner’s possessions and property.
- Policy PPR 1.1.4** Property owners shall have the right to dispose of their property through sale or gift.
- Objective PPR 2.1.0** Decision-making will be transparent, reliable, and predictable so that all people may participate in decisions that affect their lives and property.
- Policy PPR 2.1.1** All development applications, including comprehensive plan amendments, shall be made available for public review and an affected person/party shall be provided equal opportunity for participation of in all associated hearings.

Section 2. A copy of the Comprehensive Development Plan, as amended, is on file in the office of the City Clerk, City of Westlake, Florida.

Section 3. The City of Westlake is hereby directed to transmit within ten (10) working days after adoption one (1) paper copy and two (2) electronic PDF format copies of the amendment to the current Comprehensive Development Plan to the State Land Planning Agency, along with one copy to any other agency or unit of local government that timely provided comments in accordance with Section 163.3184(3)(c)2, Florida Statutes.

Section 4. Each and every other section and subsection of the City of Westlake Comprehensive Development Plan shall remain in full force and effect as previously adopted.

Section 5. All Ordinances or parts of Ordinances in conflict be and the same are hereby repealed.

Section 6. 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 7. Specific authority is hereby given to codify this Ordinance and make it part of the City's Comprehensive Development Plan.

Section 8. This plan amendment shall not become effective until 31 days after the State Land Planning Agency notifies the City that the plan amendment is complete. If timely challenged, this amendment does not become effective until the State Land Planning Agency or Administration Commission enters a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(3)(c)4, Florida Statutes. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

Section 9. **Effective Date:** This ordinance shall be effective upon adoption on second reading.

City of Westlake
JohnPaul O'Connor, Mayor

Zoie Burgess, City Clerk

APPROVED AS TO LEGAL FORM:

OFFICE OF THE INTERIM CITY ATTORNEY

