

ORDINANCE NO. 2021-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MANGONIA PARK, FLORIDA, ADOPTING AN AMENDMENT TO ITS COMPREHENSIVE DEVELOPMENT PLAN IN ACCORDANCE WITH THE MANDATES SET FORTH IN SECTION 163.3184, ET SEQ., 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; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the State Legislature of the State of Florida has mandated that all municipalities draft and adopt Comprehensive Development Plans to provide thorough and consistent 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 Town of Mangonia Park, Florida, has carefully prepared an amendment to its Comprehensive Development Plan in order to add a Property Rights Element; and

WHEREAS, the Town of Mangonia Park 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 Town of Mangonia Park, in accordance with Chapter 163.3184, Florida Statutes; and

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

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MANGONIA PARK, FLORIDA, THAT:

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

PRIVATE PROPERTY RIGHTS ELEMENT

Goal PPR 1.0.0

PRIVATE PROPERTY RIGHTS IN DECISION-MAKING

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

Physically Possess and Control Property

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

Personal Use

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

Privacy

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

Disposition of Property

Property owners shall have the right to dispose of their property through sale or gift.

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

Section 3. The Town Clerk 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 Town of Mangonia Park 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 Town's Comprehensive Development Plan.

Section 8. This plan amendment shall not become effective until 31 days after the State Land Planning Agency notifies the Town 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.

FIRST READING this **21st** day of **September, 2021**.

SECOND AND FINAL READING this **16th** day of **November, 2021**.

TOWN OF MANGONIA PARK
VOTE:

COUNCILMEMBERS:

Mayor William H. Albury, III

Vice Mayor Sarita C. Johnson

Addie L. Greene

Clarence R. McConnell

Earl E. Smith

AYE NAY

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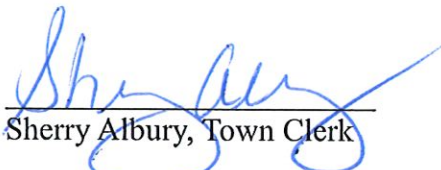
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WILLIAM H. ALBURY, III, MAYOR

(SEAL)

ATTEST:


Sherry Albury, Town Clerk