

ORDINANCE NO. xxxx

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, PERTAINING TO PUBLIC NOTICE REQUIREMENTS; AMENDING CHAPTER 18, LAND DEVELOPMENT CODE; BY AMENDING SECTION 18-1529.2 "GENERAL PROCEDURES"; BY AMENDING SECTION 18-1534 "PUBLIC NOTICE REQUIREMENTS"; 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-2022-02)

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

**SECTION ONE:** That Section 18-1529.2, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

**Sec. 18-1529.2. - GENERAL PROCEDURES.**

- (A) ~~ZONING-CODE AMENDMENT.~~ All applications for the PUD overlay shall be processed in accordance with Section 18-1539.2 of this Chapter, ~~with the exception that written notice of the proposed overlay assignment shall be given to all property owners located within five hundred (500) feet of the site.~~
- (B) APPLICATION REQUIREMENTS. The application package shall consist of the following: Application; required fee; necessary copies of plans as established by the Administration from time to time; and such other information deemed necessary for a thorough consideration of the application, including, but not limited to, those items identified in Section 18-1529.3(D) following.

**SECTION TWO:** That Section 18-1534, of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended as follows:

## SECTION 18-1534. - PUBLIC NOTICE REQUIREMENTS

### Sec. 18-1534.1. - APPLICABILITY.

All public hearings required by Article 15 shall be noticed according to this Section.

### Sec. 18-1534.2. - TABLE OF PUBLIC NOTICE REQUIREMENTS

APPLICATION TYPE	REQUIRED PUBLIC HEARINGS AND TIMING OF NOTICE [Sec. 18-1534.3 (A)]	NEWSPAPER NOTICE FORMAT [Sec. 18-1534.3 (D)]	SIGN POSTING REQUIRED? [Sec. 18-1534.3 (B)]	MAIL NOTICE RADIUS [Sec. 18-1534.3 (C)]	OTHER NOTICE
Land Use Plan Map Amendment (Small Scale per Section 163.3187(1) <del>(e)</del> F.S.)	Planning & Zoning Commission <del>*1: 15-10</del> days	Standard ad	Yes	300 feet	<del>N/A</del> Posting at City Hall
	City Council (adoption) : 10 days	<u>See F.S. § 166.041 for ad format &amp; content<sup>3</sup></u> <del>Standard ad</del>	Yes	300 feet	<del>N/A</del> Posting at City Hall
Land Use Plan <del>amendment</del> Map Amendment (other than Small Scale)	Planning & Zoning Commission <del>*1: 15-10</del> days	<del>See F.S. § 166.041(3)(e) , 2. for ad format &amp; content.</del> <u>Standard ad</u>	Yes	300 feet	<del>N/A</del> Posting at City Hall
	City Council first <del>reading</del> <u>Public Hearing</u> : <del>10-7</del> days	<del>See F.S. § 166.041(3)(e) , 2. for ad format &amp; content<sup>3</sup></del>	Yes	300 feet	<del>N/A</del> Posting at City Hall
	City Council <u>second</u> Public	<del>See F.S. § 166.041(3)(e) , 2. for ad format &amp; content<sup>3</sup></del>	Yes	300 feet	<del>N/A</del> Posting at City Hall

	Hearing: <del>10-5</del> days				
Variances or waivers by City Council, CRA, or BOA Waivers	<del>15-10</del> days <del>prior to</del> hearing	Standard ad	Yes	Within 300 feet	N/A <del>Posting</del> <del>at City</del> <del>Hall</del>
Transfer of Developmen t Rights	<del>Planning &amp; Zoning</del> Planning & Zoning Commission : <del>15-10</del> days	Standard ad	Yes	Within 300 feet	N/A <del>Posting</del> <del>at City</del> <del>Hall</del>
	<u>City Council or CRA (as applicable )</u> : 10 days	Standard ad	Yes	Within 300 feet	N/A <del>Posting</del> <del>at City</del> <del>Hall</del>
<u>Appeal of Administra tive Appeal Deci sion</u>	Board of Adjustment or CRA (as applicable ) : <del>15-10</del> days	Standard ad	No	N/A <del>Not</del> <del>applica</del> <del>ble</del>	Notice to appealing persons
Conditiona l Use Approval by City Council or CRA	Planning & Zoning Commission : <del>15-10</del> days	Standard ad	Yes	Within 300 feet	N/A <del>Posting</del> <del>at City</del> <del>Hall</del>
	City Council/CR A: 10 days	Standard ad	Yes	Within 300 feet	N/A <del>Posting</del> <del>at City</del> <del>Hall</del>
Developmen t Agreement	Planning & Zoning Commission : 7 days <del>City Council: 7 days</del>	Standard ad	Yes	Within 300 feet	N/A <del>Posting</del> <del>at City</del> <del>Hall</del>

