

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY OF PINELLAS IMPLEMENTING COUNTYWIDE AUTHORITY TO OPERATE, MAINTAIN, DEVELOP AND CONTROL CERTAIN COUNTY PROPERTIES DENOMINATED AS PROPERTIES OF COUNTYWIDE IMPORTANCE; PROVIDING LEGISLATIVE FINDINGS; DESIGNATING PROPERTIES OF COUNTYWIDE IMPORTANCE; PROVIDING FOR COUNTY REGULATION AND CONTROL; PROVIDING FOR INTERGOVERNMENTAL COORDINATION; PROVIDING FOR AREAS EMBRACED; PROVIDING SEVERABILITY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES

WHEREAS, “Properties of Countywide Importance” as used herein refers to county-owned properties, or properties affiliated with county-owned properties, that contain facilities that have a countywide benefit and ~~or~~ are operated under the charter powers of the County; and

WHEREAS, the operation, regulation, management and protection of Properties of Countywide Importance is best achieved at the county level to ensure consistency among such properties and should not be constrained by varying municipal regulations or fees.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Pinellas County:

SECTION 1. Legislative Findings

1.1 The Florida Constitution, Article VIII, Section 1(g) provides that the charter of charter counties “shall provide which shall prevail in the event of conflict between county and municipal ordinances”; and

1.2 Section 2.04 of the Pinellas County Charter, s. 1, as adopted by the Florida Legislature and approved by a vote of the Pinellas County electorate on October 7, 1980, as amended (“Charter”), provides for all special and necessary powers of the County to provide certain enumerated services and regulatory authority; and

1.3 Section 2.04 of the Charter provides, “when directly concerned with the furnishing of the services and regulatory authority [in certain specifically enumerated areas], county ordinances shall prevail over municipal ordinances when in conflict”; and

1.4 Section 2.04 of the Charter provides for countywide control over the development and operation of county owned facilities and properties that relate to the provision of the following governmental services: and regulatory authority:

- (a) Development and operation of 911 emergency communication system.
- (b) Development and operation of solid waste disposal facilities, exclusive of municipal collection systems.

- (c) Development and operation of regional sewage treatment facilities in accordance with federal law, state law, and existing or future interlocal agreements, exclusive of municipal sewage systems.
- (d) Acquisition, development and control of county-owned parks, buildings, and other county-owned property.
- (e) Development and operation of public health or welfare services or facilities in Pinellas County.
- (f) Operation, development and control of the St. Petersburg-Clearwater International Airport.
- (g) Design, construction and maintenance of major drainage systems.
- (h) Design, construction and maintenance of county roads in accordance with law.
- (i) Implementation of animal control regulations and programs.
- (j) Development and implementation of civil preparedness programs.
- (k) Production and distribution of water, exclusive of municipal water systems and in accordance with existing and future interlocal agreements.
- (l) All coordination and delivery of municipal services in the unincorporated areas of the county.

1.5 The Local Government Comprehensive Planning and Land Development Regulation Act (“Act”), specifically Section 163.3171, Florida Statutes, reserves to charter counties authority for planning and land development regulation to the extent provided for in the county charter; and

1.6 In order to limit any disruptive effects of a County exercise of this existing charter authority, the County herein enumerates—declares its policy in regard to those properties of countywide importance it wishes to continue preemptively regulateing and leaves other County-owned or County- managed facilities to County regulation by interlocal agreement with the applicable municipality, where appropriate, or as otherwise provided by law.

SECTION 2. Definitions

2.1 Properties of Countywide Importance. — Following is a listing of Properties of Countywide Importance that shall be governed by this ordinance: means county-owned or county-managed parks, buildings and other properties developed, operated and maintained in furtherance of those special countywide powers enumerated in Section 1.4.

SECTION 2. 2.2 Development as used herein shall have the meaning ascribed to it in Sections 163.3164 and 380.04, Florida Statutes.

- ~~(a) — Emergency Communications Center and associated satellite facilities including communications towers.~~
- ~~(b) — Resource Recovery Facility and all County solid waste disposal properties.~~
- ~~(c) — Sewer facilities, including but not limited to, the South Cross Bayou Reclamation Facility and the W. F. Dunn Water Reclamation Facility.~~
- ~~(d) — County parks, preserves and management areas.~~
- ~~(e) — Countywide social services/health services facilities.~~
- ~~(f) — St. Petersburg Clearwater International Airport, which includes all properties owned and/or managed by Pinellas County for aviation purposes and that are leased for non-aviation purposes, and also includes the Army Reserve Aviation Training Center and the U.S. Coast Guard properties.~~
- ~~(g) — Major drainage systems and associated water quality projects owned or operated, in whole or in part, by the County.~~
- ~~(h) — County rights-of-way, including ancillary facilities, traffic control and highway maintenance facilities.~~
- ~~(i) — Animal Services.~~
- ~~(j) — Multi-jurisdictional water facilities, including but not limited to, the S. K. Keller Water Treatment Facility and the Eldridge-Wilde Wellfield.~~
- ~~(k) — Public safety facilities, including emergency operations centers and emergency shelters.~~
- ~~(l) — Emergency Medical Services Facilities.~~
- ~~(m) — Government facilities that support other county functions, including constitutional and court related activities, including but not limited to the Clearwater Courthouse, St. Petersburg Judicial and 501 buildings, Criminal Justice Center, County Correctional Facilities and Juvenile Detention Center, offices of the Supervisor of Elections, Tax Collector, Clerk of the Circuit Court, Property Appraiser and Sheriff.~~

SECTION 3. County Regulation and Control of Development The development, ~~regulation and use~~ of Properties of Countywide Importance shall be governed by County ordinances, permits and approvals, and ~~except as otherwise provided herein,~~ municipal ordinances shall not control or regulate the development ~~or use~~ of Properties of Countywide Importance, unless otherwise agreed to by the County. All permits or approvals for development, ~~as that term is defined in Sections 163.3164 and 380.04, Florida Statutes,~~ except for placement of an actual zoning or future land use designation on a particular parcel, that are related to Properties of Countywide Importance shall be reviewed, issued, and enforced by the County. To the extent any municipal ordinance conflicts with

the development policy set forth herein, this County ordinance shall prevail.

SECTION 4. Intergovernmental Coordination In order to coordinate consideration of the particular effects of County regulation of Properties of Countywide Importance as provided herein upon the development and community character of affected municipalities, the County shall notify ~~effected~~ affected municipalities of development plans, and provide copies of County permits and approvals, as well as comply with any processes agreed to pursuant to interlocal agreement.

SECTION 5. Areas Embraced Pursuant to Sections 2.01 and 2.04 of the Pinellas County Charter, this ordinance shall be effective within the boundaries of Pinellas County.

SECTION 6. Severability If any Section, Subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 7. Inclusion in Code It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 8. Filing of Ordinance; Effective Date Pursuant to Section 125.66, Fla. Stat., a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the ordinance with the Department of State.