



City Commission Public Hearing

Property Rights Element
Comprehensive Plan Amendment
May 18, 2022



REQUEST

City Comprehensive Plan Amendment to create a Property Rights Element as required by Section 163.3177 Florida Statutes.

BACKGROUND

July 1, 2021 - Florida Legislature passed a new law that requires all local governments to adopt a property rights element in its Comprehensive Plan “*to ensure that private property rights are considered in local decision-making.*”

- Municipalities must adopt by the earlier of the date of its adoption of a proposed plan amendment initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of its comprehensive plan.



ANALYSIS

The New Law requires the following protected private property rights be included in the new Element and considered in local decision making:

- 1. the rights 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 for 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.*



ANALYSIS

Additional policies included in the Element relative to local decision making:

- *The City shall continue to follow the public participation procedures outlined in the land development regulations which provide a framework for public participation in the development review process.*
- *The City shall continue through its land development regulations to provide notification procedures prior to public hearings to promote public participation in the decision-making process.*

Background

December 28, 2021 – *The Planning and Zoning Board/Local Planning Agency recommended approval of the subject ordinance.*

February 16, 2022 – *The City Commission authorized transmittal to DEO.*

March 25, 2022- *DEO issued technical assistance comment: should revise the amendment to consider private property rights in “all” of the City’s decision making instead of “in planning and development decisions”. The ordinance has been amended per comment.*



RECOMMENDATIONS

Staff recommends the City Commission adopt the proposed Ordinance on Second Reading.

Next Steps

Transmit adopted Ordinance to DEO.



QUESTIONS?