

ARTICLE III. NEIGHBORHOOD PARKLANDS

Sec. 90-60. Findings of fact.

- (a) The history of Sarasota County is marked by efforts to preserve the County's important natural and cultural places, and to provide parklands and recreational opportunities.
- (b) It will remain the goal of Sarasota County to conserve, maintain, and where necessary, restore the natural and cultural environment of Sarasota County.
- (c) Sarasota County seeks to optimize the opportunities to more efficiently acquire parklands and other open space for an increasing population.
- (d) During the Comprehensive Plan evaluation and appraisal process various members of the community came forward to seek protection of quality open space within urbanized areas. The Board of County Commissioners directed staff to pursue opportunities for an urban green space initiative.
- (e) A stated goal in Apoxsee: The Revised and Updated Comprehensive Plan, includes providing and protecting a high-quality, environmentally sensitive, accessible, economically efficient system of parks and open space that serves all Sarasota County residents and visitors.
- (f) Objective 1.1 of the Recreation and Open Space chapter is to acquire, develop, maintain, and protect parks and recreation facilities consistent with the needs of Sarasota County's population and Objective 1.3 seeks to improve public access to those sites. Further, Policy 1.1.6 states that the County shall continue to expand beach and waterfront acquisition efforts.
- (g) Sarasota County has recognized that parklands and recreational opportunities are an integral part of promoting a high quality of life, and has developed a Parks and Recreation Master Plan with the stated mission of planning and funding exceptional parks, which showcase Sarasota County's natural environment and cultural heritage with world class facilities, diverse programs, and accessibility for all, in order to meet the needs of residents and visitors, young and old, while growing with Sarasota County's communities.
- (h) The Parks and Recreation Master Plan's recommendations include that Sarasota County should aggressively pursue parkland acquisition to meet existing and long term demands, and strive to increase access to coastal/beach and inland water resources for appropriate recreational opportunities, and increase bicycle and pedestrian access to parks.
- (i) Florida's Statewide Comprehensive Outdoor Recreation Plan, Outdoor Recreation in Florida 2000 (Florida Department of Environmental Protection) recognizes that the most essential element of an outdoor recreation program is land upon which to recreate, and that the acquisition of an adequate land base to meet future needs should be a priority.
- (j) Pursuant to Resolution No. 2005-155, adopted on July 5, 2005, the Board of County Commissioners established Neighborhood Parkland guidelines and directed staff to develop criteria to identify and rank Neighborhood Parkland.
- (k) It is in the best interests of the community that a protocol be established for acquiring Neighborhood Parkland with the intent to balance the private property and development rights of citizens within Sarasota County.

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- (l) This article is not intended to create additional regulatory encumbrances upon property; and landowners who choose not to participate in this program will remain free to develop or otherwise use their property in accordance with existing regulatory criteria.
 - (m) It is in the best interests of the citizens of Sarasota County that all properties protected pursuant to this article meet the criteria established herein.
 - (n) In those cases where it is necessary for the Board to acquire portions of properties which do not meet the criteria set forth herein in order to acquire portions of the same property which do meet these criteria, it is necessary for the Board to retain the flexibility to use for some other public purpose those portions of properties which do not meet the criteria herein, or to declare such lands surplus and offer them for sale.
 - (o) Pursuant to Ordinance No. 2005-049, the Board called for a referendum to be held on November 8, 2005, to determine if an ad valorem tax of no more than 0.25 mill should continue to be levied for an additional ten-year period to December 31, 2029, to finance the acquisition, protection and management of environmentally sensitive lands and Neighborhood Parkland and to authorize the issuance of general obligation bonds, not exceeding \$250,000,000.00, payable from the ad valorem tax.
 - (p) Contingent upon passage of the referendum, it is in the best interest of the citizens of Sarasota County that a committee be established to serve as an advisory committee to the Board on issues involving the acquisition, management, and appropriate public use of Neighborhood Parkland.

(Ord. No. 2005-062, § 2, 10-25-2005)

Sec. 90-61. Short title.

This article will be known as the "Sarasota County Neighborhood Parkland Acquisition Ordinance."

(Ord. No. 2005-062, § 3, 10-25-2005)

Sec. 90-62. Applicability.

The provisions of this article will apply in the unincorporated and incorporated areas of Sarasota County, Florida.

(Ord. No. 2005-062, § 4, 10-25-2005)

Sec. 90-63. Definitions.

