

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 MAJORITY PLUS ONE VOTE TO AMEND OR 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, Section 2.04(d) of the Pinellas County Charter grants countywide services and regulatory authority relating to the acquisition, development and control of county-owned parks, buildings, and other county-owned property to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners desires to protect the County-owned parks and environmental lands into the future through the imposition of regulations as authorized by the Pinellas County Charter restricting the sale of county-owned parks and environmental lands, including requiring referendum approval as provided herein, and reserving the authority to provide for the transfer of development rights from County-owned lands, while providing for the continued operation, maintenance, and improvement of water supply facilities and existing transportation facilities.

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) The following phrases, when used in this code section, shall have the following meanings ascribed to them:

(1) “property of critical concern” shall mean those county-owned park properties as defined in Section 90-2 of this code (“parks”), and county-owned 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 a property of critical concern by resolution, or remove the property 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)–(6) herein without referendum approval.

(2) “utilities property” shall mean any county-owned real property and improvements thereto located within the boundaries of a designated property of critical concern that was acquired using Pinellas County utilities department funding sources and is an asset of the Pinellas County utilities department, and not of the Pinellas County general fund.

(b) Except as otherwise permitted by subsections (1) through (6) herein, after the effective date of this code section, the county shall not sell, convey or transfer any fee simple interest in any property of critical concern, or lease or license any property of critical concern for a period of longer than ten (10) years, to any other person or entity unless approved by a majority vote 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 the requirement for referendum approval shall not apply to:

(1) the sale, transfer, conveyance or dedication of any interest in any property of critical concern for transportation infrastructure improvements to transportation facilities that existed as of the effective date of this code section;

(2) the sale, transfer, conveyance or dedication of any interest in any property of critical concern for utilities facilities that is consistent with the approved management plan for the respective property of critical concern, and will have no significant effect on the public’s use and enjoyment of the property of critical concern as determined by the board of county commissioners;

(3) the sale, transfer, conveyance, lease, license, or dedication of any interest in, or the construction, expansion, improvement, or replacement on, over, or under utilities property for utilities facilities and infrastructure;

(4) the transfer of development rights from a property of critical concern when it is deemed in the best interest of the public as determined by the board of county commissioners, provided that any sums received for the transfer of development rights from parks shall be used exclusively for the benefit of parks that are designated as properties of critical concern, including land acquisitions, and any sums received from the transfer of development rights from environmental lands shall be used exclusively for the benefit of environmental lands that are designated as properties of critical concern, including land acquisitions;

(5) the sale, transfer, conveyance or dedication of any interest in any property 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;

(6) the exchange of parks for reasonably equivalent parks or environmental lands for reasonably equivalent 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 amended or repealed only by an ordinance approved by a majority plus one vote of the total membership of the board of county commissioners, and a majority vote of the electorate of Pinellas County in a referendum held at a general or special election called by 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:

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 MAJORITY PLUS ONE VOTE TO AMEND OR 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.

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)

## Appendix A

County-owned property within the following described parks and environmental lands designated by parcel number are Properties of Critical Concern:

### Environmental Lands

1.	ALLEN'S CREEK MANAGEMENT AREA:		
	252915702004001200	302916000003100100	302916703263001100
2.	ALLIGATOR LAKE MANAGEMENT AREA:		
	042916000004400500	092916000001100100	092916000001100200
	092916000001200300	092916000001300100	092916000002100800
	092916000002400600		
3.	ANCLOTE ISLANDS MANAGEMENT AREA:		
	032715000004100100	112715000001400100	122715000002300100
4.	BROOKER CREEK PRESERVE:		
	127160000013000000 *	012716000002100100 *	012716000003000000*
	012816000001100100 *	012816000001200000 *	012816000002200000
	022716000001000100 **	022716000002100200	022716000003000000 *
	022816000002000000	032716000001000100	032716000001200100
	032716000001200200	032716000002200100	032716000002200300
	042716000001200200	042716000001400100	042716000002300100
	042716000002400400	042716893520000020	042716893520000035
	042716893520000036	052716893700000020	0527168937000000170
	0527168937000000250	0527168937000000260	062716000003400100
	0627168938800000360	0627168938800000451	0627168938800000462
	0627168938800000463	0627168938800000465	072716000002200500
	112716000001000100 ***	112716000002300200 *	112816000001400300
	112816000001400400	112816000004400100	122715000001100100
	122715000001200500	122715899820940000	122716000002100100 ****
	122716000004300100	122716466024000151 *	132716000001100100 *
	132716000001200100 *	132716000002100100	132716000003200100
	132716000003400100	142716000001200300	142716000001300300
	142716000001300400	142716000001400500	142716000004300100
	142716000004400200	142716000004400300	152716000004200300
	152716000004400000	222716000001200000	222716000004100200
	222716000004300000	232716000001100100	232716000001100200
	232716000001200100	232716000001300000	232716000001400100
	232716000002400100	232716000003000000	232716466130000362
	232716999991200001	232716999991200002	232716999991200003
	242716000001000100 *	242716000001000300 *	242716000002000100
	242716000002000300	242716000002000310	242716000003200200
	252716000001100100 *	252716000002000000 *	262716000001000000 *
	262716000002400100	262716000004300100	262716000004400100
	272716000001100200	272716000001200100	272716000004100300