	City Council: 7 days	Standard ad	Yes	300 feet	N/A
<u>Preliminary Site plan</u> <u>Plan review</u> by City Council	City Council: 10 days	Standard ad	Yes	<del>Within</del> 300 feet	<u>N/A</u> <del>Posting at City Hall</del>
<u>Rezoning (other than those initiated by the City), New PUD and Major Amendment to a PUD</u>	<u>Planning &amp; Zoning Commission</u> : 10 days	<u>Standard ad</u>	<u>Yes</u>	<u>300 feet</u>	<u>N/A</u>
	<u>City Council</u> : 10 days	<u>Standard ad</u> <sup>3</sup>	<u>Yes</u>	<u>300 feet</u>	<u>N/A</u>
Code amendment to permitted, conditional or prohibited uses of land <del>and</del> <del>and</del> <del>Rezoning</del> s initiated by the City for fewer than 10 contiguous acres	<u>Planning &amp; Zoning Commission</u> <del>*1: 15-10</del> days	<del>See F.S. § 166.041(3)(c) 2. for ad format &amp; content.</del> <u>**Standard ad</u>	No	<u>N/A</u> <del>Not applicable</del>	<u>N/A</u> <del>Posting at City Hall</del>
	City Council first Public Hearing: <del>10-7</del> days	See F.S. § 166.041(3)(c) 2. for ad format & content. <del>**2</del>	No	<u>N/A</u> <del>Not applicable</del>	<u>Copy of Notice Available for Public Inspection at City Clerk's Office</u> <del>Posting at City Hall</del>
	City Council second <del>public hearing</del> <u>Public Hearing</u> : <del>30-5</del> days	See Section F.S. § 166.041(3)(c) 2. for ad format & content. <del>**2</del>	<del>Yes</del> <u>No</u>	<u>N/A</u> <del>Not applicable</del>	<u>Copy of Notice Available for Public Inspection at City Clerk's Office</u> <del>Posting at City Hall</del>

<u>Rezoning initiated by the City involving 10 contiguous acres or more</u>	<u>Planning &amp; Zoning Commission</u> <u>*1: 10 days</u>	<u>Standard ad</u>	<u>No</u>	<u>N/A</u>	<u>N/A</u>
	<u>City Council first Public Hearing: 7 days</u>	<u>See F.S. § 166.041(3)(c) 2. for ad format &amp; content<sup>2 and 3</sup></u>	<u>No</u>	<u>N/A</u>	<u>Posting at City Hall</u>
	<u>City Council second Public Hearing: 5 days</u>	<u>See Section F.S. § 166.041(3)(c) 2. for ad format &amp; content<sup>2 and 3</sup></u>	<u>No</u>	<u>N/A</u>	<u>Posting at City Hall</u>
<u>Rezoning initiated by the City for fewer than 10 contiguous acres</u>	<u>Planning and Zoning Commission</u> <del>*1: 15-10 days</del> <u>City Council public hearing: 30 days</u>	<u>Standard ad</u> <del>Not</del> <u>Applicable</u>	<u>Yes</u>	All owners of property proposed for rezoning shall be notified	<del>Posting at City Hall</del> <u>N/A</u>
	<u>City Council Public Hearing: 30 days</u>	<u>Standard ad</u>	<u>Yes</u>	All owners of property proposed for rezoning shall be notified	<u>Copy of Notice Available for Public Inspection at City Clerk's Office</u> <del>Posting at City Hall</del>

Table notations:

\*1. Acting as the Local Planning Agency (LPA) for Code amendments that change the list of permitted, prohibited, and conditional uses, as well as all amendments to the Land Use Plan Map.

~~\*\*2.~~ Pursuant to F.S. § ~~166.041(3)(c)2.e~~166.041(3)(c)(2)(c)., mail notice to each real property owner within the area covered by the ordinance, as may be amended from time to time, is permissible notification in lieu of the newspaper notice requirements of F.S. § ~~166.041(3)(c)2~~166.041(3)(c)(2).

3. Pursuant to F.S. § 50.011, as amended from time to time, internet website publication is permissible notification in lieu of newspaper notice required by F.S. § 166.041 and as replicated in this section.

