

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, PERTAINING TO SOIL REMOVAL REQUIREMENTS; AMENDING CHAPTER 18 LAND DEVELOPMENT CODE, “ARTICLE 2 ‘DRAINAGE CODE’” OF THE CODE OF ORDINANCES; BY AMENDING SECTION 18-205 “REQUIREMENTS FOR SLOPES, FENCING AND SETBACKS”; BY AMENDING SECTION 18-206 “SOIL REMOVAL”; PROVIDING FOR FISCAL IMPACT STATEMENT; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LDC-0824-00013)

WHEREAS, The City of Pinellas Park recognizes the importance of maintaining consistent regulations concerning soil fill and removal activities within the city limits; and

WHEREAS, Ordinance No. 4029 established a limitation on soil fill activities, restricting the amount of fill to five (5) cubic yards to ensure minimal environmental impact; and

WHEREAS, the City of Pinellas Park has identified a need to clarify and regulate the addition of “fill” material in conjunction with existing soil removal operations; and

WHEREAS, removing City Council approval will streamline operations, allow for faster decision-making and improve the overall efficiency of soil removal or fill projects; and

WHEREAS, the City of Pinellas Park desires for the Land Development Code to function effectively and equitably throughout the city; and

WHEREAS, the Planning and Zoning Commission, sitting as the Local Planning Agency, and the City Council for the City of Pinellas Park, Florida have reviewed and held public hearings on said proposed ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA:

SECTION ONE: That Section 18-205(B), of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

Sec. 18-205. REQUIREMENTS FOR SLOPES, FENCING AND SETBACKS.

(B) **SETBACK.**

1. No excavation of soil, except for the purpose of a drainage retention/detention basin, shall be within one hundred fifty (150) feet of a right-of-way of an existing road or street when soil removal exceeds ~~two hundred fifty (250)~~ five (5) cubic yards.
2. A ~~five foot (5)~~ foot setback from any property line, right-of-way, or easement is required for a retention/detention basin or swale. If the City determines, after consultation with the Design Professional of record, that it will not effect the safety or welfare of the public or effect any utilities or future plans of the City, such setback may be no less than two (2) feet from any property line, right-of-way, or easement, if the side slope of such retention/detention basin or swale is 3:1 or greater.

SECTION TWO: That Section 18-206, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

Sec. 18-206. - SOIL REMOVAL AND FILL.

(A) **PERMITS TO REMOVE AND ADD SOIL.**

- ~~1. No person shall remove soil in an amount in excess of two hundred fifty (250) five (5) cubic yards, from or upon any land except in connection with the subdivision and improvement of land which has received final approval from the City, unless and until he/she has received approval from City Council and a permit has been issued by the Building Development Division. Such approval shall not be given by City Council and such permit shall not be issued by the City unless and until the applicant has complied with all of the terms and provisions of this Section. No such approval or permit, however, shall be required in connection with the following: (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)~~
1. A permit approval from the Building Development Division is required before removing or adding more than five (5) cubic yards of soil. A separate permit for removing or adding soil shall not be required if the work is associated with an approved development permit.

- ~~(a) Construction or alteration of one building involving excavation less than five hundred (500) cubic yards. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)~~
- ~~(b) Construction of underground utility lines. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)~~
- ~~(c) Cellars or any excavation required to prepare footings or other base for an approved structure. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)~~
- ~~(d) Septic tank or other sanitary installations. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)~~
- ~~(e) Driveways involving excavation less than three hundred (300) cubic yards. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)~~
- ~~(f) Canals or ditches designed for drainage purposes as a part of or connecting to the area wide drainage system. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)~~
- ~~(g) Excavation for the construction of a detention/retention basin as a part of an approved drainage system. (Ord. No. 3305, 2-10-2005)~~
- ~~(h) Excavation required for the maintenance of an approved retention/detention basin. (Ord. No. 3305, 2-10-2005)~~

For the purposes of this Section, the amount of soil removed or added shall be calculated upon the basis of the total amount of soil ~~so~~ removed or added in connection with the overall scheme of development or use of land, irrespective of the amount of soil which may be removed at any one (1) time.

