

ORDINANCE NO. 2025-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CONSOLIDATE THE DUTIES OF THE BOARD OF ADJUSTMENT, BY AMENDING CHAPTER 18, LAND DEVELOPMENT CODE, AMENDING SECTION 18-102 “DEFINITIONS”; AMENDING SECTION 18-613 “SIGN PERMIT REQUIRED.” TO PROVIDE FOR THE ADOPTION OF FEES BY RESOLUTION; AMENDING SECTION 18-1501.32. “PLANNING AND ZONING COMMISSION” TO MAKE PROVISION FOR THE APPOINTMENT OF MEMBERS AND APPLICABLE RESTRICTIONS; AMENDING SECTION 18-1502.2 “DEFINITIONS”; AMENDING SECTION 18-1537.1 “BOARD OF ADJUSTMENT” TO PROVIDE FOR THE MEMBERSHIP AND MEETINGS OF THE BOARD OF ADJUSTMENT; 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-0325-00008)

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**WHEREAS**, the City of Pinellas Park has sought opportunities to improve the provision of cost-effective and efficient municipal services; and

**WHEREAS**, the City of Pinellas Park has determined that the Board of Adjustment is under-utilized and that its duties and responsibilities could be administered by the volunteer members of the City’s Planning and Zoning Commission with nominal administrative impact; and

**WHEREAS**, City Staff have determined that the members of the City’s Planning and Zoning Commission could also, separately and distinctly, serve as the members of the Board of Adjustment; and

**WHEREAS**, the City of Pinellas Park requests to amend sections and tables of the Land Development Code to amend the composition of the Board of Adjustment to reduce municipal costs and increase efficiency.

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

**SECTION 1:** That Section 18-102, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

**SECTION 18-102. - DEFINITIONS**

BOARD OF ADJUSTMENT. An official board of the City of Pinellas Park the functions and duties of which are described in Chapter 18, Article 15 of the Land Development Code. The members of the City’s Planning and Zoning Commission shall also, separately and distinctly, serve as the members of the City’s Board of Adjustment.

**SECTION 2:** That Section 18-613(B), of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

**Sec. 18-613. SIGN PERMIT REQUIRED.**

**(B) VARIANCES.**

1. Requests for variances from any provision of this Article shall be made by submitting the applicable City application and required documents identified on the application. The process set forth in Section 18-614(b)1, 2 and 3 for completeness shall apply for variance applications.
2. A request for a variance shall be heard by the Board of Adjustment at its next available meeting ~~that is not less than forty five (45) business days~~ after the applicant's submission of a written complete variance application request.
3. Variances from the terms of this Article may be granted where, owing to a special condition, the Board of Adjustment finds that all the following conditions are met:
  - i. Special conditions or circumstances exist which are peculiar to the property;
  - ii. A literal enforcement of this Article would deprive the applicant of sign visibility or legibility enjoyed by other properties that are subject to, and comply with, the same sign allowances under this Article as apply to the subject property;
  - iii. The granting of such variance will not confer upon the applicant any special privilege that is denied by this Article to other lands, structures or buildings in the same district;
  - iv. The variance sought does not result from any action by the applicant or from an action of which the applicant had knowledge and acquiesced in or gave approval;
  - v. The variance sought does not substantially impair the purposes of or intent of this Article; nor shall the variance be a detriment to the public welfare or injurious to the neighborhood; and
  - vi. The variance sought is the minimum necessary to overcome the special circumstances.
4. In granting such variances, conditions may be attached thereto and the violation of which shall rescind the variance.
5. Variances granted herein shall be void after one (1) year from the date of approval if sign installation or construction has not commenced pursuant to all required permits and approvals.
6. Decisions of the Board of Adjustment may be appealed as provided in Section 18-1537.5.
7. Variance fee: ~~As specified in Section 18-1501.31~~ Fees and Charges outlined in the City of Pinellas Park Administrative Fee Schedule, as may be from time to time amended and adopted by the City Council by Resolution.

**SECTION 3:** That Section 18-1501.32. of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

**Sec. 18-1501.32. - PLANNING AND ZONING COMMISSION.**

**(A) PLANNING AND ZONING COMMISSION—ESTABLISHMENT AND PROCEDURES.**

The following regulations shall govern the establishment and procedures of the Planning and Zoning Commission.

