

ORDINANCE 397

AN ORDINANCE OF THE TOWN COUNCIL OF HAVANA, FLORIDA, AMENDING THE COMPREHENSIVE PLAN, ADDING CHAPTER ELEVEN, PROPERTY RIGHTS ELEMENT AND PROVIDING FOR REPEAL, SEVERABILITY, INCLUSION IN THE TOWN OF HAVANA COMPREHENSIVE PLAN, MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING, AND CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare and safety of existing and future residents of the county by enacting and enforcing regulations concerning the use of property necessary for the protection for the public; and

WHEREAS, the Town Council of the Town of Havana has adopted the Town of Havana Comprehensive Plan, as required pursuant to §163.3164, Florida Statutes; and

WHEREAS, The Town Council of Havana, acting as the local planning agency, reviewed this amendment and made a recommendation to the Town Council; and

WHEREAS, a duly noticed public hearing was conducted on such proposed amendment on May 30, 2023 by the Havana Planning/Historic Preservation Committee, and was introduced in open session of the Town Council on May 30, 2023, and was passed in open in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023;

WHEREAS, words with underline type shall constitute addition and strikethrough shall constitute deletions to the original text from the language existing prior to adoption of this Ordinance.

Now therefore, be it ordained by the Town Council of Havana, Florida, that:

SECTION I: Approval and Adoption of Amendment.

The amendment to the Town of Havana Comprehensive Plan as attached hereto as Exhibit "A" is hereby adopted and approved.

SECTION II: Repeal

Those parts of Chapter 11 of the Town of Havana Comprehensive Plan in conflict herewith are hereby repealed and superseded to the extent of such conflict and shall have no further effect whatsoever.

SECTION III: Severability

If any phrase or portion of this Ordinance, or the particular application thereof, shall be held invalid or unconstitutional by any court, administrative agency or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.

SECTION IV: Inclusion in the Town of Havana Comprehensive Plan

This Ordinance shall be codified in the Town of Havana Comprehensive Plan as set forth in Exhibit "A."

SECTION V: Modification

It is the intent of the Town Council that the provisions of this Ordinance, including the amendment attached hereto as Exhibit "A," may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Council and filed by the Clerk.

Section VI: Scrivener's Errors

The Town Attorney may correct any scrivener's errors found in this Ordinance by filing a corrected copy of the Ordinance with the Clerk.

Section VII: Effective Date

This Ordinance shall become effective as provided by law.

INTRODUCED in open session of the Town Council of the Town of Havana, Florida, on the 30th day of May, 2023.

PASSED in open session of the Town Council of the Town of Havana, Florida, on the 12th day of July, 2023

By: 

Presiding Officer of the Town Council of the Town of Havana, Florida

ATTEST:



Clerk of the Town of Havana and
Clerk of the Town Council thereof

Exhibit A

CHAPTER 11

PROPERTY RIGHTS ELEMENT

PURPOSE: This element is intended to ensure that the County considers the rights of private property owners when making decisions.

GOAL 11A: Consider the property rights of private property owners when making decisions.

OBJECTIVE 11.1: The following rights shall be considered in the decision-making process including:

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.
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 ordinances.
3. The right of the 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.

These policies preserve and respect judicially acknowledged, and constitutionally protected private property rights. No additional policies shall be adopted in accompanying elements of the Comprehensive Plan which conflict with or negate these property rights.