

ORDINANCE NO. 21-____

AN ORDINANCE OF PINELLAS COUNTY, FLORIDA AMENDING THE PINELLAS COUNTY COMPREHENSIVE PLAN; PROVIDING FOR THE ENACTMENT OF A PROPERTY RIGHTS ELEMENT WITH A GOAL, OBJECTIVES AND POLICIES; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR LOCATION OF RECORDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Pinellas County has enacted its Comprehensive Plan in accordance with the controlling provisions of State law which Comprehensive Plan has successfully guided the County for many years; and

WHEREAS, Pinellas County is committed to an ongoing and vibrant comprehensive planning program which addresses the needs of the citizens of the County; and

WHEREAS, Section 163.3167, Florida Statutes, part of Florida’s Community Planning Act, requires Pinellas County to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, the provisions of Section 163.3184, Florida Statutes, relate to the process for the enactment of Comprehensive Plan amendments; and

WHEREAS, Florida’s Community Planning Act was amended during the 2021 Legislative Session by the passage of Committee Substitute for Committee Substitute for Committee Substitute for House Bill Number 59 (initially codified as Chapter Number 2021-195, Laws of Florida) to require every city and county within the State “to include in its comprehensive plan a property rights element.” (Section 163.3177(6)(i)1, Florida Statutes); and

WHEREAS, Pinellas County is committed to open and transparent decision-making which is the best protection for property rights and has long advocated for the rights of all people to contribute to County planning in that engaged citizens improve their neighborhoods and the County as a whole; and

WHEREAS, the high quality of life of the citizens of Pinellas County is enhanced and protected, the high quality economic and natural environment of the County is protected and the County, as a whole, is strengthened when County planning practices and procedures engage the public as public participation leads to more thoughtful and enduring planning; and

WHEREAS, Pinellas County respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the Pinellas County Local Planning Agency recommended approval of this Ordinance at its meeting of September 17, 2021; and

WHEREAS, the pertinent goals, objectives and policies of the Comprehensive Plan support the approval of the amendment set forth in this Ordinance as well as the controlling provisions of State law; and

WHEREAS, Pinellas County has complied with all requirements and procedures of Florida law in processing this amendment to the Pinellas County Comprehensive Plan including, but not limited to, Section 163.3184, Florida Statutes, as well as other controlling law; and

WHEREAS, the Pinellas County Board of County Commissions has the power and authority to enact this Ordinance under the controlling provisions of State law such as, by way of example only, the provisions of Article VIII, Section 2 of the Constitution of the State of Florida and the provisions of Chapter 163 and Chapter 125, Florida Statutes, and the controlling case law of the State of Florida; and

WHEREAS, the Pinellas County Board of County Commissions is enacting this Ordinance in order to protect the public health, safety and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS of Pinellas County Florida, on _____, _____, 2021, that:

SECTION 1. A new Property Rights Element; Pinellas County Comprehensive Plan. A new Property Rights Element of the Comprehensive Plan of Pinellas County is created to read as follows.

GOAL ONE: COUNTY DECISIONS SHALL CONSIDER ALL RELEVANT INFORMATION INCLUDING THAT OF THE PROPERTY OWNER AND THE PUBLIC HEALTH, SAFETY AND WELFARE.

1.1. Objective: Ensure private property rights are considered in local decision-making.

1.1.1. Policy: The following private property rights shall be considered:

- The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights;
- The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances;
- The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property; and
- The right of a property owner to dispose of his or her property through sale or gift.

1.2. Objective: Promote the public health, safety, comfort, good order, appearance, convenience and general welfare through the goals, objectives, policies, and strategies of the Pinellas County Comprehensive Plan.

1.2.1. Policy: The Pinellas County Comprehensive Plan will promote the orderly and balanced future economic, social, physical, environmental, and fiscal development of the area through the implementation of its defined goals, objectives, policies, and strategies to guide future decisions.

SECTION 2. Severability. If any section, paragraph, clause, sentence, or provision of the Ordinance shall be 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 effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

SECTION 3. Location of Records. Pursuant to requirements of Section 125.68, Florida Statutes, this Ordinance is incorporated into the Pinellas County Comprehensive Plan, located at, and maintained by, the Clerk of the Pinellas County Board of County Commissioners.

SECTION 4. Filing of Ordinance; Establishing an Effective Date. Pursuant to Section 163.3184(3), Florida Statutes, if not timely challenged, an amendment adopted under the expedited provisions of this section shall not become effective until 31 days after adoption. If timely challenged, the amendment shall not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

APPROVED AS TO FORM

By: David S. Sadowsky
Office of the County Attorney