1. ESTABLISHMENT AND COMPOSITION. There is hereby established a Planning and Zoning Commission which shall consist of seven (7) voting members appointed by the City Council from among the residents of the City of Pinellas Park, ~~and one (1) non-voting member representing the Pinellas County School Board~~ may also serve on the Planning and Zoning Commission Board, as appointed by the Pinellas County School Board. The School Board shall notify the City Clerk in writing within ten (10) days of the appointment or removal of any member, and one (1) nonvoting ex-officio member representing the Armed Forces Reserve Center/Pinellas Park, appointed by the Commanding Officer of the Armed Forces Reserve Center/Pinellas Park. The term of office for the voting members shall be three (3) years. Members shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that their private or personal interests are involved in any matter coming before the Planning and Zoning Commission, all applicable provisions of Section 112.3143, F.S. - "Voting Conflicts" shall apply.

City Council may appoint from among the residents of the City of Pinellas Park up to four (4) alternate board members to the Planning and Zoning Commission who may act in place of a regular member who is temporarily absent, and when filling any vacancy, shall be fully vested with the powers and duties of a regular member. Where all alternates are present, and only one vacancy exists, the alternate member who fills the vacancy shall be determined by seniority of appointment. The term of office for an alternate Planning and Zoning Commission member shall be three (3) years. Members shall be appointed from among persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. If any person appointed shall find that their private or personal interests are involved in any matter coming before the Planning and Zoning Commission, all applicable provisions of Section 112.3143, F.S. - "Voting Conflicts" shall apply.

In making appointments to the Planning and Zoning Commission, the City Council should, where possible, seek a membership with diverse economic, geographic, social and professional representation and, where possible, should include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, and land use law and real estate.

2. REMOVAL AND VACANCIES. Members of the Planning and Zoning Commission may be removed by the City Council where a majority of the members of City Council feel that such action is in the best interests of the City. In case of vacancies occurring in the membership, the City Council shall fill such vacancies for the unexpired term of the original appointment.
3. OFFICERS. The Planning and Zoning Commission shall elect a chairperson and a vice-chairperson from among its members who shall serve for one (1) year. Such

election shall take place annually at the regular meeting in September, or from time to time as a two-thirds ( $\frac{2}{3}$ ) majority of all members of the Commission may deem necessary for the best interests of the Commission.

4. RULES. The Planning and Zoning Commission shall adopt such rules necessary for the conduct of its affairs, and in keeping with the provisions of this Article.

The ~~Zoning Director~~ Planning and Development Services Director or ~~a~~ their designee shall be the secretary to the Planning and Zoning Commission, be responsible to keep a record of the Commission's actions, provide public notice for public hearing items and of meetings generally, provide necessary background material and present staff recommendations on issues coming before the Commission, keeping a record of attendance, keeping a record of all official findings and determinations of the Commission, showing the vote of the members on each question requiring a vote or, if absent or abstaining from voting, indicating such fact. The official actions of the Planning and Zoning Commission shall be a public record.

5. MEETINGS AND QUORUMS. To the extent there is any pending business within the scope of the Planning and Zoning Commission's specified powers and duties, ~~t~~The Planning and Zoning Commission shall hold at least one (1) regular meeting every month, on a day to be established by the Planning and Zoning Commission. Such meeting shall ordinarily be held at the time established for meetings of the City Council. All regular or special meetings and work sessions shall be open to the public. In the event there are no issues to be heard by the Commission, the secretary may declare such meeting canceled. In addition, the Planning and Zoning Commission may hold such special meetings or work sessions as may be called by the chairperson, provided, however, that each member of the Commission shall be entitled to at least five (5) days written notice, and all items to be considered and all supporting material shall be delivered to their residence prior to the special meeting or work session of the Commission.

The Planning and Zoning Commission shall not transact any business at any regular or special meeting or work session unless a quorum of four (4) members is present, and every official action taken and every decision rendered shall be approved by a simple majority of the members present. In the event a quorum is not present, the chairperson shall declare such, and all public hearing items and any other business shall automatically be continued to the next scheduled meeting. Except as provided below, by a majority vote of the Commission, the Commission may table any application or case before it, provided such application or case be heard at the next regularly scheduled meeting or at such other meeting as agreed upon with the Commission. However, the Planning and Zoning Commission shall consider and make a recommendation, at the meeting at which such item is presented, as to any item on which the City is an applicant or which is forwarded by the City for the review of the Planning and Zoning Commission. In the event the Planning and Zoning Commission does not determine and make a recommendation on such item at the initial meeting at which such item is presented, such matter shall be considered to have received a recommendation for denial by the Planning and Zoning Commission, without further comments or recommendations.

