



PROPERTY RIGHTS ELEMENT GOAL, OBJECTIVES AND POLICIES

In accordance with the legislative intent expressed in Section 163.3161(10) and Section 187.101(3), Florida Statutes that governmental entities respect judicially acknowledged and constitutionally protected private property rights, each local government shall include in its comprehensive plan a property rights element to ensure that private property rights are considered in local decision-making.

GOAL: PRIVATE PROPERTY RIGHTS

Seminole County will make decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

OBJECTIVE PR 1: PRIVATE PROPERTY RIGHTS DECISION MAKING

The County shall consider the following property rights in local decision making.

Policy PR 1.1: Decision Making Property Rights Criteria

The following rights shall be considered in local decision making:

- A. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
- B. The right of the property owner to the quiet enjoyment of the property, to the exclusion of all others.
- C. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
- D. The right of property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
- E. The right of a property owner to dispose of his or her property through sale or gifts.

OBJECTIVE PR 2: PROTECTION OF PRIVATE PROPERTY RIGHTS

The County shall not intentionally enact or impose any unreasonable land development regulation or apply any land development regulation in an unreasonable manner such that the taking of private property rights would result.

Policy PR 2.1: Private Property Rights Act

The County shall fully implement the provisions of the Bert J. Harris, Jr., Private Property Rights Protection Act, Section 70.001, Florida Statutes (2021), as may be amended or replaced. Each staff recommendation relative to any land use decision shall consider the provisions of that Act and other general principles of law relating to the appropriate regulation of land without said regulation resulting in the taking of private property rights.

Policy PR 2.2: Evaluation Criteria of Property Rights Assertions

The following definitions shall be used to evaluate legitimate private property rights assertions:

- A The reasonable use of property is a use which does not adversely affect the public health, safety, morals, or welfare and is compatible with abutting or proximate properties and is otherwise a use that is consistent with generally accepted land use planning principles.
- B The fact that a zoning classification is within the range of zoning classifications allowed within a land use designation shall not mean nor be construed that a particular zoning classification or the uses within a zoning classification are a reasonable foreseeable use of the property.
- C Property owners do not have reasonable investment backed expectations when a use is speculative, incompatible with abutting or proximate uses, is inconsistent with the provisions of this Plan, or is inconsistent with generally acceptable principles of land use planning.
- D An unfair burden on property owners will occur when property is too stringently regulated in view of the level of regulation necessary to protect the public health, safety, morals, or welfare, in view of consistency with this Plan, in view of compatibility with abutting or proximate land uses, and in view of generally acceptable planning principles.

OBJECTIVE PR 3: PUBLIC PARTICIPATION

People have the right to participate in planning and development decisions that affect their lives and property. The County shall ensure that all decision-making be transparent so that all people may participate in decisions that affect their lives and property.

Policy PR 3.1: Public Hearing When Necessary

Seminole County shall ensure that decision-making requiring a public hearing meets the standards of this Comprehensive Plan.

Policy PR 3.2: Public Notification and Participation

Public notification shall be consistent with the requirements for advertisement and notice of an amendment to a comprehensive plan found in Section 163.3181 and Section 125.66, Florida Statutes and in accordance with the Public Participation Standards noted in the Implementation Element of the Seminole County Comprehensive Plan and in the accordance with the procedures listed in the Land Development Code for Public Notice Procedure.

Policy PR 3.3: Additional Standards

- A The County shall rely upon performance standards noted in *Policy FLU 2.9 Determination of Compatibility in the Planned Development Zoning Classification* such as buffering, perimeter lot size transitioning, and other appropriate measures to ensure compatibility where residential subdivisions of differing densities meet. These standards are intended to provide homeowners and home buyers with reasonable assurances as to the potential form and impacts of future development on adjacent or nearby properties. The effectiveness of this strategy will be evaluated every five years to determine how well it addresses compatibility issues and concerns and will be revised as necessary.



- B The County shall rely upon the performance standards noted in *Objective FLU 17 Procedures for Land Use Decisions, Dispute Resolutions, Adult Uses* such as location of adult uses, protection of residential neighborhoods, natural resources and vested rights.