

ORDINANCE 21-

AN ORDINANCE OF THE CITY OF PORT ST. LUCIE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF PORT ST. LUCIE TO ADD A NEW ELEMENT ENTITLED “PROPERTY RIGHTS”, PURSUANT TO CHAPTER 163, FLORIDA STATUTES (P21-150); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Port St. Lucie, Florida, has adopted a comprehensive plan known as the City of Port St. Lucie Comprehensive Plan adopted by Ordinance 97-50 and Ordinance 12-19, as subsequently amended; and

WHEREAS, the City initiated comprehensive plan text amendment, P21-150, proposes to include a new element entitled “Property Rights” as required by House Bill 59 and as outlined in Exhibit “A”; and

WHEREAS, the City of Port St. Lucie Planning and Zoning Board having been duly designated as the local planning agency pursuant to Section 163.3174, et seq., Florida Statutes, and having held a public hearing thereon, has considered this proposed amendment (P21-150) to the Comprehensive Plan and submitted its recommendations thereon to the City Council; and

WHEREAS, having considered the recommendations of the Planning and Zoning Board, the Port St. Lucie City Council has prepared this amendment to the City’s Comprehensive Plan as a Large Scale Amendment in accordance with Section 163.3184, Florida Statutes, and the proposed amendment has been reviewed by the State Land Planning Agency; and

WHEREAS, the City Council held the first reading (Transmittal Hearing) of the Ordinance at a public hearing on _____;

WHEREAS, the City Council held a second reading (Adoption Hearing) of the Ordinance at a public hearing on _____; and

WHEREAS, said public hearings were held with all required public notice for the purposes of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies and other jurisdictions prior to final action on the Comprehensive Plan Amendment set forth herein; and

WHEREAS, the City Council has considered to amend the City’s Comprehensive Plan and

based on substantial and competent evidence, including the recommendation of staff and the Planning and Zoning Board, the City Council has determined to amend the Comprehensive Plan as provided herein; and

WHEREAS, all conditions required for adoption of this Comprehensive Plan Amendment have been met, including the necessary hearings and public notices.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Ratification of Recitals. The City Council of the City of Port St. Lucie, Florida, hereby adopts and ratifies those matters as set forth in the foregoing recitals.

Section 2. The Comprehensive Plan of the City of Port St. Lucie is hereby amended in the following respect:

- A new element entitled “Property Rights” is hereby added as shown in Exhibit “A”, attached hereto and incorporated by reference herein.

Section 3. Conflict. If any ordinance, or parts of ordinances, are in conflict with this Ordinance shall control to the extent of conflicting provisions.

Section 4. Codification. It is the intention of the City Council of the City of Port St. Lucie, and it is hereby ordained, that the provisions of this Ordinance shall become and made a part of the Comprehensive Plan of the City of Port St. Lucie, Florida, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and the word “ordinance” may be changed to “Section” or other appropriate word as may be necessary.

Section 5. Effective Date. The effective date of this plan amendment shall be thirty-one (31) days after the state land planning agency notifies the City that the plan amendment package is complete, pursuant to Section 163.3187(3)(c)(4), Florida Statutes. If timely challenged, this amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this
_____ day of _____, 2021.

CITY COUNCIL
CITY OF PORT ST. LUCIE, FLORIDA

BY: _____
Shannon M. Martin, Vice Mayor

ATTEST:

Sally Walsh, City Clerk

APPROVED AS TO FORM:

James D. Stokes, City Attorney

EXHIBIT “A”

PROPERTY RIGHTS ELEMENT

GOAL, OBJECTIVE AND POLICIES

GOAL 1: THE CITY SHALL MAKE PLANNING AND DEVELOPMENT DECISIONS WITH RESPECT FOR PROPERTY RIGHTS AND WITH RESPECT FOR PEOPLE’S RIGHTS TO PARTICIPATE IN DECISIONS THAT AFFECT THEIR LIVES AND PROPERTY.

***Objective 1.1:** The City will respect judicially acknowledged and constitutionally protected private property rights.*

Policy 1.1.1: The City will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 1.1.2: The City will consider in its decision-making 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.

Policy 1.1.3: The City will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner’s possessions and property.

Policy 1.1. 4: The City will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.