

## ORDINANCE NO. 21-031

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA, AMENDING THE CITY OF FORT PIERCE COMPREHENSIVE PLAN BY **CREATING A PROPERTY RIGHTS ELEMENT** IN ORDER TO MEET UPDATED STATUTORY REQUIREMENTS; MAINTAINING INTERNAL CONSISTENCY OF AND WITHIN THE COMPREHENSIVE PLAN; PROVIDING FOR A SEVERABILITY CLAUSE; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City of Fort Pierce has adopted a Comprehensive Plan known as the City of Fort Pierce Comprehensive Plan by Ordinance No. K-493, and subsequently amended; and

**WHEREAS**, in order to comply with the action of the State Legislature, the City of Fort Pierce must adopt a property rights element as an amendment to the Comprehensive Plan, pursuant to the Community Planning Act, Chapter 163, Florida Statutes; and

**WHEREAS**, the Property Right Element of the City of Fort Pierce Comprehensive Plan is intended to ensure that private property rights are considered in local decision-making to the extent that they are protected through the legal system and the law and order of the government; and

**WHEREAS**, the City of Fort Pierce Planning Board, acting as the Local Planning Agency, held a public meeting on August 23, 2021, to consider the Comprehensive Plan amendment and recommended approval of the amendment by a vote of 6 to 1; and

**NOW, THEREFORE BE IT ORDAINED** by the City Commission of the City of Fort Pierce, Florida as follows:

**SECTION 1.** The Comprehensive Plan of the City of Fort Pierce is hereby amended as follows:

### **PROPERTY RIGHTS ELEMENT – GOALS, OBJECTIVES, AND POLICIES**

#### Goal 12.1

The City shall respect judicially acknowledged and constitutionally protected private property rights in its local decision-making processes.

##### 12.1.1 Objective:

The City shall ensure that private property rights are considered in local decision-making to the extent that they are protected through the legal system and the law and order of the government.

##### 12.1.1.1 Policy:

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

##### 12.1.1.2 Policy:

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

##### 12.1.1.3 Policy:

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

12.1.1.4 Policy:

The City shall consider the right of a property owner to dispose of their property through sale or gift.

**SECTION 2.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause, or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**SECTION 3.** All ordinances or parts thereof that may be determined to be in conflict herewith are hereby repealed.

**SECTION 4.** This Ordinance shall be and become effective immediately upon final passage.

**APPROVED AS TO FORM & CORRECTNESS:**

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Tanya M. Earley  
City Attorney

STATE OF FLORIDA  
COUNTY OF ST. LUCIE

**WE, THE UNDERSIGNED**, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 21-031 was duly advertised by title only in the St. Lucie News Tribune on Saturday, August 22, 2021; copy of said Ordinance was made available at the office of the City Clerk to the public upon request; said Ordinance was duly introduced and transmitted on first reading by the City Commission of the City of Fort Pierce, Florida, on September 7, 2021; and was duly introduced and adopted on second and final reading November 15, 2021, by the City Commission of the City of Fort Pierce, Florida.

**IN WITNESS HEREWITH**, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Linda Hudson  
MAYOR COMMISSIONER

ATTEST

\_\_\_\_\_  
Linda W. Cox  
CITY CLERK

(CITY SEAL)