2. No owner or tenant of any land, or contractor or subcontractor shall cause, allow, permit or suffer any soil in or upon such land to be removed or added by any person unless such person has first obtained the permit referred to above.
3. No more soil shall be removed or added than is reasonably necessary for the development and use of the land.

(B) APPLICATION FOR PERMIT. The procedure for applying for issuance of a soil removal or addition permit shall be as follows: (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)

1. The City Building Development ~~d~~Division shall prepare and supply application forms for a soil removal or addition permit as an Engineering Permit under this Section. ~~Any applicant for a soil removal permit shall submit two (2) copies of such~~

~~application setting forth:~~ Any application for a soil removal or addition permit shall provide the following information:
Ord. No. 3305, 2-10-2005)

- (a) The identity and address of the applicant; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (b) The description of the lands in question; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (c) The identity and address of the owner of the lands; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (d) The purpose or reason for moving the soil; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (e) The kind and quantity in cubic yards of soil to be moved; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (f) In case of removal or addition to another location, the place to which the soil is to be removed or added and the kind and quantity of soil to be removed or added; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (g) The proposed date of completion of the work; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- ~~(h) Such other pertinent data as the City Council may hereafter by Resolution require; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)~~
- (~~h~~) (h) Equipment to be used in excavation and removal or addition of soil; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (~~h~~) (i) Number and size of trucks to be used in removal or addition; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (~~k~~) (j) Streets which the applicant wishes to use; and (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
- (~~h~~) (k) That the applicant consents and authorizes any authorized representative of the City to go upon the lands covered thereby for the purpose of inspection, etc. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)

2. The applicant shall submit with the application ~~five (5) copies~~ of a survey/site plan certified by a Florida licensed design professional. The plat shall show: (Ord. No. 3305, 2-10-2005)
- (a) A key map showing the entire lot or lots in the application and the relationship of the lot or lots to the surrounding areas; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (b) The tract name, tax map sheet, block and lot numbers, date, north arrow, graphic scale and the names and addresses of record owner or owners, person who prepared the map, and the names of all adjoining property owners within three hundred (300) feet as disclosed by the most recent tax records and showing all building within three hundred (300) feet of the property line; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (c) Acreage of lot or lots in the application to nearest tenth of an acre; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (d) Sufficient, elevations or contours, at a two-foot contour interval based on mean seal level (USGS) datum, to determine the general slope and drainage of the land as it presently exists. Maps shall be drawn at a minimum scale of 1" = 50'. High and low points shall be indicated to the nearest tenth of a foot in elevation, in addition to centerline elevations of existing and proposed streets at 100-foot intervals. Cross-sections of the property at one-hundred-foot intervals (one (1) direction only) and present and proposed elevations on a one-hundred-foot grid shall also be required; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (e) Quantity in cubic yards of soil involved in the work, and method of computation, including figures; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (f) Topography within two hundred (200) feet of boundary of property affected by the application; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (g) Proposed slopes and lateral supports; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (h) Present and proposed surface water drainage and proposed methods to be used to prevent erosion and drainage problems during the progress of the operation indicating the location of all erosion and sediment control devices on plan; (Ord. No. 1486, 4-11-1985; Ord.

No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)