The Commission shall have the power to take testimony under oath. ~~With permission of the owner or applicant, the Commission may enter upon the applicant's land and make examinations or surveys of the subject property.~~

(B) **POWERS AND DUTIES.**

1. **ADVISORY CAPACITY.** The Planning and Zoning Commission shall serve only in an advisory capacity to the City Council. The Planning and Zoning Commission shall consider all requests for amendments to the Land Use Plan Map, amendments to the Zoning Code and Official Zoning Map, conditional uses, variances related to conditional use requests, change of nonconforming uses, vacations and other matters as may be specifically requested by the City Council to be studied by the Commission. The Planning and Zoning Commission shall serve as the City's Local Planning Agency and Land Development Regulations Commission as provided for in Chapter 163, Florida Statutes.

**SECTION 4:** That Section 18-1502.2, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended so that said section shall include the following modified definitions in their proper alphabetic sequence:

**Sec. 18-1502.2. - DEFINITIONS.**

- (A) Words or terms beginning with the letters "A" through "E":

**BOARD OF ADJUSTMENT.** An official board of the City of Pinellas Park, the functions and duties of which are described in Section 18-1537. The persons appointed to serve on the Planning and Zoning Commission shall also, separately and distinctly, serve as the members of the City's Board of Adjustment.

**SECTION 5:** That Section 18-1537.1, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

**Sec. 18-1537.1. - BOARD OF ADJUSTMENT.**

- (A) The Board of Adjustment is authorized to grant variances as provided herein.
- (B) The City Council is authorized to grant variances, provided the variances are associated with an application for conditional use or site plan review on the same property.
- (C) For the purpose of this Section, Variances, the Board of Adjustment and City Council shall all be referred to as "the City."
- (D) The City may grant variances from the following provisions of this Article:
1. Height.
  2. Area requirements, including but not limited to those for open space, pervious area, lot coverage, and dwelling size. Variances may be granted for lot dimensions provided minimum area requirements are maintained.
  3. Required quantities, including but not limited to, required landscape materials, parking spaces, vehicular stacking and loading spaces, and signs.
  4. Required (including minimum or maximum) dimensions, separations and locations.
- (E) Variances do not apply, and shall not be granted for, the establishment or expansion of a use not specifically, or by inference, allowed in the applicable zoning district.
- (F) **ESTABLISHMENT AND PROCEDURES.** The following regulations shall govern the establishment and procedures of the Board of Adjustment.
1. **ESTABLISHMENT AND COMPOSITION.**
    - i. There is hereby established a Board of Adjustment which shall consist of the seven (7) voting members and up to four (4) alternates ~~to be~~ appointed by the City Council

~~to the Planning and Zoning Commission, from among the residents of the City of Pinellas Park. The term of office for members shall be three (3) years. Members shall be appointed from persons in a position to represent the general public interest, and no person shall be appointed with private or personal interests likely to conflict with the general public interest. In the event a member is no longer a resident of the City of Pinellas Park during his or her tenure on the Board of Adjustment, then said member shall notify the City Clerk in writing and resign their seat on the board be permitted to finish his or her term, but shall not be reappointed to the Board so long as said member is no longer a resident of the City. If any person appointed shall find that their private or personal interests are involved in any matter coming before the Board of Adjustment, all applicable provisions of Section 112.3143, F.S. - "Voting Conflicts", shall apply.~~

ii. Alternate board members appointed by the City Council to the Planning and Zoning Commission, in accordance with Section 18-1501.32(A)1., may act in place of a regular member who is temporarily absent, and when acting, shall be fully vested with the powers and duties of a regular member. Where multiple alternates are in attendance and a board member is absent, the alternate member who fills this vacancy shall be determined by seniority of appointment.