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272716000004200000	342716000001100300	352716000001000000
352716000003400000	352716000004100100 *	362716000001100100
362716000001100300	362716000001100400	362716000001200000 *
362716000001300100	362716000001300200	362716000001300300 *
362716000001400100	362716000001400200	362716000002100100 *
362716000002100200	362716000002200100 *	362716000002200200
362716000002300000 *	362716000004100100 *	362716000004100110 *
362716000004200000 *	362716000004400100 *	

\* Utilities

\*\* Utilities - includes Water Blending Facilities Site

\*\*\* Utilities - includes Sulphur Scrubbing Plant & Alcohol Comm. Treatment Services Site

\*\*\*\* Utilities - includes Chemical Storage Area Site

5. COW BRANCH MANAGEMENT AREA:

042816000002300110	042816000002300300	042816000003200100
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6. JOE'S CREEK MANAGEMENT AREA:

013115000002100110	013115000002100111	013115000002100300
013115000002200100	013115000002300100	253015000004300200
253015696784004900	313016000002200100	313016999990000001
363015000001300100	363015000001400200	363015000002100100
363015000003100100	363015000003100300	363015000003400100
363015999990000022		

7. LAKE SEMINOLE MANAGEMENT AREA:

113015705244002502	113015999993000001	143015705784000700
143015705784002300	143015990880000001	143015990880000002

8. LAKE TARPON NE MANAGEMENT AREA:

162716000003100000	162716000003100100
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9. LAKE TARPON SE MANAGEMENT AREA:

332716000001100500

10. LAKE TARPON WEST MANAGEMENT AREA:

302716565020000380	302716894600000130
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11. LONG BRANCH MANAGEMENT AREA:

282916000003300100	292916000004401300	292916527950000001
292916527950000002	322916331880010380	

