

ORDINANCE NO. 1122

AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA, ADOPTING THE PROPERTY RIGHTS ELEMENT INTO THE CITY OF LYNN HAVEN COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR A COPY ON FILE; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING FOR AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, Florida Statutes, empowers the City Commission of Lynn Haven, Florida, to prepare, amend, and enforce comprehensive plans for the development of the City; and

WHEREAS, Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida), requires a local government to adopt and include the PROPERTY RIGHTS ELEMENT in its Comprehensive Plan for any plan amendment initiated after July 1, 2021; and

WHEREAS, the Lynn Haven City Planning Commission as the Local Planning Agency (LPA) for the City held a public hearing on the proposed Comprehensive Plan Amendments after due public notice, on September 7, 2021, and considered the findings of all interested parties; and

WHEREAS, the City Commission held an adoption public hearing on XXXX, 2021, to consider this Comprehensive Plan Amendment, pursuant to Section 163.3184(3) and (11), Florida Statutes, with due public notice having been provided, and having reviewed and considered all comments received during the public hearing, and having provided for necessary revisions; and

WHEREAS, in exercise of its authority, the City Commission of Lynn Haven, Florida, finds it necessary and desirable to adopt and does hereby adopt this Comprehensive Plan Amendment in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future issues that may result from the use and development of land within the City of Lynn Haven, Florida.

NOW THEREFORE, BE IT ORDAINED by the City Commission of Lynn Haven, Florida as follows:

SECTION 1. From and after the effective date of this ordinance, the Property Rights Element shall be included in the Comprehensive Plan as a new and separate Element. The following new text shall be added to the Comprehensive to read as follows (deleted text, ~~stricken~~; new text, **double underlined and bold**):

PROPERTY RIGHTS ELEMENT

GOAL 1: Establish the Property Rights of Individual Land Owners

The following rights shall be considered in local decision making:

- 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.**
- 2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.**
- 3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.**
- 4. The right of a property owner to dispose of his or her property through sale or gift.**

SECTION 2. Title of Comprehensive Plan Amendment.

This Comprehensive Plan Amendment for the City of Lynn Haven, Florida, shall be entitled "City of Lynn Haven Comprehensive Plan Amendment ESR 2021-01."

SECTION 3. All ordinances or parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 4. The appropriate officers and agents of the City are authorized and directed to codify, include, and publish the provisions of this Ordinance within the Code, and unless a contrary ordinance is adopted within ninety (90) days following such publication, the codification of this Ordinance shall become the final and official record of the matters herein ordained.

SECTION 5. This Ordinance shall take effect immediately upon passage.

PASSED, APPROVED, AND ADOPTED this 14th day of DECEMBER, 2021.

CITY OF LYNN HAVEN,
FLORIDA

BY: _____


Jesse Nelson, Mayor

ATTEST:



Vickie Gainer
City Manager/Clerk

First Reading: November 9, 2021

Second Reading: DECEMBER 14, 2021