

ORDINANCE NO. 2021-10

AN ORDINANCE OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, APPROVING THE FOLLOWING AMENDMENTS TO THE TOWN OF LAKE CLARKE SHORES COMPREHENSIVE PLAN: (1) THE REVISION POLICY 3.10.1 TO THE LAND USE ELEMENT TO PROVIDE FOR IMPROVED TRANSITIONAL USES ON FOREST HILL BOULEVARD; AND (2) THE ADDITION OF COMPREHENSIVE PLAN ELEMENT 13 PROPERTY RIGHTS; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, Section 163.3167, Florida Statutes, requires that each local government prepare a Comprehensive Plan in compliance with the Local Government Comprehensive Planning and Development Act, as amended; and

Section 163.3184, Florida Statutes, allows the Comprehensive Plan to be amended in order to further the Town's planning goals and objectives and address changing conditions; and

The Town's Planning Consultant recommends approval of the Town of Lake Clarke Shores Comprehensive Plan Amendment CPA 2021-01 as set forth in a Staff Report to the Town Council dated August 1, 2021, which presents findings and recommendations, and which report is incorporated herein; and

The Local Planning Agency and Town Council of the Town of Lake Clarke Shores have conducted the required public hearings on Amendment CPA 2021-01 to the Town of Lake Clarke Shores adopted Comprehensive Plan; and

The reports, records and materials from the public hearings to adopt Amendment CPA 2021-01 are incorporated herein and relied upon by the Town Council to the extent not inconsistent with this Ordinance; and

The Town Council of the Town of Lake Clarke Shores has deemed it to be in the best interest of the citizens and residents of the Town of Lake Clarke Shores to adopt Amendment 2021-01 to the Town of Lake Clarke Shores Comprehensive Plan in accordance with Chapter 163, Florida Statutes to revise the Future Land Use Element and add the Property Rights Element.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:

SECTION 1. The previous statements are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof; all exhibits attached hereto or referenced herein are incorporated herein and made a specific part of this Ordinance.

SECTION 2. In accordance with the requirements of Section 163.3184, Florida Statutes, the Town Council hereby adopts the following amendments to the Town of Lake Clarke Shores Comprehensive Plan: (1) Revision of Policy 3.10.1 to the Future Land Use Element; and (2) addition of Element 13 Property Rights. The amendments are set forth in Exhibit "A", which is attached hereto and incorporated herein.

SECTION 3. All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 5. This Ordinance shall become effective as provided by law, without limitation, as provided in Section 163.3184(3) (c) (4), Florida Statutes.

PASSED AND ADOPTED the ___ day of _____ 2021, on first reading.

PUBLISHED the ___ day of _____ 2021, in the _____.

PASSED AND ADOPTED this ___ day of _____, 2021, on second and final Reading.

	FOR	AGAINST
BY: _____ Paul R. Shalhoub, Mayor	_____	_____
_____	_____	_____
Robert M. W. Shalhoub, Vice Mayor	_____	_____
_____	_____	_____
Gregory Freebold, President Pro Tem	_____	_____
_____	_____	_____
Valentin Rodriguez, Jr., Council Member	_____	_____
_____	_____	_____
Albert Pavon, Council Member	_____	_____

ATTEST:

BY: _____
Mary Pinkerman, CMC, Town Clerk

EXHIBIT A
Town of Lake Clarke Shores Florida
Comprehensive Plan Amendment 2021-01

(Items underlined are additions and items struck through are deletions to the Comprehensive Plan text)

1. Land Use Element Revision

Objective: 3.10 Special land use policies shall be developed by Lake Clarke Shores when necessary to address site-specific issues related to implementing the Town Land Use Goal.

Policy: 3.10.1 Reserved. In order to provide improved transition between land uses fronting on Forest Hill Boulevard, an Urban Principal Arterial Roadway, and existing single-family neighborhoods, a parcel with at minimum of 75-feet of frontage on Forest Hill Boulevard and a minimum of 40-feet of frontage along a side street may be permitted for professional office development or redevelopment. Such development or redevelopment is subject to site plan review and the following standards:

- (a) Front street setbacks are twenty-five feet except when located on Forest Hill Boulevard where ten-feet is allowed;
- (b) Side street setbacks are twenty-feet per side except when located on Forest Hill Boulevard where ten-feet is allowed;
- (c) Rear setbacks are twenty-five feet except when located on Forest Hill Boulevard where ten-feet is allowed;
- (d) Maximum lot coverage shall not exceed thirty-five percent of the lot or building site; and
- (e) Maximum height, signage and parking and loading shall meet the standards of the Limited Commercial zoning district.

2. Property Rights Element Addition

13.0 PROPERTY RIGHTS

The PROPERTY RIGHTS element is required to be included in the comprehensive plan per requirements of state planning law and rule criteria. Specifically, Chapter 163.3177(6) (i) 1, Florida Statutes, establishes the PROPERTY RIGHTS element requirement.

Chapter 163.3177(6)2, Florida Statutes establishes that each local government must adopt a property rights element in its Comprehensive Plan by the earlier of the date of its adoption of its next proposed plan amendment that is submitted after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.

Goal: 13.0 The Town of Lake Clarke Shores shall respect judicially acknowledged and constitutionally protected private property rights.

Objective: 13.1 The Town shall ensure that private property rights are considered in local decision making.

Policy: 13.1.1 The following rights shall be considered in local decision making.

- (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 for the use of any of any other person, subject to state law 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.