- (a) *Acquisition.* The purchase of a Property Interest for public use as Neighborhood Parkland. Acquisition mechanisms include, but are not limited to, Conservation Easements, rewards, compensation, transfer of development rights, exchanges, Use Reservations and acceptance of gifts of land. Acquisition costs shall include start-up costs, as defined by Board resolution.
- (b) *Advisory Committee.* A committee appointed by the Board and charged, in part, with making recommendations to the Board regarding Acquisition of Neighborhood Parkland; techniques for acquiring and enhancing Neighborhood Parkland; appropriate public use; and identifying methods of financing land acquisitions.
- (c) *Board.* The Board of County Commissioners of Sarasota County, Florida.
- (d) *Conservation Easement.* Restriction(s) of land use granted by the owner of fee-title which legally bind present and future owners that are conveyed for less-than-fee interest, normally with the same

restriction(s), to a conservation organization, trust or governmental agency, as more fully set forth in Section 704.06, Florida Statutes, as amended.

- (e) *County*. Sarasota County, Florida.
- (f) *County staff*. Any County employee whose expertise is deemed necessary to implement this article.
- (g) *Due Diligence*. Investigation and review of property prior to Acquisition, including, without limitation, independently conducted appraisals, title searches and commitments, surveys, environmental assessments, and any other items deemed necessary by County staff.
- (h) *Fee Title*. Acquisition of all controlling Property Interests in a parcel of land through the formal conveyance of title.
- (i) *Neighborhood Parkland*. Those lands in Sarasota County that have features meeting criteria established herein, by the Board, after a public hearing that include broad community access, proximity or connectedness, natural and cultural features, compatible community needs, and water access, thereby warranting their Acquisition for the public interest.
- (j) *Neighborhood Parkland Acquisition List*. List developed by both the Advisory Committee and Parks and Recreation staff comprised of the sites that meet the criteria set forth in Section 90-66 herein and the procedures as set forth in Section 90-67 herein.
- (k) *Nominated Sites*. Sites nominated by County staff, the Advisory Committee, general public, public agencies or private nonprofit organizations.
- (l) *Property Interest*. A right, claim, or legal share in land such as lease, easement, Fee Title, water rights, mineral rights, and Use Reservation.
- (m) *Related Person*. An individual who is related to a person as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.
- (n) *Use Reservation*. The Acquisition of title to land conditioned upon the continuation of the present and existing land uses, such as residency, agriculture, or grazing.
- (o) *Willing Seller*. Property owner(s) who desires to convey a Property Interest to the County.
- (p) *Work Plan*. A plan which sets forth the schedule of pre-acquisition Due Diligence for the evaluation and Acquisition of lands identified on the Neighborhood Parkland Acquisition List, including, but not limited to, development of neighborhood recreational space, environmental inventories and audits, appraisals, funding, potential public use opportunities, land management costs and start-up costs, as defined by Board resolution, for improvements to the site necessary to achieve its intended functionality.

(Ord. No. 2005-062, § 5, 10-25-2005; Ord. No. 2013-029, § 2, 9-25-2013)

Sec. 90-64. Advisory committee.

At its discretion, the Board may use the existing Parks Advisory and Recreation Council as the Advisory Committee or may create a separate Advisory Committee to advise the Board on issues involving Acquisition, appropriate public use opportunities, and management of Neighborhood Parkland. Such determination shall be made by Board resolution.

(Ord. No. 2005-062, § 6, 10-25-2005)

Sec. 90-65. Neighborhood Parkland acquisition policies.

