

IV. PROPERTY RIGHTS ELEMENT

STATEMENT OF RIGHTS.

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 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.

EFFECT OF ELEMENT

This Element and the Statement of Rights contained herein are not intended to require evidence, discussion, or findings of fact concerning the matters set forth herein. This Element and the Statement of Rights do not create any property rights or due process rights that are not already judicially acknowledged and constitutionally protected. This Element and the Statement of Rights are not intended to alter the legislative nature of decisions made in the adoption of *Comprehensive Plan* amendments and Land Development Regulation amendments. Ordinances adopted and Land Use and Zoning decisions made by the City of New Smyrna Beach are presumed to have considered the matters set forth in this Element.