

ORDINANCE 2024-02

AN ORDINANCE AMENDING THE CITY OF COTTONDALE COMPREHENSIVE PLAN TO PROVIDE FOR THE ADOPTION OF A CERTAIN SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FOR TRIOAK ENTERPRISE, LLC; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Cottondale, Florida, has previously enacted the City of Cottondale's Comprehensive Plan on October 8, 2012; and

WHEREAS, TRIOAK ENTERPRISE, LLC owns certain real property described as:

Parcel ID# 30-5N-11-0091-0010-0000, being more particularly described as:
All of Block 1 in Cottondale, in SW ¼ of NW ¼, less lots 7 and 8 of Block 1,
All in Section 31, Township 5 North, Range 11 West, lying and being in
Jackson County, Florida, as described in OR Book 1625, at Page 411, Public
Records of Jackson County, Florida; and

WHEREAS, TRIOAK ENTERPRISE, LLC desires a change of land use to reclassify its property as commercial; 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, after appropriately advertised public hearings, the City Council has determined that said amendment is proper and lawful; and

WHEREAS, the City Council desired to amend Ordinance No. _____ to adopt a small-scale future land use amendment to the City of Cottondale's Comprehensive Plan, as requested by TRIOAK ENTERPRISE, LLC; and

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

SECTION 1. That certain real property described as:
Parcel ID# 30-5N-11-0091-0010-0000, being more particularly described as
All of Block 1 in Cottondale, in SW ¼ of NW ¼, less lots 7 and 8 of Block 1, all in
Section 31, Township 5 North, Range 11 West, lying and being in Jackson County,
Florida, as described in OR Book 1625, at Page 411, Public Records of Jackson
County, Florida,

shall be reclassified as Commercial and the City of Cottondale Comprehensive Plan shall be so amended.

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SECTION 2 – Severability. If any section of this ordinance or any portion hereof be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder as a whole or as to any part, other than the part declared to be invalid.

SECTION 3. All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall become effective upon its adoption by the City Council of the City of Cottondale, 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.

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

JAMES ELMORE, Mayor

ATTEST:

SHERRI R. MCBRIDE, City Clerk

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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.