

**ORDINANCE NO. 2023-015**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY OF COCONUT CREEK COMPREHENSIVE PLAN TO ADOPT A PROPERTY RIGHTS ELEMENT, ATTACHED HERETO AS “EXHIBIT A;” PROVIDING FOR TRANSMITTAL; PROVIDING THAT ALL PREREQUISITES TO ADOPTION HAVE BEEN SATISFIED; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the provisions of the Community Planning Act, within Part II of Chapter 163, Florida Statutes, require adoption and continuous review of a municipal comprehensive plan; and

**WHEREAS**, the City of Coconut Creek, pursuant to the Community Planning Act, currently has an adopted Comprehensive Plan, which was submitted to and reviewed by the applicable agencies authorized by Chapter 163, Florida Statutes, and has been found in compliance with Chapter 163, Florida Statutes, and has been certified by the Broward County Planning Council; and

**WHEREAS**, Section 163.3177(6)(i)1., Florida Statutes, requires the City of Coconut Creek Comprehensive Plan to include a property rights element; and

**WHEREAS**, a public hearing was held on May 10, 2023, by the City of Coconut Creek Planning and Zoning Board, acting as the City’s Local Planning Agency, in compliance with Chapter 163, Florida Statutes, to consider the above referenced amendment; and

**WHEREAS**, the reviewing agencies authorized by Chapter 163, Florida Statutes, may make objections, recommendations, and comments (“ORC Report”) to the City not later than thirty (30) days after receiving the City’s proposed amendment; and

**WHEREAS**, the City Commission may consider said ORC Report and adopt the amendment with changes at the appropriate adoption stage; and

**WHEREAS**, the City Commission shall hold at least two (2) public hearings on the proposed amendment; one (1) at the transmittal stage and one (1) at the adoption stage in compliance with Section 163.3184(11), Florida Statutes; and

**WHEREAS**, all staff reports, minutes of meetings, findings of fact, and supporting documents within the official City Development/Project file held by the Department of Sustainable Development are hereby incorporated by reference and provide sufficient legal basis for such amendment; and

**WHEREAS**, the City Commission has considered the amendment in its entirety, staff reports, minutes of meetings, findings of fact and supporting documents, and determines the amendment is consistent with the City's adopted Comprehensive Plan and in the best interests of the City.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:**

**Section 1: Ratification.** That the foregoing "WHEREAS" clauses, recitals, findings of fact, minutes of meetings, and all staff reports and supporting documents within the official City Development/Project file held by the Department of Sustainable Development are true and correct, and are hereby incorporated by reference.

**Section 2: Comprehensive Plan Amendment – Section I.** That Volume I, Section I. "Introduction," of the City of Coconut Creek Comprehensive Plan is hereby amended to include the Property Rights Element as follows:

## **I. INTRODUCTION**

Volume One includes the adopted components of the Comprehensive Plan. The adopted components include those components that are formally adopted by the City Commission and can only be modified through the amendment process established by Chapter 163, Florida Statutes. These components include the Goals, Objectives, and Policies (GOP's) for each of the ~~nine (9)~~ ten (10) required plan elements as well as Plan Implementation Procedures. The Plan Implementation Procedures section includes requirements

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associated with development review procedures, monitoring and evaluation procedures and citizen participation. The Future Land Use Map Series, including the Future Land Use Map and all Transportation Element Maps that reflect future conditions, are also included. These maps, while included within Volume Two, are adopted by reference.

Volume Two of the Plan is titled "Support Documents". This document contains the support data and analysis upon which the Plan was based.

The 9 10 Elements or areas of study that comprise this Plan consist of:

- FUTURE LAND USE
- TRANSPORTATION ELEMENT
- HOUSING ELEMENT
- INFRASTRUCTURE ELEMENT
- CONSERVATION ELEMENT
- RECREATION AND OPEN SPACE ELEMENT
- INTERGOVERNMENTAL COORDINATION ELEMENT
- CAPITAL IMPROVEMENTS ELEMENT
- PUBLIC SCHOOL FACILITIES ELEMENT
- PROPERTY RIGHTS ELEMENT

**Section 3: Comprehensive Plan Amendment – Section X.** That Volume I the City of Coconut Creek Comprehensive Plan is amended to include the creation of a new Section X. "Property Rights Element" as follows:

## **X. PROPERTY RIGHTS ELEMENT**

### **Goals, Objectives And Policies**

#### **Goal X-1.0.0**

The City of Coconut Creek shall make planning and development decisions with respect for property rights in compliance with the requirements of Section 163.3177, Florida Statutes, as amended.

#### **Objective X-1.1.0**

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

#### **Policy X-1.1.1**

The City of Coconut Creek shall consider in its decision-making the right of a property owner to physically possess and control their interests in the property, including easements, leases, or mineral rights.

#### **Policy X-1.1.2**

The City of Coconut Creek shall consider in its decision-making the right of a property owner to use, maintain, develop, and improve their property for

personal use or for the use of any other person, subject to state law and local ordinances.

**Policy X-1.1.3**

The City of Coconut Creek shall 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 X-1.1.4**

The City of Coconut Creek shall consider in its decision-making the right of a property owner to dispose of their property through sale or gift.

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**Section 4: Transmittal of Proposed Amendment.** That upon approval on first reading, this Comprehensive Plan Amendment shall be transmitted to the Department of Economic Opportunity and other reviewing agencies pursuant to Section 163.3184, Florida Statutes.

**Section 5: Prerequisites.** That the amendment to the Comprehensive Plan has been reviewed by all of the reviewing agencies, and all procedural and substantive prerequisites have been completed prior to adoption as set forth in Part II of Chapter 163, Florida Statutes.

**Section 6: Transmittal of Adopted Amendment.** That the amendment to the Comprehensive Plan was recommended for approval by the Planning and Zoning Board as the Local Planning Agency on May 10, 2023, in compliance with Part II of Chapter 163, Florida Statutes, and is hereby adopted as an amendment to the Comprehensive Plan by the City Commission of the City of Coconut Creek, Florida. The City Commission hereby directs the City Clerk to transmit this final action to the Department of Economic Opportunity in compliance with Chapter 163, Florida Statutes.

**Section 7: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this ordinance are hereby repealed to the extent of such conflict.

**Section 8: Severability.** That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 9: Effective Date.** That this ordinance shall become effective upon its passage on second and final reading, and at such time the amendment to the Comprehensive Plan shall be deemed adopted. The effective date of the amendment within the Comprehensive Plan shall be on the 31st day after the Broward County Planning Council certifies the amendment package is complete.

PASSED FIRST READING THIS 24<sup>TH</sup> DAY OF AUGUST, 2023.

PASSED SECOND READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Joshua Rydell, Mayor

Attest:

\_\_\_\_\_  
Joseph J. Kavanagh, City Clerk

	<u>1<sup>st</sup></u>	<u>2<sup>nd</sup></u>
Rydell	<u>Aye</u>	_____
Welch	<u>Aye</u>	_____
Railey	<u>Aye</u>	_____
Brodie	<u>Aye</u>	_____
Wasserman	<u>Aye</u>	_____

\\pdc\data\Development Services\Common\Documents\PLANNING & ZONING\Project Coordinator\Ordinances\2022\ORD 2023-XXX Prop Rights  
Element Comp Plan Amendment  
JP:ae

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