

## Property Rights Support Element



<b>Agenda Date:</b>	November 18, 2021	<b>Application ID:</b>	PH 2021-03
<b>Project:</b>	Property Rights Adoption Element	<b>Project Number:</b>	N/A
<b>Project Planner:</b>	Sharon Williams, Planning Administrator		
<b>Applicant:</b>	City of Pembroke Pines	<b>Agent:</b>	N/A
<b>Location:</b>	Citywide	<b>Acreage:</b>	N/A
<b>Existing Zoning:</b>	N/A	<b>Existing Land Use:</b>	N/A
<b>Project Description:</b>	<p>Public Hearing (PH 2021-03)                      The purpose of this Public Hearing is to consider text amendments to the City's Comprehensive Plan for the purpose of adopting a Property Rights Element pursuant to State of Florida House Bill 59, signed by the Governor and effective July 1, 2021.</p>		
<b>Staff Recommendation:</b>	<p><b>Staff requests the Planning and Zoning Board as the Local Planning Agency (LPA) transmit the proposed amendment to the City Commission and Florida Department of Economic Opportunity with a positive recommendation.</b></p>		
<b>Reviewed for the Agenda:</b>	Director: _____ Planning Administrator: _____		
<b>Final:</b>	<input type="checkbox"/> Planning & Zoning Board	<input checked="" type="checkbox"/> City Commission	

**PROJECT DESCRIPTION / BACKGROUND  
PUBLIC HEARING (PH 2021-03)**

The City of Pembroke Pines is submitting a regular scale land use plan amendment application for the addition and adoption of a Property Rights Adoption Element of the City’s Comprehensive Plan. The element is being submitted pursuant to the State of Florida House Bill 59 which was codified as 2021-195, Laws of Florida, which amended Florida State Statutes 163 by adding a new section, 163.3177 (16)(i)., F.S. The law became effective July 1, 2021.

The proposed element is required by State Statutes to ensure 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; and
4. The right of a property owner to dispose of his or her property through sale or gift.

During the creation of Comprehensive Plan Elements, City Staff reviews model elements that have been recommended by the Florida Department of Economic Opportunity (DEO). During the creation of the City’s Property Rights Element, staff evaluated several drafts and versions from other municipalities as well as various interest groups. Staff determined it was in the best interest of the City, to model our element after the City of Ocala’s element which had been reviewed by DEO without comment or objections. Per the adopted statute, the City may not adopt future land use plan amendments submitted after July 1, 2021, until the City’s Property Rights Element is effectuated. This staff report will serve as the element’s support element. Final Adoption of the element is estimated to be February or April 2022.

**STAFF RECOMMENDATION:**

Staff requests the Planning and Zoning Board as the Local Planning Agency (LPA) transmit the proposed amendments to the City Commission and Florida Department of Economic Opportunity with a positive recommendation subject to recertification of the City’s future land use plan.

**Enclosures:**

Proposed Property Rights Element  
2021-195, Laws of Florida