



City of Port St. Lucie

Planning and Zoning Department

A City for All Ages

TO: PLANNING AND ZONING BOARD - MEETING OF AUGUST 3, 2021

FROM: ANNE COX, AICP, ASSISTANT DIRECTOR OF PLANNING AND ZONING

RE: P21-150. CITY OF PSL – COMPREHENSIVE PLAN TEXT AMENDMENT TO INCLUDE A NEW ELEMENT ENTITLED PROPERTY RIGHTS

DATE: JULY 21, 2021

BACKGROUND:

This is a City initiated text amendment to create a new element entitled Property Rights. Legislation was passed this year that requires each local government to adopt a property rights element as a part of their Comprehensive Plan.

House Bill 59 became law on June 29, 2021 and became effective July 1, 2021. See the attached Exhibit A - House Bill 59. The intent of the proposed amendments is to ensure that local government entities respect judicially acknowledged and constitutionally protected private property rights. The intent is also to ensure that private property rights are considered in local decision making.

ANALYSIS:

According to the bill, this element needs to be adopted either simultaneous with other plan amendments or prior to the adoption of other amendments, except small scale future land use map amendments.

The bill sets forth the statement of rights as follows:

The following rights shall be considered in local decision making:

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 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.

PROPOSED TEXT AMENDMENT:

The proposed text of the new element is attached as Exhibit B.

STAFF RECOMMENDATION:

The Planning and Zoning Department staff finds the proposed element petition to be consistent with the requirements of the Florida Statutes and recommends approval.