- (i) The location of existing and proposed property lines, easements, streets, buildings, water courses, railroads, bridges, culverts, drain pipes, rights-of-way, and drainage easements and rights-of-way, and any natural features such as wooded areas, swamps and rock formations; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (j) Plans of proposed utility layouts, sewers, storm drains, water, gas and electricity, if required, showing feasible connections to existing or any proposed utility systems; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (k) A copy of any protective covenants or deed restrictions applying to the lot or lots identified in the application; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (l) The applicant shall be required to furnish elevations on the same one-hundred-foot grid layout no later than thirty (30) days after the work is completed, and these requirements shall be covered by performance bond; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (m) The applicant shall furnish and adequately marked, or otherwise clearly identify, control points along a base line used to establish the above one-hundred-foot grid, and this requirement shall be covered by performance bond; and (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (n) Southwest Florida Water Management Enterprise Resource Permit if applicable or a Southwest Florida Water Management official exemption letter if requested.
 - (o) Such other pertinent data as the City may require. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
3. The original ~~and five (5) copies of the~~ application shall be submitted to the City with a permit fee in the amount computed at the rate of Seven Cents (\$0.07) per cubic yard to be removed, as stated in the application and certified on the topographical map; provided, however, that in no event shall such fee be less than Seventy Dollars (\$70.00) as outlined in the City of Pinellas Park Administrative Fee Schedule. The City Council may, at its discretion, waive such application fee in whole or in part for proposed removal or addition of soil from property owned

by any governmental unit or agency where such removal or addition is done by or at the direction of that governmental unit or agency in connection with the construction of improvements for that unit or agency upon the land from which the soil is removed or added and which require the removal or addition of the soil. In the event of refusal of the soil removal or addition permit, ~~all that portion of the fee paid in excess of the actual expense to the City in connection with the application shall upon request by voucher be refunded to the applicant. Within sixty (60) days after receipt of said application or within such longer period of time to which the applicant may agree,~~ the City shall present a recommendation of approval or denial of the application, together with ~~his~~ the reasons for such recommendation, ~~to the City Council. City Council shall then approve or deny said application by resolution.~~ (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)

4. The soil permit shall be in such form as may be prescribed by the City ~~Council~~ and shall contain any special conditions set forth by the City. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
5. In considering and reviewing the application, the City shall take into consideration the public health, safety and welfare and particularly the following factors: (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
 - (a) Soil erosion by water and wind; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (b) Surface water drainage; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (c) Soil fertility; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (d) Lateral support of abutting streets and lands; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (e) Public health and safety; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (f) Land values and uses; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (g) Such other factors as may bear or relate to the coordinated, adjusted and harmonious physical development of the City; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)

- (h) The effect of flooding upon the premises in question; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (i) Traffic congestion; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (j) The creating of sharp declivities, pits or depressions; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (k) Preservation of existing water courses or proposal to change the same; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (l) Overall aesthetic considerations of the area surrounding the proposed excavation; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (m) Zoning and land use classification; and (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (n) The proposed uses surrounding the excavation site. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
6. In the event that a soil removal or addition permit is issued, the applicant shall proceed with the work within one hundred twenty (120) days after the ~~resolution of the Council authorizing the~~ City Building Development Division ~~to~~ issues such permit. In the event that the work is not commenced within one hundred twenty (120) days, the soil removal or addition permit shall expire and so stand revoked, and the applicant shall no longer have the right to remove or add any soil. Any soil removal or addition permit issued by the City shall not be assignable or transferable except upon written permission of the City Manager or designee, which approval shall not be unreasonably withheld. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
7. Upon the expiration of the time limit of the permit, in the event that the amount of soil removed or added is less than that originally applied for, an application may be made for renewal to continue the work. ~~In this event, that portion of the fee originally filed with the City Clerk equal to the number of cubic yards of unremoved or added soil at Seven Cents (\$0.07) per cubic yard would be forfeited to the City but may be used as part or all of any future application fee upon recommendation of the majority of City Council. Such application for renewal shall be made by petition to the City Council and shall set forth therein just cause for the renewal.~~ (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)

(C) RECLAMATION AND RESTORATION OF EXCAVATED LAND.

