

CITY OF VENICE
Planning & Zoning Division
Memorandum

TO: City Council
Planning Commission

FROM: Amy Nelson, AICP, Senior Planner

SUBJECT: Petition No. 21-30CP – Comprehensive Plan Amendment to add an Element for protection of private property rights to the 2017-2027 Comprehensive Plan

DATE: August 17, 2021

During the 2021 Florida legislative session, Section 163.3177 of the Florida Statutes was amended to require every local government to include a property rights element in its comprehensive plan. The property rights element must be adopted by the earlier of the date of adoption of the next proposed plan amendment that is initiated after July 1, 2021, or the date of the next scheduled evaluation and appraisal of the comprehensive plan. As the City has comprehensive plan amendment applications pending, it must move forward with the addition of a property rights element into the City's 2017-2027 Comprehensive Plan.

Consistent with this change to state law, the addition follows the model statement of rights contained in the statute and will become Section III – Elements – Private Property Rights. The Comprehensive Plan is hereby amended to include the following new element:

Section III - Elements - Private Property Rights

This Element affords protection for private property rights by ensuring their consideration by the City in its local decision-making processes. The individual rights are listed below as strategies, and shall be considered as the City makes its decisions.

Vision PR 1 - The City of Venice will be a community that ensures private property rights are considered in local decision-making.

Private Property Rights

Intent PR 1.1 - Private Property Rights

The City of Venice respects judicially acknowledged and constitutionally protected private property rights and will ensure that these rights are considered in the City's decision-making processes.

Strategy PR 1.1.1 - Private Property Rights Protected

The following rights shall be considered in decision-making in the City of Venice:

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 a 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.

The Planning and Zoning Department is processing this change to keep our Comprehensive Plan in compliance with state law.