

## ORDINANCE NO. 806

### **AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY TO INCLUDE CHAPTER 10 AS THE PROPERTY RIGHTS ELEMENT PURSUANT UNDER FLORIDA STATE STATUTES SECTION 163.3177, PROVIDING FOR A REPEALER, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 163.3184, Florida Statutes, provides for the authority and procedure for the City Council of Mexico Beach, Florida to amend its comprehensive Plan utilizing procedures applicable to Large-Scale Amendments; and

WHEREAS, the Mexico Beach Planning and Zoning Board, acting as the Local Planning Agency, reviewed this Large-Scale Comprehensive Plan Text Amendment to the Comprehensive Plan on January 9, 2023, during a duly noticed public hearing and recommended that said amendment be approved by the Mexico Beach City Council; and

WHEREAS, pursuant to Florida Statute 163.3184(11), the Mexico Beach City Council held a public hearing on January 10, 2023, to consider the transmittal of this amendment to all required state reviewing agencies; and

WHEREAS, on March 14, 2023, the Mexico Beach City Council, after consideration of the public comments received during the public hearing, voted to approve this Ordinance; and

WHEREAS, in the exercise of its authority, the Mexico Beach City Council finds it necessary and desirable to adopt and does hereby adopt this Large-Scale Comprehensive Plan Text Amendment of the Mexico Beach Comprehensive Plan contained herein in order to encourage the most appropriate use of land, water and resources, consistent with the public interest; and deal effectively with future problems that may result from the use and development of land within the City of Mexico Beach; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MEXICO BEACH THAT:

#### SECTION 1. APPROVAL OF AMENDMENT

The Comprehensive Plan of the City of Mexico Beach is hereby amended as set forth in Exhibit "A" to include Chapter 10 as the Property Rights Element.

#### SECTION 2. CONSISTENCY WITH THE CITY OF MEXICO BEACH COMPREHENSIVE PLAN

The City Council hereby finds and determines that the approval of the Large-Scale Comprehensive Plan Text Amendment is consistent with the Goals, Objectives, and Policies of the City of Mexico Beach Comprehensive Plan, as amended.

### SECTION 3. ENFORCEMENT

The City may enforce this Ordinance as authorized by law.

### SECTION 4. COMPREHENSIVE PLAN

Upon this Ordinance becoming effective, the Comprehensive Plan of the City of Mexico Beach shall be amended as depicted on Exhibit "A" to include Chapter 10 as the Property Rights Element.

### SECTION 5. REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed and shall have no further effect whatsoever.

### SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or any particular application thereof shall be held void, invalid, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses, or phrases and their application shall not be affected and shall remain in full force and effect.

### SECTION 6. SCRIVENER'S ERRORS

The City Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk. A scrivener's error may not include an amendment that changes the context or meaning of the Ordinance.

### SECTION 7. EFFECTIVE DATE

If the amendment is not timely challenged, the amendment adopted under this paragraph shall become effective thirty-one (31) days after the state land planning agency notifies City that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

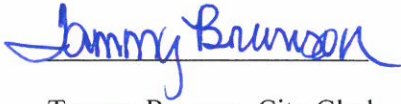
No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED, APPROVED, AND ADOPTED at a duly noticed public hearing of the Mexico Beach City Council this 14th day of March 2023.

ATTEST:



William A. Cathey, Mayor



Tammy Brunson, City Clerk

## EXHIBIT "A"

### PROPERTY RIGHTS ELEMENT

**GOAL 10A:** The City will make decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

**Objective 10.1:** The City will respect judicially acknowledged and constitutionally protected private property rights.

**Policy 10.1.1:** The City will consider in its decision-making 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 10.1.2:** The City will consider in its decision-making 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.

**Policy 10.1.3:** The City will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

**Policy 10.1.4:** The City will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.