1. Before any person shall be eligible to obtain a permit for soil removal or addition under this Section, they shall submit for approval a written reclamation and restoration plan for the land from which the soil is to be removed or added to the City, which shall provide for the restoration of the land to its condition immediately prior to the removal or addition of the soil, to a condition which in the opinion of the City, is more desirable than the condition thereof immediately prior to excavation when considered in accordance with the standards provided herein. The original and four (4) copies of such plan shall be filed with the City Building Development Division at the same time as the application for the soil removal or addition permit. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
2. The plan for reclamation and restoration shall provide for, as a minimum, all of the following standards: (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985)
 - (a) Control of the physical and chemical quality of the water draining from the land from which the soil is to be removed or added; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985)
 - (b) Prevention of flooding in the City of Pinellas Park; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (c) Soil stabilization, including grading, regrading, contouring and restoration of vegetation; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (d) Elimination of health and safety hazards; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (e) Conservation and preservation of remaining natural resources, including trees; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (f) Time schedule for completion of recovery and reclamation, and the various phases; (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)
 - (g) The estimated cost of such restoration and reclamation thereof.

Such plan shall be accompanied by all records, drawings, sketches, maps, and other documents necessary to adequately explain or describe all elements thereof. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986)

3. The plan for restoration and reclamation shall be considered by the City at the same time and as a part of the application for soil removal or addition as provided for elsewhere herein. In considering and reviewing this plan, the City shall take into account the same factors to be taken into consideration in its review and consideration of the application for soil removal or addition generally. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
 4. As-built drawings shall be submitted for the review of the City Building Development Division to verify compliance with the approved restoration and reclamation plan. Bonds required by this Section shall not be released until as-builts have been received and approved. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
- (D) **PERFORMANCE BOND REQUIRED.** The plan for reclamation and restoration required under this Section shall be accompanied by the filing of a performance bond issued by a recognized surety licensed to do business in this State or such other equivalent bond in an amount to be determined sufficient by the City to insure the completion of the reclamation and restoration within the time specified in the application. The bond shall be conditioned upon full and faithful performance by the principal of all proposed reclamation and restoration work within the time specified in the application. In addition, the bond shall be conditioned upon the repair, at the expense of the owner or the applicant, of any street damaged by the transportation of soil in connection with the application. If, in the judgment of the City, such repairs are deemed necessary. If at any time the amount of such bond is deemed by the City to be insufficient to cover the cost of the reclamation and restoration as approved, or/or any street repairs which may be deemed necessary by the City to sufficiently cover such costs. The term "expense" as used in this Section includes the costs incurred and supervision required by the City in connection with such repairs. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)
- (E) **OWNER'S CONSENT.** Before issuance of any permit under this Article 2 of the Land Development Code the applicant shall furnish to the City any consent necessary to go upon the property to inspect or complete any work necessary to comply with the terms of this Article 2 of the Land Development Code. If the applicant is not the owner, the applicant shall furnish the City with the consent of the owner to go upon the owner's property to inspect or complete all work necessary to comply with this Article 2 of the Land Development Code. Such consent shall be in writing in such form as shall be approved by the City Attorney and shall be accompanied by affidavit of the applicant, certifying his authority to give permission for the required entry upon the property. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3302, 2-10-2005)
- (F) **REVOCATION OF PERMIT.** In the event that, in the opinion of the City, the project, or any part thereof, including restoration and reclamation, has been abandoned, is unnecessarily delayed, or cannot be completed at the rate of progress within the time

specified in the soil removal or addition permit, or that there is a willful violation of any of the terms of the soil removal or addition permit, then the City may declare a default and notify the applicant to discontinue the project. The City may revoke the soil removal or addition permit or may call upon the surety to complete the project. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)

- (G) ENFORCEMENT. In addition to any other penalties provided for in this Article 2 of the Land Development Code, any person who shall violate this Section shall, upon conviction thereof, pay a fine not exceeding Five Hundred Dollars (\$500.00). Each day that a violation shall continue shall constitute a separate offense. (Ord. No. 1486, 4-11-1985; Ord. No. 1519, 8-8-1985; Ord. No. 1596, 2-13-1986; Ord. No. 3305, 2-10-2005)

SECTION THREE: The proposed reduction in allowed soil removal or addition without a permit from five hundred cubic yards to 5 cubic yards will require property owners to provide surveys and designs that will have costs commensurate to the scale of work proposed. However, the regulation will prevent possible negative outcomes on adjoining properties, which avoids costly lawsuits between property owners for damages.