### **Sec. 18-1534.3. - DETAILED NOTICE PROVISIONS.**

(A) TIMING OF NOTICE. The "Timing of Notice" column in the above table refers to the number of calendar days prior to the date of the public hearing, not including the date of the hearing, that:

1. The newspaper ad must appear in the newspaper;
2. The sign(s) must be posted;
3. Mail notices must be mailed; and
- ~~4. Posting at City Hall should occur, provided that the minimum posting requirement at City Hall shall be five (5) business days prior to the public hearing, unless this timeframe is greater as provided by law.~~

#### **(B) SIGN NOTICES.**

1. Posting Requirements. Where sign posting is required by Section 18-1534.2, above, the City shall be responsible for posting a sign along all street frontages of the property that is the subject of a public hearing hereunder. The sign shall be posted between ten (10) and twenty (20) feet from the edge of street pavement in a manner so as to be visible from the adjacent street. The sign shall be at least two (2) square feet in area, and shall contain substantially the following language:

PUBLIC HEARING NOTICE

[Application type]\* (i.e. Rezoning, Conditional Use, etc

Date:

Time:

For Information Call: ~~727-541-0756~~ (Planning and Development Services main number)

~~\*Examples: Land Use Plan Amendment, Rezoning, Conditional Use, Variance, Administrative Appeal, etc.~~

2. Multiple Subject Lots. If multiple lots are the subject of an application for City approval where sign posting is required, sign posting of a sign on every lot is not required. The number and location of sign postings that are sufficient to accomplish the intent of this Section shall be determined by the ~~Zoning~~Planning and Development Services Director.
3. Large Subject Lots. For subject properties having more than five hundred (500) feet of street frontage on any one (1) street, one (1) additional sign shall be posted for each five hundred (500) feet or fraction thereof.
4. Area-Wide Amendments. Sign posting shall not be required for area-wide amendments to the Land Use Plan Map or Official Zoning Map initiated by the City.

(C) MAIL NOTICES.

1. Mail notice shall be sent to the owner(s) of the subject property(ies), as well as the petitioner(s).
2. The mail notice shall contain substantially the same information as provided in the newspaper advertisement for the same application.
3. Mail notice shall ~~only be required sent to the owners~~ owner(s) of all land properties located within the 300 foot radius, including those properties outside of the City's boundaries.
4. Mail notices shall be sent U.S. Mail, postage-paid, to the persons shown on the current tax rolls of Pinellas County to be the respective owners unless there is actual knowledge of a subsequent property owner.
5. Mail notice is a courtesy that the City provides to supplement other forms of notice. Therefore, the mailing of such notices shall constitute service. Non-receipt of mail notice by any property owner within the required mailing radius for any reason does not constitute grounds for re-advertising or conducting additional public hearings, and shall not affect any action or proceeding taken.

~~6. When more than one (1) hearing is required or occurs before any given body, mail notice shall be required only for the first such hearing, except that a mailing is required for each City Council public hearing to consider adoption of large-scale Land Use Plan Map amendments and Comprehensive Plan text amendments.~~

~~7. Mail notice shall not be required for any City-initiated amendment to the Land Use Plan Map or Official Zoning Map if the Zoning Director determines that more than one (1) percent of the number of properties or households, whichever is less, within the City would be affected by such amendment.~~

(D) NEWSPAPER NOTICES. All required newspaper ads shall be placed in one (1) or more newspapers of general paid circulation in Pinellas County, and of general interest and readership in the community, not one of limited subject matter. Standard newspaper advertisements shall contain all information required by law for such advertisements.

~~1. Comprehensive Plan (text and Land Use Plan Map) amendments, Code amendments changing the list of permitted, prohibited and conditional uses of land, and re-zonings initiated by the City, are specifically regulated by F.S. ch. 166.041, as may be amended from time to time. Pursuant to said F.S. ch. 166, such ads shall not be placed within the legal ads section of the newspaper, shall be two (2) columns in width by ten (10) inches in length, shall prominently state "NOTICE OF LAND USE CHANGE" or similar in eighteen (18) point type, and shall include a location map as applicable.~~

**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 \_\_\_\_\_, 2022.

FIRST READING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

1<sup>ST</sup> PUBLIC HEARING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

2<sup>ND</sup> PUBLIC HEARING THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

AYES:

NAYES:

ABSENT:

ABSTAIN:

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

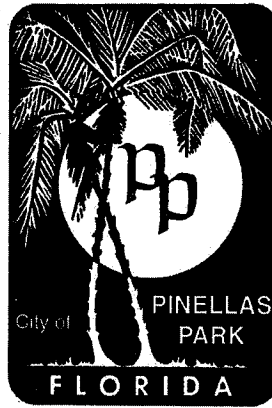
\_\_\_\_\_  
Sandra L. Bradbury  
MAYOR

ATTEST:

\_\_\_\_\_  
Diane M. Corna, MMC  
CITY CLERK

City of  
**PINELLAS PARK**

5141 78TH AVE. • P.O. BOX 1100  
PINELLAS PARK, FL 33780-1100



**FLORIDA**

PHONE • (727) 369-0700  
FAX • (727) 544-7448

**Please Respond To:**

James W. Denhardt, City Attorney  
Lauren Christ Rubenstein, Assistant City Attorney  
Denhardt and Rubenstein, Attorneys at Law  
2700 First Avenue North  
St. Petersburg, Florida 33713  
(727) 327-3400 - Telephone  
(727) 323-0888 - Facsimile

December 21, 2021

Ms. Erica Lindquist  
Planning & Development Services Manager  
City of Pinellas Park  
P. O. Box 1100  
Pinellas Park, Florida 33780-1100

**RE: City Document #21-333**  
**Notice Requirements for Planning & Zoning Cases**

Dear Ms. Lindquist:

We have received and reviewed the proposed Ordinance to update notice requirements for Planning & Zoning cases, as well as reviewed in detail all of the applicable notice provisions provided by Florida Statutes that pertain to the specific requests/applications contemplated by the proposed Ordinance.

On Friday, our office had a lengthy telephone conference with Mr. Colonna to review our questions and proposed changes, which are outlined in this response.

1. In Section 18-1534.2, the Application type described as Land Use Plan Map Amendment (Small Scale per Section 163.3187(1)(c)), you have proposed removing the subsection (c). Our office would propose also removing subsection (1) so that it only refers to "Small Scale per Section 163.3187 F.S."
2. In Section 18-1534.2 Table, whenever a requirement is not applicable, our office would suggest changing such language to simply read "N/A," so that the Table is consistent.



PRINTED ON RECYCLED PAPER

3. Under the Application Type "Code amendment to permitted, conditional or prohibited uses," our office would suggest changing the wording for "Posting at City Hall" to read "Copy of Notice Available for Public Inspection at City Clerk's Office."
4. Please insert a line to separate the Application Types of "Code amendment to permitted, conditional or prohibited uses" from "Rezoning initiated by the City involving 10 contiguous acres or more."
5. Under Application Type "Rezoning initiated by the City involving less than 10 contiguous acres," the required newspaper notice format should be "Standard ad."
6. Our office would recommend updating the language for "Posting at City Hall" that is affiliated with a City Council public hearing for rezonings initiated by the City involving less than 10 contiguous acres to read "Copy of Notice Available for Public Inspection at City Clerk's Office."
7. Under Section 18-1534.3(A), our office would recommend deleting paragraph 4 in its entirety.
8. Section 18.1534.3(B)2., leaves the number and location of sign postings when the subject application involves multiple lots up to the Planning and Development Services Director. Our preference would be for this Section to be updated to provide specific criteria, such as maximum number of feet between each sign or a required ratio of signs per lot (such as at least one sign for every three lots), to ensure some consistency is applied in circumstances involving multiple lots subject to an application for City approval where sign posting is required.
9. Under Section 18.1534.3(C), our office would suggest deleting what is now paragraph 6 (was paragraph 7 previously) in its entirety.
10. Under Section 18.1534.3(D), our office would propose deleting paragraph 1 in its entirety as such information is already specified in Florida Statute and should it ever be revised, deleting it from our Code would ensure that our Code does not conflict in the future with what is required by Florida Statute.

Ms. Erica Lindquist  
December 21, 2021  
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If you have any questions regarding the above-mentioned proposed changes, please do not hesitate to contact our office. Once these changes are incorporated into the Ordinance, our office would approve of the Ordinance as to form and correctness.

Very truly yours,

A handwritten signature in black ink, appearing to read "James W. Denhardt". The signature is fluid and cursive, with a large initial "J" and "D".

James W. Denhardt  
City Attorney

cc: Doug Lewis, City Manager  
Diane M. Corna, MMC, City Clerk  
Bart Diebold, Assistant City Manger  
Lisa Hendrickson, Assistant City Manager  
Ben Ziskal, Community Development Administrator  
Nick Colonna, Planning & Development Services Director

JWD/dh

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