

ORDINANCE NO. 2024-01

AN ORDINANCE AMENDING THE CITY OF COTTONDALE COMPREHENSIVE PLAN TO INCLUDE A PROPERTY RIGHTS ELEMENT; PROVIDING FOR SEVERABILITY AND FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature adopted Chapter 163, Florida Statutes which requires the City of Cottondale (the "City") to prepare, adopt, enforce and update a Comprehensive Plan to guide its future development and growth; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the City Commissioners to (a) plan for the City's future development and growth; (b) adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the county; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the City Commissioners of the City of Cottondale, Florida have designate themselves as the Local Planning Agency for the incorporated area of the City of Cottondale; and

WHEREAS, Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida) requires the City to include a property rights element in its City of Cottondale Comprehensive Plan; and

WHEREAS, the City respects judicially acknowledged and constitutional protected private property rights; and

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

WHEREAS, this ordinance will amend the Comprehensive Plan by adding a property rights element; and

WHEREAS, the City of Cottondale City Commissioners held a public hearing as required by Chapter 163, Florida Statutes with due public notice having been provided, and having reviewed and considered all comments received during the public hearings, and provided for necessary revisions; and

WHEREAS, in exercise of its authority, the City Commission finds it necessary and desirable to adopt and does hereby adopt the Amendment to the Comprehensive Plan, in order to provide a Property Rights Element.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COTTONDALE, FLORIDA, THAT:

SECTION 1. The property rights amendment to the City of Cottondale Comprehensive Plan as attached hereto and incorporated herein as Exhibit “A” is hereby adopted.

SECTION 2. Amendment. The Comprehensive Plan for the City of Cottondale, Florida is hereby amended to include the Property Rights Element, attached hereto and incorporated herein as Exhibit A.

SECTION 3. Inclusion in the City of Cottondale Comprehensive Plan. This Ordinance shall be codified in the City of Cottondale Comprehensive Plan as set forth in Exhibit “A”.

SECTION 4. Repealer. Those parts of the Comprehensive Plan for the City of Cottondale, Florida in conflict herewith are hereby repealed and superseded to the extent of such conflict and shall have no further effect whatsoever.

SECTION 5. Severability. If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION 6. Effective Date. This Ordinance shall become effective upon its adoption by the City Commission as provided by law.

INTRODUCED and read by title in open session of the City Council of the City of Cottondale, Florida, on the ____ day of _____, 2024.

PASSED in open session of the City Council of the City of Cottondale, Florida, on the ____ day of _____, 2024 by a vote of ____ to ____.

JAMES ELMORE, Mayor

ATTEST:

SHERRI R. MCBRIDE, City Clerk

EXHIBIT “A”

CHAPTER TWELVE **PROPERTY RIGHTS ELEMENT**

PURPOSE: This element is intended to ensure that the City of Cottondale considers the rights of private property owners when making decisions.

GOAL 12: Consider the property rights of private property owners when making decisions.

OBJECTIVE 1: The following rights shall be considered in the decision-making process including:

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

These policies preserve and respect judicially acknowledged, and constitutionally protected private property rights. No additional policies shall be adopted in accompanying elements of the Comprehensive Plan which conflict with or negate these property rights.