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**CITY OF LABELLE
ORDINANCE 2021-13
PRIVATE PROPERTY RIGHTS COMPREHENSIVE PLAN AMENDMENT**

**AN ORDINANCE AMENDING THE CITY OF LABELLE
COMPREHENSIVE PLAN; PROVIDING TEXT AMENDMENTS TO ADD
A NEW CHAPTER 11: PRIVATE PROPERTY RIGHTS ELEMENT IN
ACCORDANCE WITH FLORIDA LAW; PROVIDING FOR
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the City of LaBelle has considered an amendment to the Comprehensive Plan to add a Private Property Rights Element to the Plan in accordance with Florida Law; and

WHEREAS, in the exercise of its authority pursuant to legislative intent expressed in ss. 163.3161(10) and 187.101(3) that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision making.; and

WHEREAS, the City has determined it necessary and desirable to amend the Comprehensive Plan to add Chapter 11 to the Comprehensive Plan to include a Private Property Rights Element; and

WHEREAS, the proposed amendments to the Comprehensive Plan, adding Chapter 11, the Private Property Rights Element to the Plan is attached hereto as Exhibit "A", will promote and protect public health safety and welfare and will help accomplish the goals, objectives and policies of the City Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of LaBelle, Florida:

Section 1. Recitals. The forgoing recitals are hereby ratified and confirmed as being true and correct and hereby made a part of this Ordinance and adopted as legislative findings.

Section 2. Adoption. The City Commission, after a first reading by title and transmittal to the Department of Economic Opportunity on November 11, 2021, duly advertised public hearing of the Local Planning Agency on October 14, 2021, and second reading by title on January 13, 2021, Ordinance 2021-13 is hereby adopted.


Section 3. Severability. In the event that any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

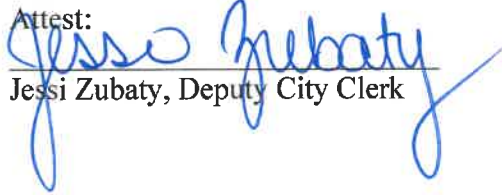
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Section 4. Effective Date. This Ordinance shall become effective in accordance with Section 163.3184, F.S.

PASSED AND ADOPTED in open session this 10th day of February 2022.

THE CITY OF LABELLE, FLORIDA

By: 
Julie C. Wilkins, Mayor

Attest: 
Jessi Zubaty, Deputy City Clerk

60 **EXHIBIT A**

61 **Chapter 11**

62 **PRIVATE PROPERTY RIGHTS ELEMENT**

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66 **GOAL 11: CONSIDER PRIVATE PROPERTY RIGHTS IN LOCAL DECISION**
67 **MAKING.**

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69 **Objective 11.1 Implementation**

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71 The City shall continue to consider private property rights when evaluating all local decision
72 making in accordance with Section 163.3177(6)(i)1.

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74 **Policy 11.1.1.**

75 The City shall consider the right of a property owner to physically possess and control his or her
76 interests in the property, including easements, leases, or mineral rights.

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78 **Policy 11.1.2.**

79 The City shall consider the right of a property owner to use, maintain, develop, and improve his
80 or her property for personal use or for the use of any other person, subject to state law and local
81 ordinances.

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83 **Policy 11.1.3.**

84 The City shall consider the right of the property owner to privacy and to exclude others from the
85 property to protect the owner's possessions and property.

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87 **Policy 11.1.4.**

88 The City shall consider the right of a property owner to dispose of his or her property through sale
89 or gift.

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