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**ORDINANCE NO. O-2023-XXX**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, AMENDING THE CITY’S COMPREHENSIVE PLAN TO PROVIDE FOR THE STATE MANDATED PROPERTY RIGHTS ELEMENT BY CREATING SECTION 11, ENTITLED “PROPERTY RIGHTS” AND BY PROVIDING FOR TRANSMITTAL OF THE AMENDMENT TO THE STATE AGENCIES REQUIRED UNDER CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Oakland Park, Florida proposes a text amendment to the City’s Comprehensive Plan in accordance with the requirements of Chapter 163 of the Florida Statutes by creating Section 11, entitled “Property Rights;” and

**WHEREAS**, the Community and Economic Development Department of the City recommends that the City Commission amend the City’s Comprehensive Plan by creating Section 11, entitled “Private Rights;” and

**WHEREAS**, public hearings were held by the City of Oakland Park Local Planning Agency and Planning & Zoning Board to allow for public participation in relation to the preparation and review of the proposed amendment to the City’s Comprehensive Plan by creating Section 11, entitled “Private Rights;” and

**WHEREAS**, the first public hearing was held on \_\_\_\_\_, 2023 by the City Commission of the City of Oakland Park to allow for public participation in relation to the preparation and review of the proposed amendment to the City’s Comprehensive Plan by creating Section 11, entitled “Private Rights;” and

**WHEREAS**, the City Commission of the City of Oakland Park, Florida has determined that the public has been given the opportunity to adequately participate in the planning process as required by Chapter 163 of the Florida Statutes during the preparation and desires that the amendment be transmitted to the Florida Department of Economic Opportunity “DEO;” and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION  
OF THE CITY OF OAKLAND PARK, FLORIDA, THAT:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**SECTION 2.** The City Commission of the City of Oakland Park, Florida hereby approves and adopts the proposed amendment to the City’s Comprehensive Plan by creating Section 11, entitled “Private Rights;” is as follows:

## PROPERTY RIGHTS

Goal 11 To ensure that private property rights are protected and considered in the City's decision-making processes.

Objective 11.1 The City shall protect and preserve private property rights.

Policy 11.1.1 Property Rights: The owner of real property shall have private property rights protected and preserved as follows in accordance with Florida Statutes:

- a) The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- b) 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 and local ordinances.
- c) The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- d) The right of a property owner to dispose of his or her property through sale or gift.

**SECTION 3.** The City Clerk is further directed to transmit a certified copy of this Ordinance to the Florida Department of Economic Opportunity “DEO” pursuant to Chapter 163, Florida Statutes, as well as any other interested governmental entity.

**SECTION 4.** If any clause, section, or other part of this Ordinance shall be held by any Court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

**SECTION 5.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflicts.

**SECTION 6.** The effective date of these plan amendments shall be the date a final order is issued by the Florida Department of Economic Opportunity (DEO) finding the amendments in compliance in accordance with Section 163.3184, Florida Statutes.

**SECTION 7.** This Ordinance shall be effective upon its passage and adoption by the City Commission.

**PASSED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON FIRST READING, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.**

S. ARNST	_____
T. LONERGAN	_____
L. NEWBOLD	_____
M. ROSENWALD	_____
A. GORDON	_____

**PASSED AND ENACTED BY THE CITY COMMISSION OF THE CITY OF OAKLAND PARK, FLORIDA, ON SECOND READING, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

CITY OF OAKLAND PARK, FLORIDA

\_\_\_\_\_  
MAYOR AISHA GORDON

S. ARNST	_____
T. LONERGAN	_____
L. NEWBOLD	_____
M. ROSENWALD	_____
A. GORDON	_____

CITY OF OAKLAND PARK, FLORIDA

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ATTEST:

\_\_\_\_\_  
RENEE M. SHROUT, CMC, CITY CLERK  
LEGAL NOTE:

I hereby certify that I have approved the form of this Ordinance. (O-2023-XXX)

\_\_\_\_\_  
DONALD J. DOODY, CITY ATTORNEY