

CITY PLANNING BOARD

BOARD AGENDA

Planning Board Special Meeting - Monday, August 23, 2021 - 1:00 p.m.
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **HEARING OF THE LOCAL PLANNING AGENCY**
 - a. Comprehensive Plan Amendment - Property Rights Element
6. **COMMENTS FROM THE PUBLIC**

Any person who wishes to comment on any subject may be heard at this time. Please limit your comments to three (3) minutes or less, as directed by the Chair, as this section of the Agenda is limited to thirty minutes. The Planning Board will not be able to take any official actions under Comments from the Public. Speakers will address the Board and the Public with respect. Inappropriate language will not be tolerated.

7. **ADJOURNMENT**

Any person seeking to appeal any decision by the Planning Board with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based. Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact (772) 467-3729, at least five (5) days prior to the meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

Planning Board Special Meeting - 1:00 PM

5. a.

Meeting Date: 08/23/2021

Information

REQUESTED ACTION

Comprehensive Plan Amendment - Property Rights Element

LOCATION

N/A

RESPONSIBLE STAFF

Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

RECOMMENDATION

Approval.

Attachments

Staff Report

Text Amendment

Draft Ordinance

Form Review

Form Started By: Rebeca Guerra

Started On: 08/02/2021 06:05 PM

Final Approval Date: 08/10/2021



TO: City of Fort Pierce Local Planning Agency

THROUGH: Jennifer Hofmeister, AICP, LCAM, Planning Director

FROM: Rebeca A. Guerra, AICP, LEED-AP, CPD, Assistant Planning Director

RE: Comprehensive Plan Amendment
Property Rights Element

BOARD DATE: August 23, 2021

STAFF REPORT

Comprehensive Plan Amendment Property Rights Element

This Comprehensive Plan Amendment (Text Amendment) has been initiated pursuant to Section 163.3177(6)(i)2, Florida Statutes (Chapter 2021-195, Laws of Florida) which requires local governments to adopt and include a property rights element in their Comprehensive Plan for any proposed plan amendment initiated after July 1, 2021.

To this end, Staff has drafted a new "Property Rights Element" with Goal 12.1, Objective 12.1.1.1, and (4) Policies mirroring language proposed by the Florida Department of Economic Opportunity.

Attachments:
Proposed Text Amendment
Draft Ordinance

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 his or her 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 his or her 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 his or her property through sale or gift.

ORDINANCE NO. 21-0X

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 X to X; 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:

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 his or her interests in the property, including easements, leases, or mineral rights.

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The City shall consider 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.

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 his or her 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:

Tanya Earley
Interim 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. 21-0X was duly advertised by title only in the St. Lucie News Tribune on Saturday, XXXXXXX, 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 XXXXX, 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 Xth day of XXXX, 2021.

Linda Hudson
MAYOR COMMISSIONER

ATTEST

Linda W. Cox
CITY CLERK

(CITY SEAL)