

PROPERTY RIGHTS ELEMENT



TOWN OF HOWEY-IN-THE-HILLS

LAKE COUNTY, FLORIDA

ADOPTED ON

**PROPERTY RIGHTS ELEMENT
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CHAPTER 12 PROPERTY RIGHTS ELEMENT

Introduction

The purpose of the *Property Rights Element* is to ensure that specific property rights as enumerated by the Florida legislature are considered in the decision-making process for preparing and implementing the Town's comprehensive plan. These property rights are specified in Florida Statutes 163.3177(6)(i) adopted in 2021. These property rights are required to be addressed in a separate element.

The Town intends that its planning process be open and transparent with regard to any decision making that applies to amendments to the comprehensive plan and the land development code. Chapter 10 of the comprehensive plan provides a detailed program for public participation including a set of goals, objectives and policies. The public participation process is also guided by a set of standards adopted in the Town's land development regulations that require a level of public notice that in many cases exceeds the requirements of State law.

PROPERTY RIGHTS GOALS, OBJECTIVES AND POLICIES

As required by Ch. 163.3177 F.S., the following procedures are adopted to guide and assist the Town Council, Town Staff and the public in addressing property rights in the planning and development regulatory process..

GOAL 12 The Town of Howey-in-the-Hills will make planning and development decisions with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

OBJECTIVE 12.1: *Property Rights* . The Town of Howey-in-the-Hills will respect judicially acknowledged and constitutionally protected private property rights.

POLICY 12.1.1: *Right to Possess and control Property.* The Town of Howey-in-the-Hills will consider in its decision-making 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 12.1.2 *Right to Use and Improve Property.* The Town of Howey-in-the-Hills will consider in its decision-making 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 12.1.3 *Right to Privacy.* The Town of Howey-in-the-Hills will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

POLICY 12.1.4 *Right to Dispose of Property.* The Town of Howey-in-the-Hills will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.