12. MARINER'S POINT MANAGEMENT AREA:

232715892620001700

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|-----|----------------------------------|----------------------|----------------------|
| 13. | MOBBLY BAYOU PRESERVE:           |                      |                      |
|     | 252816184320040170               | 252816184320260010   | 252816184320280010   |
|     | 252816184320290010               | 252816184320300010   | 252816184320310010   |
|     | 252816184320340010               | 252816184320430160 * | 252816184320430190 * |
|     | 252816184320430210 *             | 252816184320430230 * | 252816184320430240 * |
|     | 252816894780050130               | 252816894780060170   | 252816894780070140   |
|     | 252816894780120070               | 252816894780130110   | 252816894780140070 * |
|     | 252816894780150010 *             | 252816894780150110   | 252816894780200010   |
|     | 252816894780210130               | 252816894780220010   | 252816894780240290   |
|     | 252816894780250270               | 252816894780270040   | 352816000001100100 * |
|     | 362816000002100100               | 362816000002100110   | 362816000002100200   |
|     | 362816000002200100 *             | 362816000002200200 * |                      |
|     | * County & Oldsmar               |                      |                      |
| 14. | OZONA MANAGEMENT AREA:           |                      |                      |
|     | 102815128160120500               | 102815128160130101   | 112815298980051000   |
|     | 112815298980051100               |                      |                      |
| 15. | SHELL KEY PRESERVE:              |                      |                      |
|     | 303216000002100100               | 303216000002200100   | 303216000002400100   |
|     | 303216000004200100               | 313216000001100100   | 313216000002400100   |
|     | 313216000003100100               | 323216000002300100   |                      |
| 16. | TRAVATINE ISLAND MANAGEMENT AREA |                      |                      |
|     | 303015000003100100               | 303015000004300100   | 303015365040000230   |
|     | 303015365040000240               | 303015365040000250   | 303015365040000260   |
|     | 303015365040000350               | 303015365040000360   | 303015365040000370   |
|     | 303015365040000380               | 303015999990000001   | 303015999990000002   |
|     | 303015999990000004               | 303015999990000005   | 303015999990000006   |
|     | 303015999990000007               | 303015999990000008   | 303015999990000009   |
|     | 303015999990000010               | 303015999990000012   |                      |
| 17. | WEEDON ISLAND PRESERVE:          |                      |                      |
|     | 173017285300210040               | 173017285300210060   | 203017000001100100   |
|     | 203017000002400100               | 203017000002400300   | 203017000004100100   |
| 18. | WEEDON ISLAND/GATEWAY TRACT:     |                      |                      |
|     | 013016000002300100               | 013016000002300110   | 013016000002400100   |
|     | 023016000001100700               | 352916000003400100   | 352916000003400200   |

## Appendix A

### Regional Parks

- |     |   |                    |                    |
|-----|---|--------------------|--------------------|
| 1.  | A.L. ANDERSON PARK:                         |                    |                    |
|     | 182716894240000350                          | 182716894240000460 | 192716000001200200 |
|     | 192716000001200100                          | 182716000004300100 | 182716897840000010 |
|     | 182716894240000390                          | 192716894420000130 | 182716894240000330 |
|     | 122715899821390000                          | 182716894240000140 |                    |
| 2.  | BOCA CIEGA MILLENNIUM PARK:                 |                    |                    |
|     | 333015000002300100                          | 333015000002300200 | 333015000002200100 |
|     | 323015000001400100                          | 323015000001100100 | 283015000003300200 |
|     | 283015000003300300                          | 283015000003300100 | 283015000003300400 |
|     | 323015000001200100                          | 323015000001200300 |                    |
| 3.  | EAGLE LAKE PARK:                            |                    |                    |
|     | 262915000001200000                          |                    |                    |
| 4.  | FRED HOWARD PARK:                           |                    |                    |
|     | 102715891900000130                          | 102715891900000220 | 032715891720000061 |
| 5.  | FORT DE SOTO PARK:                          |                    |                    |
|     | 053316000001000000                          |                    |                    |
| 6.  | JOHN CHESNUT, SR. PARK:                     |                    |                    |
|     | 332716000002400100                          |                    |                    |
| 7.  | JOHN S. TAYLOR PARK:                        |                    |                    |
|     | 043015000001200200                          | 043015704523000300 | 043015704523001300 |
| 8.  | LAKE SEMINOLE PARK:                         |                    |                    |
|     | 263015000003100100                          | 263015707402002100 | 263015707402001100 |
|     | 263015707402000500                          | 273015000001100100 | 273015707584000100 |
| 9.  | PHILLIPPE PARK:                             |                    |                    |
|     | 352816000002300100                          |                    |                    |
| 10. | RIDGECREST PARK:                            |                    |                    |
|     | 093015000002100200                          |                    |                    |
| 11. | SAND KEY PARK:                              |                    |                    |
|     | 172915000003200000                          |                    |                    |
| 12. | SAWGRASS LAKE PARK:                         |                    |                    |
|     | Property owned by SWFWMD – Leased to County |                    |                    |



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13. WALSINGHAM PARK:  
173015000001400100

14. WAR VETERANS' MEMORIAL PARK:  
023115000004000000

15. WALL SPRINGS PARK:

262715000004200100	262715000002400100	262715000001301200
262715000001300200	262715000001300100	262715304020010000
262715304020060010	262715304020020030	262715000002200110
232715892620006400	262715000001200200	262715000002200100
232715892620006101	262715304020030000	262715000001300500
232715058320000760	262715893160000030	262715893160000031
262715999990000003		