

ORDINANCE NO. 07-____

AN ORDINANCE OF THE COUNTY OF PINELLAS CREATING SECTION 2-147 IN ARTICLE V OF CHAPTER 2, PINELLAS COUNTY CODE ESTABLISHING RESTRICTIONS ON THE SALE OR TRANSFER OF COUNTY-OWNED PARKS AND ENVIRONMENTAL LANDS; REQUIRING A SUPERMAJORITY VOTE TO REPEAL THE CODE SECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County is presently the most densely populated county in the State of Florida; and

WHEREAS, over the past several decades, the County has pursued the acquisition of park, open space, preservation, and environmentally sensitive lands for current and future generations of Pinellas County citizens; and

WHEREAS, the Board of County Commissioners desires to protect the County-owned parks and environmental lands into the future through the imposition of restrictions on sale of county-owned parks and environmental lands, including requiring referendum approval as provided herein and authorizing the conveyance or sale of development rights from County-owned lands.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, in a meeting duly assembled this _____ day of _____, 2007, as follows:

SECTION 1. Amendment to Codified Ordinances. The following provision is hereby created, to be added as section 2-147 to Chapter 2, Pinellas County Code, as it may be renumbered for convenience from time to time:

Sec. 2-147. Restrictions on the sale of county-owned parks and environmental lands.

- (a) “Properties of critical concern” shall mean those county-owned park properties as defined in Section 90-2 of this code (“parks”), and environmental lands as defined in Section 90-102 of this code (“environmental lands”), that are identified in Appendix A attached hereto. The board of county commissioners may designate additional parks or environmental lands as properties of critical concern by resolution, or remove the properties of critical concern designation from parks or environmental lands, or portions thereof, by resolution if approved by referendum pursuant to subsection (b), or as authorized in subsections (b)(1)–(4) herein.

(b) The county shall not sell, convey or transfer properties of critical concern to any other person or entity unless approved by a majority of the electorate of Pinellas County in a referendum held at a general or special election called by the board of county commissioners; provided that referendum approval shall not be required for:

(1) the sale, transfer, conveyance or dedication of any interest in properties of critical concern for rights-of-way or related infrastructure;

(2) the transfer of development rights when it is deemed in the best interest of the public, as determined by the board of county commissioners;

(3) the sale, transfer, conveyance or dedication of any interest in properties of critical concern to another governmental unit for a public purpose, as provided in Section 125.38, Florida Statutes, if the public purpose is consistent with the natural resources and recreation and open space components of the Pinellas County Comprehensive Plan, and the approved management plan for the respective property of critical concern;

(4) the exchange of properties of critical concern for reasonably equivalent parks or environmental lands when it is deemed in the best interests of the public, as determined by the board of county commissioners.

(c) This code section may be repealed only by a supermajority vote of the board of county commissioners.

SECTION 2. Severability. If any section, subsection, paragraph, subdivision, clause, sentence, or provision of this Ordinance is adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Ordinance, but the affect thereof shall be confined to that section, subsection, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 3. Codification. The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code as an addition thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

SECTION 4. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Florida Statutes (2005), 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.

STATE OF FLORIDA
COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on _____ relative to:

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IN WITNESS WHEREOF, I hereunto set my hand and official seal this _____ day of _____, 2007.

KEN BURKE
Clerk of the Circuit Court and
Ex-officio Clerk to the
Board of County Commissioners

By: _____
Deputy Clerk

(SEAL)