

## PRIVATE PROPERTY RIGHTS ELEMENT



CHERISH AND SUSTAIN WINTER PARK'S EXTRAORDINARY QUALITY OF LIFE

PLAN OUR GROWTH THROUGH A COLLABORATIVE PROCESS THAT PROTECTS OUR CITY'S TIMELESS SCALE AND CHARACTER

ENHANCE THE WINTER PARK BRAND THROUGH A FLOURISHING COMMUNITY OF ARTS AND CULTURE

BUILD AND EMBRACE OUR LOCAL INSTITUTIONS FOR LIFELONG LEARNING AND FUTURE GENERATIONS

**GOAL 10-1:** The purpose and overall goal for the Property Rights Element is to signify respect for judicially acknowledged and constitutionally protected private property rights, signify respect to people's rights to participate in the decisions that affect their lives and property, and to ensure that those rights are considered in the City of Winter Park's decision-making.

**OBJECTIVE 10-1.1:** This objective provides a framework for ensuring that private property rights and the rights of people to participate in the decisions that affect their lives and property are considered in local decision-making. This objective and the policies within this element do not create any property rights or due process rights that are not already judicially acknowledged and constitutionally protected. This objective and the policies within this element are not intended to alter the legislative nature of decisions made in the adoption of comprehensive plan amendments and land development code amendments. This objective and the policies within this element are not intended to require evidence, discussion, or findings of fact concerning the matters set forth herein. Ordinances adopted and land use and zoning decisions made by the City are presumed to have considered the matters set forth in this element.

**Policy 10-1.1.1:** The following rights shall be considered in decision-making by the City of Winter Park: (1) The right of a property owner to physically possess and control their interests in 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. (4) The right of a property owner to dispose of his or her property through sale or gift.

**Policy 10-1.1.2:** Persons that are affected by proposed land use and zoning decisions have the right to notice of public hearing(s) and the right to present testimony and evidence at public hearing(s) involving land use and zoning decisions of the City. The City will ensure that its land development regulations provide adequate public notice of proposed changes to the comprehensive plan, zoning and land development regulations to afford affected persons with sufficient time to

become informed and participate in the decision-making process. The City will consider implementing and maintaining processes to better inform the public of proposed changes to the comprehensive plan, zoning, and land development regulations.

**Policy 10-1.1.3:** Residents, property owners, and businesses may have made decisions to buy and improve homes, buy and improve property or start and grow businesses based, in part, on the existing comprehensive plan and zoning provisions. The City will consider the impacts that proposed changes to the comprehensive plan, zoning and land development regulations have on the reliability and predictability of the comprehensive plan, zoning and land development regulations and on the best interest of the citizens' health, safety and welfare.