SECTION FOUR: All other provisions of Chapter 18 of the Code of the City of Pinellas Park not hereby amended shall remain in full force and effect.

SECTION FIVE: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this Ordinance in an appropriate place to accomplish such intention.

SECTION SIX: The provisions of this ordinance shall be deemed severable, and should any court of competent jurisdiction declare any part of this ordinance unconstitutional or invalid, the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

SECTION SEVEN: This Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE _____ DAY OF _____, 2025.

FIRST READING THE _____ DAY OF _____, 2025.

PUBLIC HEARING THE _____ DAY OF _____, 2025.

PASSED THIS _____ DAY OF _____, 2025.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS _____ DAY OF _____, 2025.

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer R. Carfagno, MMC
CITY CLERK



CITY HALL - P.O.Box 1100
PINELLAS PARK, FL 33780-1100

Please Respond To:

James W. Denhardt
City Attorney
Law Offices of James W. Denhardt
2700 First Avenue North
St. Petersburg, Florida 33713
(727) 327-3400 - Telephone
(727) 323-0888 - Facsimile

October 14, 2024

Ms. Elizabeth St. Pierre,
Economic Development Coordinator
Department of Community Development
City of Pinellas Park
P. O. Box 1100
Pinellas Park, Florida 33780-1100

RE: City Document #24-269
Proposed Ordinance – Soil Fill Activities

Dear Ms. St. Pierre:

We have received and reviewed the above-mentioned proposed Ordinance pertaining to soil fill activities. Our requested changes are as follows:

1. Please update the third line of the title of the Ordinance to reference “Article 2 ‘Drainage Code’” so as to maintain consistency with the title of the Article in the Land Development Code. The title of the Ordinance should also be updated to read as follows:

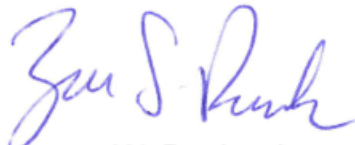
. . . BY AMENDING SECTION 18-205 “REQUIREMENTS FOR SLOPES, FENCING AND SETBACKS”; BY AMENDING SECTION 18-206 “SOIL REMOVAL”; . . .

2. We believe the first “WHEREAS” paragraph should read as, “. . . the importance of maintaining . . .”

3. Section One of the Ordinance, which amends Section 18-205(B) of the Land Development Code, provides that Sec. 18-205(B)1. is amended to add "(150) feet", but that language already exists in the current Code Section. Please also update that same paragraph to provide that the words "two hundred fifty" are also being stricken, as they currently exist in the Code.
4. Similar to our comments in paragraph 3 above, Sec. 18-205(B)2. is being amended to add "(2) feet", but that language already exists in the current Code Section.
5. The "Section Two" paragraph of the Ordinance should be amended to simply reference Section 18-206 rather than Section 18-206(A), since Section 18-206(A) is not the only subsection being amended.
6. On page 4 of the Ordinance, in the paragraph amending Sec. 18-206(B), we would recommend that a sentence is included at the end of Sec. 18-206(B)1. which reads as, "Any application for a soil removal or addition permit shall provide the following information: . . ."
7. Lastly, we happened to notice that the third line in Section Three of the Ordinance on page 14 should likely read as "surveys" rather than "survey," and the last line should read as "property owners" rather than "property owner."

Once the above-mentioned changes have been made, our office would approve of the Ordinance as to form and correctness.

Very truly yours,



for James W. Denhardt
City Attorney

cc: Bart Diebold, City Manager
Jennifer Carfagno, MMC, City Clerk
Dan Hubbard, Asst. City Manager
Nick Colonna, Community Development Administrator
Aaron Petersen, Asst. Community Development Administrator
Erica Lindquist, Planning & Development Director

JWD/pl

24-269.20241014.LLSTP.Soil Fill Ordinance.wpd