- (a) *Goal of Acquisition.* The County shall develop Neighborhood Parkland in a manner that is consistent with the goals and objectives set forth in this article, the policies of the Sarasota County Comprehensive Plan, and the Parks and Recreation Master Plan. Uses of Neighborhood Parkland shall be limited to those activities that provide public access and benefit.
 - (b) *Priorities.* The County will restrict its Acquisition efforts to Neighborhood Parkland that has been evaluated utilizing the criteria specified herein and approved for the Neighborhood Parkland Acquisition List that may be amended from time to time, pursuant to recommendation by the Advisory Committee and adoption by the Board.
 - (c) *Methods of transfer of interest in real property.* The County shall pursue negotiations to acquire a real Property Interest in Neighborhood Parkland pursuant to this article only after obtaining voluntary approval of the landowner. Negotiations for Acquisition may include but are not limited to, Conservation Easements, rewards, compensation, transfer of development rights, exchanges, Use Reservations, acceptance of gifts of land, and donations.
 - (d) *Cooperation with other groups.* The County will work in a cooperative manner with, but not limited to, the following entities in the Acquisition and development of Neighborhood Parkland:
 - (1) Private landowners.
 - (2) Municipalities.
 - (3) Private nonprofit organizations and land trusts (e.g., SCOPE, Community Housing Trust of Sarasota County).
 - (4) Florida Recreation Development Assistance Program (FRDAP).
 - (5) West Coast Inland Navigation District (WCIND).
 - (6) Appropriate Federal, State and local agencies.
 - (e) *Cooperation with for-profit and nonprofit groups.* The County will consider potential partnerships with for-profit and nonprofit organizations and trusts for the purchase of Neighborhood Parkland that meets the intent and criteria set forth herein. In no event shall this article, the authority granted hereunder, or the efforts of any such organization create an agency relationship, express or implied, between the organization and Sarasota County. Sarasota County shall not be bound by any person or entity to approve or complete any transaction involving real property or real Property Interests, as a result of the negotiations or other acts of omissions of such organizations, unless and until approved by formal action of the Board.
 - (f) *Matching funding source.* When desirable matching fund opportunities exist, the County will follow and implement acquisition procedures for Neighborhood Parkland in accordance with the WCIND and FRDAP programs, Florida Communities Trust program, or other matching fund programs to enhance opportunities for securing matching funding from these programs for Acquisition of Neighborhood Parkland.
 - (g) *County offices.* All necessary County offices shall work in a cooperative manner to implement this article.
- (Ord. No. 2005-062, § 7, 10-25-2005; Ord. No. 2014-082, § 2, 11-5-2014)

Sec. 90-66. Neighborhood Parkland criteria.

When making recommendations to the Board, the Advisory Committee and Parks and Recreation staff shall evaluate potential Nominated Sites using the following criteria when making recommendations to the Board:

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- (a) *Broad community access.* Sites that provide and anticipate public access and use, or common space for civic engagement, while minimizing or avoiding adverse impacts to existing neighborhoods.
 - (b) *Proximity and connectedness.* Sites adjacent to existing parks and public lands or providing connections to trails, beaches, waterways or other public amenities.
 - (c) *Natural features.* Sites with remnant native habitat or wildlife, shoreline or waterways, or that preserve existing floodplain.
 - (d) *Cultural features.* Sites that protect historical or archaeological resources, or other sites valued by the community for the preservation of its heritage.
 - (e) *Compatible community needs.* Sites that provide public benefits such as neighborhood play areas, nature-based recreation, or horticultural resources.
 - (f) *Water access.* Sites bordering the Gulf of Mexico, bays, creeks, rivers, or lakes that provide for water dependent, recreational activities such as swimming, fishing, canoeing or boating opportunities.
 - (g) *Location.* Site locations that fill a recreational community need by enhancing the distribution of existing accessible public lands throughout the County.

(Ord. No. 2005-062, § 8, 10-25-2005)

Sec. 90-67. Neighborhood Parkland procedure for acquisition.

The County's procedure for listing and acquiring sites on the Neighborhood Parkland Acquisition List will be as follows:

- (a) *Nominated Sites.* Sites may be nominated by County staff, the general public, public agencies and private nonprofit organizations.
- (b) *Eligibility.* Parks and Recreation staff will apply the Neighborhood Parkland criteria to evaluate eligibility and develop the Neighborhood Parkland Acquisition List. The Advisory Committee will review eligibility.
- (c) *Participation.* This is a Willing Seller program. Owner participation may be withdrawn or initiated at any time until a legal agreement for Acquisition has been fully executed.
- (d) *Work Plan.* In conjunction with the property owner, County staff will develop a Work Plan for each site on the Neighborhood Parkland Acquisition List. The Work Plan will include proposed acquisition methods and strategy, funding sources and methods, land management strategies, potential public use and recreational opportunities, public access and costs, including start-up costs, as defined by Board resolution, for improvements to the site necessary to achieve its intended functionality. The Work Plan may include environmental inventories, audits, appraisals, and surveys. The Work Plan prepared by County Staff will be submitted to the Advisory Committee for review and recommendation to the Board. The Board may accept, reject or modify the Work Plan.
- (e) *Implementation.* Upon Board approval, County staff will implement the Work Plan.
- (f) *Contractual Negotiation.* Contractual Negotiation for lands identified on the Neighborhood Parkland Acquisition List will not begin until:
 - (1) A Work Plan has been completed and approved by the Board.
 - (2) Required funds are identified.

