

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 18, LAND DEVELOPMENT CODE, AMENDING SECTION 18-1801.1. "GENERAL PROCEDURES FOR VACATIONS OF RIGHT-OF-WAY OR EASEMENTS"; AMENDING SECTION 18-1801.2.(B) "EASEMENTS."; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LDC-0425-00009, CITY OF PINELLAS PARK)

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**WHEREAS**, the City of Pinellas Park requests to amend section 18-1801.1. of the Land Development Code to amend general procedures for vacations of rights-of-way or easements; and

**WHEREAS**, the City of Pinellas Park requests to amend section 18-1801.2.(B) of the Land Development Code to amend public hearing notices requirements for vacation of easements; 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 1:** That Section 18-1801.1., of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

**Sec. 18-1801.1. GENERAL PROCEDURES FOR VACATIONS OF RIGHTS-OF-WAY OR EASEMENTS.**

- (A) Request for vacation of rights-of-way or easements shall be submitted to the Community Development Department Zoning Division on an application form provided by the City using the City's online application, along with the required filing fee as outlined in the City of Pinellas Park Administrative Fee Schedule. ~~The applicant shall provide notice, by certified mail/return receipt requested, to all owners of property abutting the right of way or easement to be vacated, notifying said abutting property owners that the applicant has applied for the vacation of a right of way or easement and enclosing a copy of the application. The applicant shall provide documentation to the City that he has complied with the notice requirements herein. If the applicant is the sole owner of all abutting property, such proof shall not be required. In the event the certified notice has been refused or not retrieved by an abutting property owner, the applicant shall provide documentation thereof and shall send the notice to the said property owner by U.S. Mail.~~

- (B) The applicant shall include with the application utility releases from the various affected telephone, electrical, gas and cable utilities, as well as the Pinellas Park Water Management District utility companies and government agencies. In addition, the City may require utility releases from other agencies which have jurisdiction on the property to be vacated.
- (C) The City may notify affected City divisions and departments of the application for vacation and request recommendations. The various reviewing divisions and departments shall review the request for vacation and provide recommendations to the City. The various reviewing divisions and departments shall consider whether the right-of-way or easement is needed for existing or future public use. In the review of the application for a right-of-way, the City shall assess whether or not all or part of the right-of-way should be retained or converted to an easement. In reviewing the request for the vacation of an easement, the City shall assess whether or not all or part of the easement should be retained.

**SECTION 2:** That Section 18-1801.2.(B), of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

**Sec. 18-1801.2. EASEMENTS.**

- (B) At least seven (7) days prior to the public hearing before City Council, the City Staff shall provide notice by U.S. Mail to all abutting property owners of the application for vacation and the date, time and place of the public hearing thereon. For purposes of this Section notification shall be deemed complete upon mailing. The City shall also place an advertisement in a newspaper of general circulation in the City and post a sign on the property where the easement is to be vacated and at the public right-of-way if the easement is within the site and not viewable from public right-of-way, which provides notice of the time and date of the public hearing and identifying the case. Failure to post a sign or notify all of the abutting property owners as shown on the records of the Pinellas County Property Appraisers Office shall not constitute grounds for re-advertising the public hearing or conducting additional public hearings, and shall not affect any action or proceeding on the application for vacation.

**SECTION 3:** 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 4:** 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 5:** If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

**SECTION 6:** 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:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS \_\_\_\_\_, DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
Sandra L. Bradbury  
MAYOR

ATTEST:

\_\_\_\_\_  
Jennifer R. Carfagno, MMC  
CITY CLERK

# **Business Impact Estimate**

*This form must be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.*

Proposed resolution's title/reference: **Ordinance 2025-XX**

**[AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 18, LAND DEVELOPMENT CODE, AMENDING SECTION 18-1801.1. "GENERAL PROCEDURES FOR VACATIONS OF RIGHTS-OF-WAY OR EASEMENTS"; AMENDING SECTION 18-1801.2.(B) "EASEMENTS."; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.]**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is ***not*** required by state law<sup>1</sup> for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  - a. Development orders and development permits, as those terms are defined in Florida Statutes § 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under Florida Statutes § 163.3220-163.3243;

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

- b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
- c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
- d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
- e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): This ordinance will adjust general procedures for vacations of rights-of-way or easements and public hearing notices requirements for vacation of easements.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

There is no discernible economic impact or compliance costs on the business community beyond the time and costs associated with completing the requisite forms and procedures associated with any right of way vacations. This is an ordinance of general application, with equal impact on commercial and non-commercial properties.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

The filing fee for this application is \$500.00, as set forth in the City of Pinellas Park Administrative Fee Schedule, which may be amended from time to time.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

The City does not anticipate any significant revenues from these fees.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: This is an ordinance of general application and does not specifically affect commercial uses.

4. Additional information the governing body deems useful (if any): None.