

ORDINANCE NO. 09-2022

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, AMENDING THE CITY OF SEMINOLE COMPREHENSIVE PLAN TO CREATE A PROPERTY RIGHTS ELEMENT AS REQUIRED BY STATE LAW; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, subsection 163.3164, Florida Statutes (F.S.), establishes the Community Planning Act; and,

WHEREAS, the City of Seminole is required to adopt a comprehensive plan pursuant to the provisions of Subsection 163.3184, F.S.; and,

WHEREAS, the City of Seminole has prepared an amendment to the Comprehensive Plan to create a Property Rights Element as required by State law; and,

WHEREAS, the City of Seminole Developmental Review Board, acting as the Local Planning Agency, after due public notice held a public hearing on December 20, 2021, to consider amending the comprehensive plan to address creating a Property Rights Element; and,

WHEREAS, subsequent to the public hearing the Local Planning Agency recommended that the amendment to the comprehensive plan to create a Property Rights Element be transmitted to the City Council for review and action; and,

WHEREAS, after due notice, pursuant to Subsection 163.3184 (11), published on March 30, 2022, the City of Seminole City Council on April 12, 2022, adopted on first reading the proposed amendment to create a Property Rights Element; and,

WHEREAS, the City of Seminole has transmitted a copy of this Ordinance for review and comment to the Department of Economic Opportunity (DEO), and other agencies, in accordance with Chapter 163, F.S.; and,

WHEREAS, the City of Seminole has considered and addressed the Florida Department of Economic Opportunity (DEO) "Objections, Recommendations, and Comments Report"; and,

WHEREAS, after due notice published on November 23, 2022, the City of Seminole City Council acting as the Local Governing Body on December 06, 2022, adopted on second and final reading the amendment to create a Property Rights Element; and,

WHEREAS, the City of Seminole affirmatively declares that said adopted comprehensive plan amendment is consistent with the Countywide Plan and the Countywide Rules, as amended.

NOW, THEREFORE, BE IT ORDAINED, by the City of Seminole, Florida, as follows:

Section 1. This ordinance is adopted in compliance with, and pursuant to, the Community Planning Act, Chapter 163, Part II, et. seq., Florida Statutes.

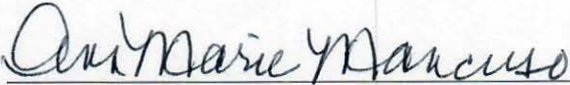
- Section 2.** Exhibit A to this ordinance is hereby adopted as part of the Comprehensive Plan as the Property Rights Element.
- Section 3.** It is the intention of the City Council of the City of Seminole that each provision hereof be considered severable, and that the invalidity of any provision of this ordinance shall not affect the validity of any other provisions of this ordinance, the City of Seminole Comprehensive Plan, or the City of Seminole Land Development Code.
- Section 4.** The effective date of this plan amendment shall not be effective until 31 days after the state land planning agency notifies the local government 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.

PUBLISHED: March 30, 2022
APPROVED ON FIRST READING: April 12, 2022
PUBLISHED: November 23, 2022
PASSED AND ADOPTED ON
SECOND AND FINAL READING: December 06, 2022


LESLIE WATERS, MAYOR

I, Ann Marie Mancuso, City Clerk of the City of Seminole, Florida, County of Pinellas, State of Florida, a municipal corporation do hereby certify the foregoing and hereto attached is a true and correct copy of Ordinance No. 09-2022 which is on file in the City Clerk's Office:

IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of the City of Seminole, Pinellas County, Florida, this 6 day of December, 2022.


Ann Marie Mancuso, City Clerk



PROPERTY RIGHTS ELEMENT

GOAL:

THE CITY SHALL ENSURE THAT THE RESIDENTIAL AND COMMERCIAL CHARACTER AND TAX BASE OF THE CITY OF SEMINOLE IS MAINTAINED AND PROTECTED WHILE:

- **ENHANCING NATURAL, HISTORICAL AND MAN-MADE RESOURCES FOR USE BY CITIZENS AND VISITORS;**
- **MINIMIZING THE THREAT TO HEALTH, SAFETY, AND WELFARE POSED BY HAZARDS, NUISANCES, INCOMPATIBLE LAND USES, AND ENVIRONMENTAL DEGRADATION; AND**
- **ENSURING CITY REGULATORY AND LAND USE DECISIONS ARE BASED PRIMARILY ON THE PUBLIC SAFETY, HEALTH AND WELFARE OF THE RESIDENTS, INSTITUTIONS, AND BUSINESSES OF THE CITY AS WHOLE, AND ON THE GOALS, OBJECTIVES AND POLICIES OF THIS COMPREHENSIVE PLAN, AND BALANCING SUCH DECISIONS IN CONSIDERATION OF PRIVATE PROPERTY RIGHTS.**

Objective 1.1 Consideration of Property Rights

Policy 1.1.1. Pursuant to Florida Statutes Chapter 163.3161(10), 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 interest 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 the use of any other person, subject to state law and local ordinance.
3. The right of a 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.

Policy 1.1.2. Consideration of property rights shall also include ensuring city regulatory and land use decisions are based primarily on the public safety, health and welfare of the residents, institutions, and businesses of the city as whole, and consistency with and furthering the goals, objectives and policies of this comprehensive plan.

Policy 1.1.3. All land use and regulatory decisions are required to follow the procedures, notice requirements, review criteria and appeal process pursuant to Chapter 50, Article IV Comprehensive Plan and Land Development Code Amendments.

Objective 1.2: Private Property Rights Dispute Resolution

The City shall recognize private property rights and dispute resolution pursuant to Florida Statutes Chapter 70 Relief from Burdens on Real Property Rights, Sections 70.001 (Bert J. Harris, Jr. Private Property Rights Protection Act) and 70.51 (Florida Land Use and Environmental Dispute Resolution Act).

Policy 1.2.1: The City shall, as applicable, prepare and adopt procedures to address the appeal of a City decision relative to the comprehensive plan, rezoning, or a development order as provided for by Florida Statutes Chapter 70.001 and 70.51.