2. REMOVAL AND VACANCIES. Members of the Board of Adjustment may be removed by the City Council where a majority of the members of City Council feel that such action is in the best interests of the City. In case of vacancies occurring in the membership, the City Council shall fill such vacancies for the unexpired term of the original appointment.
3. OFFICERS. The Board of Adjustment shall elect a chairperson and a vice-chairperson from among its members who shall serve for one (1) year. Such election shall take place annually at the regular meeting in January, or from time to time as a two-thirds ( $\frac{2}{3}$ ) majority of all members of the Board may deem necessary for the best interests of the Board.
4. RULES. The Board of Adjustment shall adopt such rules as necessary for the conduct of its affairs, and in keeping with the provisions of this Article.  
The Planning and Development Services Director or a designee shall be the secretary to the Board of Adjustment, be responsible for keeping a record of the Board's actions, provide public notice for public hearing items and of meetings generally, provide necessary background material and present staff recommendations on issues coming before the Board, keeping a record of attendance, keeping a record of all official findings and determinations of the Board, showing the vote of the membership on each question requiring a vote or, if absent or abstaining from voting, indicating such fact. The official actions of the Board of Adjustment shall be a public record.
5. MEETINGS AND QUORUMS. When land use applications are pending that seek relief within the scope of the Board of Adjustment's powers and duties, the Board of Adjustment shall hold at least one (1) regular meeting every each month on the same day as the Planning and Zoning Commission meeting, directly following that meeting if one is scheduled, on a day to be established by the Board of Adjustment. All regular and special meetings and work sessions shall be open to the public. In the event there are no issues to be heard by the Board, then no Board meeting shall be scheduled. secretary may declare such meeting canceled. In addition, the Board of Adjustment may hold such special meetings or work sessions as may be called by the

chairperson, provided, however, that each member of the Board shall be entitled to at least five (5) days written notice, and all items to be considered and all supporting material shall be delivered to their residence prior to the special meeting or work session of the Board.

The Board of Adjustment shall not transact any business at a regular or special meeting or work session unless a quorum of four (4) members is present, and every official action taken and every decision rendered shall be approved by a simple majority of the members present. In the event a quorum is not present, the chairperson shall declare such, and all public hearing items and any other business shall automatically be continued to the next scheduled meeting. By a majority vote of the Board, the Board may table any application or case before it, provided such application or case be heard at the next regularly scheduled meeting or at such other meeting as agreed upon with the Board.

The Board shall have the power to take testimony under oath. ~~With permission of the owner or applicant, the Board may enter upon the applicant's land and make examinations or surveys of the subject property.~~

**SECTION 6:** Upon adoption of this ordinance, regular voting members of the Board of Adjustment shall be removed from their respective positions with the opportunity to be appointed as alternate voting members to the Planning and Zoning Commission, as vacancies may allow.

**SECTION 7:** 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 8:** 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 9:** 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 10:** The provisions of this Ordinance shall supersede any ordinances or resolutions in conflict herewith to the extent of such conflict.

**SECTION 11:** 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.

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Sandra L. Bradbury  
MAYOR

ATTEST:

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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 ordinance'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 TO CONSOLIDATE THE DUTIES OF THE BOARD OF ADJUSTMENT, BY AMENDING CHAPTER 18, LAND DEVELOPMENT CODE, AMENDING SECTION 18-102 "DEFINITIONS"; AMENDING SECTION 18-613 "SIGN PERMIT REQUIRED." TO PROVIDE FOR THE ADOPTION OF FEES BY RESOLUTION; AMENDING SECTION 18-1501.32. "PLANNING AND ZONING COMMISSION" TO MAKE PROVISION FOR THE APPOINTMENT OF MEMBERS AND APPLICABLE RESTRICTIONS; AMENDING SECTION 18-1502.2 "DEFINITIONS"; AMENDING SECTION 18-1537.1 "BOARD OF ADJUSTMENT" TO PROVIDE FOR THE MEMBERSHIP AND MEETINGS OF THE BOARD OF ADJUSTMENT; 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;
  - b. Comprehensive plan amendments and land development regulation amendments

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

- 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): The proposed ordinance will maintain two separate boards with one appointed body, the Planning and Zoning Commission, acting as both. The consolidation of these Boards will lower municipal costs and provide more efficient public hearings.

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;

Costs are anticipated to decrease as a result of these changes. This would come in the form of staff time, advertising, etc. The City does not have a study to determine the approximate financial impact this will have, though there will be no increase in costs to applicants or residents.

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

No new fees or charges are proposed.

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

No additional revenue is expected, only a decrease in costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: This ordinance will affect the processing of Variance cases, but only in terms of the day of the public hearing and the Board which will determine the outcome. Board of Adjustment meetings will directly follow the Planning and Zoning Commission meeting when scheduled.

4. Additional information the governing body deems useful (if any): The Board of Adjustment has had very few cases recently (only 2 in the last 9 months). As such, the impact of this ordinance is expected to be minimal. This change will require some additional training for the Planning and Zoning Commission members as they will be the determining body for Variance cases in addition to being the recommending body that the commission has historically been. Existing Board of Adjustment members can become alternate members of the Planning and Zoning Commission, subject to City Council approval.