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- (g) *Park Concept Plan.* Following the Acquisition of some or all of the real Property Interests, staff shall develop a management plan that protects site resources while providing for public use. The plan will be submitted to the Advisory Committee for recommendation to the Board.
 - (h) *Funding Sources.* Start-up costs, as defined by Board resolution, related to the Neighborhood Parkland Acquisition may be funded from available Acquisition funding. Maintenance and facility development (other than start-up costs) proposed in the Park Concept Plan shall be funded through a separate funding source.

(Ord. No. 2005-062, § 9, 10-25-2005; Ord. No. 2013-029, § 3, 9-25-2013)

Sec. 90-68. Disposition of lands.

In some cases the County may acquire fee-simple title over a portion of a property which does not meet the criteria for Neighborhood Parkland in order to protect a portion of the property that is Neighborhood Parkland. In this event, that land not considered Neighborhood Parkland may be utilized for other public purposes (e.g., stormwater retention, rights-of-way, buffering, or other public facilities), or declared surplus and offered for sale. In such cases where surplus property, if sold, may be used for purposes other than natural restoration or cultural preservation or buffering, that property will be sold for not less than the original acquisition cost with all proceeds being deposited in the fund used for the original purchase.

(Ord. No. 2005-062, § 10, 10-25-2005)

Sec. 90-69. Buffers.

No additional buffers shall be required on private property adjacent to sites protected pursuant to this program beyond those that would otherwise be required pursuant to Apoxsee: The Sarasota County Comprehensive Plan, local land development regulations, or other applicable regulations. All issues regarding buffering as they relate to land uses anticipated in the Comprehensive Plan need to be resolved prior to closing. The intent of this section is to provide certainty regarding future expectations of the adjacent owners. This shall not be interpreted to suggest that all buffers need to be acquired by the County, but may include options such as, but not limited to, buying less land or changing regulations.

(Ord. No. 2005-062, § 11, 10-25-2005)

Sec. 90-70. Persons authorized to negotiate, obligation to maintain confidentiality, and public records law.

- (a) The Board shall, by majority vote, authorize the appropriate County staff member(s), Advisory Committee member(s), member(s) of any organization or agent employed by the County to negotiate for the purchase, sale, or exchange of real property, or real Property Interests, on behalf of the County, pursuant to the terms of this article.
- (b) No person or entity, shall be authorized to negotiate on behalf of the County, or otherwise be directly involved in, the purchase, sale or exchange of real property, or real Property Interests, pursuant to the terms of this article, if that person, entity, or a Related Person, has a financial interest in the transaction.
- (c) Except to the extent required under Section 119.07, Florida Statutes, as amended, no person acting on behalf of the County shall divulge information obtained in their official capacity with respect to any proposed purchase, sale or exchange of real property, or real Property Interests, pursuant to the terms of this article, for the purpose of giving the third party an unfair advantage. Nothing contained in this paragraph shall

constitute a waiver by the County of its right to claim exemptions under Section 119.07, Florida Statutes, as amended. Furthermore, the provisions of Section 125.355, Florida Statutes, as amended, shall be invoked by the County to maintain the confidentiality of appraisals, offers and counteroffers as allowed by that statute.

- (d) Prior to commencement of negotiations, persons acting on behalf of the County during the period of active negotiations for real property, or real Property Interests, pursuant to the terms of this article, shall provide a written statement verifying that neither they, the entity which they are employed by or otherwise represent, or a Related Person has a financial interest in the proposed transaction and they acknowledge their agreement to maintain the confidentiality of information and documents as described in this article.
- (e) No contract or agreement negotiated pursuant to the terms of the Ordinance for the purchase, sale, transfer or exchange of real property or real Property Interests shall be binding upon Sarasota County unless approved by a vote of a majority of the Board in public meeting.

(Ord. No. 2005-062, § 12, 10-25-2005)

Sec. 90-71. Severability.

The provisions of this article are severable and if any section, subdivision, sentence, clause, or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this article shall not be affected by such invalidation.

(Ord. No. 2005-062, § 13, 10-25-2005)

Sec. 90-72. Effective date.

This article shall take effect upon approval of the November 8, 2005, referendum. In the event the referendum is not approved, this article shall be null and void.

(Ord. No. 2005-062, § 14, 10-25-2005)

Sec. 90-73—90-89. Reserved.