

**ORDINANCE NO. O-21-20**

**AN ORDINANCE AMENDING ORDINANCE 2011-03, THE 2030 LAKE HAMILTON COMPREHENSIVE PLAN, BY ADDING A PROPERTY RIGHTS ELEMENT/POLICY AS REQUIRED BY GENERAL LAW; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 163.3167, Florida Statutes, requires Town of Lake Hamilton to maintain a comprehensive plan to guide its future development and growth; and

**WHEREAS**, Chapter 2021-195, Laws of Florida, requires each local government in Florida to include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making; and

**WHEREAS**, this ordinance will amend the comprehensive plan by adding a property rights element; and (or the proposed amendment in this Ordinance addresses the above referenced Statute changes enacted by the Florida Legislature; )

**WHEREAS**, the Planning Commission heard public input and recommended that the Town Council amend the Town of Lake Hamilton's 2030 Comprehensive Plan as stated in this Ordinance; and

**WHEREAS**, the Town Council of the Town of Lake Hamilton, Florida, deems it appropriate to amend the Comprehensive Plan in order to further the public interest and the general welfare of the citizens of the Town of Lake Hamilton.

**NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:**

**SECTION 1. COMPREHENSIVE PLAN TEXT AMENDMENT.** Consistent with Section 163.3177(6)(i)1., Florida Statutes, the Town of Lake Hamilton amends the 2030 Comprehensive Plan by adding the property rights element:

**OBJECTIVE 1.7:** Property rights shall be considered in local decision making.

**POLICY 1.7.1:** 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 1.7.2:** 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.

**POLICY 1.7.3:** The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

**POLICY 1.7.4:** The right of a property owner to dispose of his or her property through sale or gift.

**SECTION 2. SEVERABILITY.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**SECTION 3. ADMINISTRATIVE CORRECTION OF SCRIVENER’S ERRORS.** The correction of typographical and/or scrivener’s errors which do not affect the intent may be authorized by the Town Administrator or designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

**SECTION 4. CONFLICTS WITH OTHER ORDINANCES.** That portion of any Ordinance or Resolution which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance but only to the extent of such conflict.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall immediately take effect upon receipt of a "Final Order" issued by the Department of Economic Opportunity finding the amendment in compliance with Section 163.3184, Florida Statutes.

INTRODUCED on first reading this \_\_\_\_ day of \_\_\_\_\_ 2021.

PASSED on second reading this \_\_\_\_ day of \_\_\_\_\_, 2021.

TOWN OF LAKE HAMILTON, FLORIDA

\_\_\_\_\_  
MICHAEL KEHOE, MAYOR

ATTEST:

\_\_\_\_\_  
BRITTNEY SANDOVALSOTO, TOWN CLERK

Approved as to form:

\_\_\_\_\_  
HEATHER R MAXWELL, ESQ., TOWN ATTORNEY

Record of Vote	Yes	No
Roberson	_____	_____
Tomlinson	_____	_____
O’Neill	_____	_____
Wagner	_____	_____
Kehoe	_____	_____