

**CITY OF OCOEE
COMPREHENSIVE PLAN**

PROPERTY RIGHTS ELEMENT

I. GOALS, OBJECTIVES AND POLICIES

GOAL: TO PROVIDE FOR THE EQUITABLE CONSIDERATION OF PRIVATE PROPERTY RIGHTS FOR OWNERS OF PROPERTY LOCATED WITHIN THE MUNICIPAL LIMITS OF THE CITY OF OCOEE IN THE CITY'S LOCAL DECISION-MAKING PROCESS IN A MANNER WHICH ENSURES THE PROMOTION, PROTECTION AND IMPROVEMENT OF THE PUBLIC HEALTH, SAFETY, GENERAL WELFARE AND AESTHETICS OF THE CITY.

Objective 1: In accordance with the legislative intent expressed in Section 163.3161(10), Florida Statutes, that all governmental entities in the State of Florida recognize and respect judicially acknowledged and constitutionally protected private property rights and the City's obligation to protect the general health and welfare of the residents of the City of Ocoee, the City shall consider the rights of property owners in its local decision-making process.

Policy 1.1

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.

Policy 1.2

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.

Policy 1.3

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.

Policy 1.4

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

Policy 1.5

The City shall update the intent language of the Private Property Regulations Code in Section 6-14.C within Article VI of the Land development Code to include language which recognizes and considers private property rights in accordance with the City's goal and objective to ensure that regulations do not create an inordinate burden on property owners and to ensure that property owners are free from actions by others which would harm their property or which would constitute an inordinate burden on property rights as those terms are defined in Section 70.001(3)(e) and (f), Florida Statutes.

Policy 1.6

The City shall amend Article II of its Land Development Code to add the following definition of terms and renumber the Article as appropriate.

Inordinate Burden and Inordinately Burdened (s. 70.001(3)(e), F.S.):

1. Mean that an action of one or more governmental entities has directly restricted or limited the use of real property such that the property owner is permanently unable to attain the reasonable, investment-backed expectation for the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole, or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large.

2. Do not include temporary impacts to real property; impacts to real property occasioned by governmental abatement, prohibition, prevention, or remediation of a public nuisance at common law or a noxious use of private property; or impacts to real property caused by an action of a governmental entity taken to grant relief to a property owner under this section. However, a temporary impact on development, as defined in s. 380.04, that is in effect for longer than 1 year may, depending upon the circumstances, constitute an "inordinate burden" as provided in this paragraph.

In determining whether reasonable, investment-backed expectations are inordinately burdened, consideration may be given to the factual circumstances leading to the time elapsed

between enactment of the law or regulation and its first application to the subject property.

Property Owner (s. 70.001(3)(f), F.S.):

The person who holds legal title to the real property that is the subject of and directly impacted by the action of a governmental entity. The term does not include a governmental entity.