

ORDINANCE 2021-013

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
PARKLAND, FLORIDA, AMENDING THE COMPREHENSIVE PLAN BY
ADDING A NEW PROPERTY RIGHTS ELEMENT, AS REQUIRED BY
STATE LAW; PROVIDING FOR TRANSMITTAL TO THE STATE LAND
PLANNING AGENCY; PROVIDING FOR CONFLICTS, SEVERABILITY,
AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires The City of Parkland to maintain a Comprehensive Plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires The City of Parkland's Comprehensive Plan to include a Property Rights element; and

WHEREAS The City of Parkland respects judicially acknowledged and constitutionally protected private property rights; and

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

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

WHEREAS, notice and hearing requirements have been duly satisfied, as required by Florida Statutes and City of Parkland Code of Ordinances.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
CITY OF PARKLAND, FLORIDA AS FOLLOWS:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct; and, are hereby incorporated herein and made a part hereof.

Section 2. The City of Parkland Comprehensive Plan is amended by adding the property rights element attached as Exhibit "A" and made a part of this ordinance as if set forth in full.

Section 3. The City Manager is hereby directed to transmit this amendment to the State Planning Agency in accordance with the procedures established in F.S. § 163.3184.

Section 4. If any word, phrase, clause, sentence of this Ordinance if for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Section 5. All other Ordinances in conflict herewith are repealed to the extent of such conflict.

Section 6. This Ordinance shall take effect 31 days after the Florida Department of Economic Opportunity (DEO) notifies the City that the plan amendment package is complete, unless timely challenged pursuant to Subsection 163.3184(5), F.S., in which case the Ordinance shall take effect on the date that the DEO or the Administration Commission enters a final order determining the adopted amendment to be in compliance. Further, this Ordinance shall not take effect until the amendment is recertified by the Broward County Planning Council.

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43 PASSED FIRST READING THIS 13th DAY OF SEPTEMBER, 2021.

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45 ADOPTED ON SECOND READING THIS 1ST DAY OF DECEMBER, 2021.

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48 CITY OF PARKLAND, FLORIDA

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56 ATTEST:

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ALYSON MORALES, MMC
61 CITY CLERK

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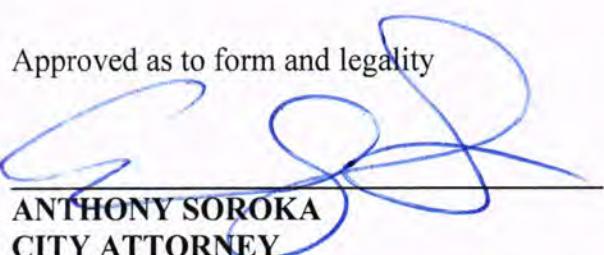
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65 Approved as to form and legality

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ANTHONY SOROKA
70 CITY ATTORNEY

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73 Record of the vote

74 Mayor Walker

Yes

75 Vice Mayor Cutler

Yes

76 Commissioner Brier

Yes

77 Commissioner Isrow

Yes

78 Commissioner Mayersohn

Yes

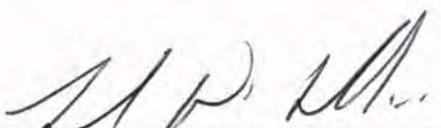

RICHARD W. WALKER
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MAYOR



EXHIBIT "A"

CHAPTER ELEVEN

PROPERTY RIGHTS GOALS, OBJECTIVES, AND POLICIES

GOAL 11.1 THE CITY OF PARKLAND (“CITY”) WILL MAKE LOCAL POLICY DECISIONS WITH RESPECT FOR PROPERTY RIGHTS AND WITH RESPECT FOR PEOPLE’S RIGHTS TO PARTICIPATE IN DECISIONS THAT AFFECT THEIR LIVES AND PROPERTY.

11.1 Objective:

The City will respect judicially acknowledged and constitutionally protected private property rights.

11.1.1

Policy:

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.

11.1.2

Policy:

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.

11.1.3

Policy:

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.

11.1.4:

Policy:

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.