

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 foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on December 17, 2024 relative to:

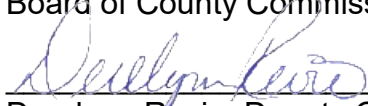
ORDINANCE NO. 24-40

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 158, FLOODPLAIN MANAGEMENT; PROVIDING FOR AMENDMENTS TO THE PROCESS FOR APPEALS OF DETERMINATIONS BY THE FLOODPLAIN ADMINISTRATOR; AMENDING DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this  
December 20, 2024

KEN BURKE  
Clerk of the Circuit Court  
and Ex-officio Clerk to the  
Board of County Commissioners

By:

  
Derelynn Revie, Deputy Clerk



**From:** [County Ordinances](#)  
**To:** [Clerk Board Records](#); [County Ordinances](#)  
**Cc:** [Eres, Christian L](#); [Revie, Derelynn H](#)  
**Subject:** RE: Pinellas County Ordinance - PIN20241217\_Ordinance2024\_24-40  
**Date:** Monday, December 23, 2024 11:53:33 AM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[Pinellas20241220\\_Ordinance24\\_40\\_Ack.pdf](#)

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Good morning,

Attached is the acknowledgement letter for Pinellas County Ordinance No. 24-40.

Best,

**Alexandra Leijon**

Administrative Code and Register Director  
Office of General Counsel  
Department of State  
Room 701 The Capitol | Tallahassee, FL  
P: (850)245-6270

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**From:** Clerk Board Records <BoardRecords@mypinellasclerk.gov>  
**Sent:** Friday, December 20, 2024 3:52 PM  
**To:** County Ordinances <CountyOrdinances@dos.myflorida.com>  
**Cc:** Eres, Christian L <ceres@mypinellasclerk.gov>; Revie, Derelynn H <drevie@mypinellasclerk.gov>  
**Subject:** Pinellas County Ordinance - PIN20241217\_Ordinance2024\_24-40

**EMAIL RECEIVED FROM EXTERNAL SOURCE**

The attachments/links in this message have been scanned by Proofpoint.

|                      |                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Sender Full Name:    | Ken Burke, Clerk of the Circuit Court and Comptroller<br><a href="#">Derelynn Revie</a> , Deputy Clerk, Board Records Department |
| Sender Phone number: | (727) 464-3458                                                                                                                   |
| County Name:         | <b>Pinellas</b>                                                                                                                  |
| Ordinance Number:    | <b>PIN20241217_Ordinance2024_24-40</b>                                                                                           |

Thank you!

*Docia Hooley*

Records Specialist III

Board Records Department

Office of Ken Burke, Clerk of the Circuit Court and Comptroller

Pinellas County, Florida

315 Court St., 5<sup>th</sup> Floor, Clearwater, FL 33756

Office (727)464-3464

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ORDINANCE NO. 24-40

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 158, FLOODPLAIN MANAGEMENT; PROVIDING FOR AMENDMENTS TO THE PROCESS FOR APPEALS OF DETERMINATIONS BY THE FLOODPLAIN ADMINISTRATOR; AMENDING DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Pinellas County, Florida, ("BCC") adopted the Land Development Code in 1990; and

WHEREAS, in 2018, the BCC approved Ordinance No. 18-36, which constituted the first major rewrite of the Pinellas County Land Development Code since 1990; and

WHEREAS, the purpose of this Ordinance is to amend and update the provisions of Chapter 158 of the Land Development Code; and

WHEREAS, the Local Planning Agency held a duly noticed and advertised public hearing on December 11, 2024 as to the proposed Ordinance and recommends that the Board of County Commissioners approve the proposed amendments contained therein; and

WHEREAS, the Board of County Commissioners finds that proposed amendments to the Land Development Code as set forth herein are consistent with the Comprehensive Plan and the review requirements set forth in the Land Development Code.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida in regular meeting duly assembled this 17th day of December 2024, that:

SECTION 1. Chapter 158 of the Pinellas County Land Development Code is hereby amended as set forth below. This ordinance does not repeal and replace Chapter 158. The only section(s) of Chapter 158 being amended are those with revisions reflected herein. Sections of Chapter 158 not included herein remain in full force and effect.

**Chapter 158, Article I, Division 7**

**Sec. 158-112. Appeals.**

The special magistrate shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. Any person aggrieved by the decision may appeal such decision to the circuit court.



**Sec. 158-113. Limitations on authority to grant variances.**

The special magistrate shall base decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 158-116 of this chapter, the conditions of issuance set forth in section 158-117 of this chapter, and the comments and recommendations of the floodplain administrator and the building official. The special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

**Sec. 158-116. Considerations for issuance of variances.**

In reviewing requests for variances, the special magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the community;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

**Sec. 158-117. Conditions for issuance of variances.**

Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards. The burden shall be on the applicant to provide documentation, sufficient to the satisfaction of the

floodplain administrator, to show that the standards and conditions required for the granting of a variance have been met;

(2) Determination by the special magistrate that:

- a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship. For purpose of this section, an exceptional hardship can only be caused by a peculiar and unique circumstance related directly to the land and shall not be the result of inconvenience, aesthetic consideration, physical or medical handicap, personal preference, financial considerations, or any after-the-fact circumstance created by the inhabitants of the structure or the present or previous property owners;
  - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
  - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
- (3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and
- (4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the base flood elevation increases risks to life and property.

## **Article II**

### **Sec. 158-182. Definitions.**

*Accessory structure* means a structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

*Adverse impact* means any modifications, alterations or effects on a feature or characteristic of water or floodprone lands, including their quality, quantity, hydrodynamics, surface area, species composition, living resources, or usefulness for human or natural uses which are or potentially may be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

*Agricultural structure* means] a walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of

agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

*Alteration of a watercourse* means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

*Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

*Applicant* means the owner of the property for which a development permit is sought, or his or her authorized agent.

*ASCE 24* means a standard titled "Flood Resistant Design and Construction" that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

*Base flood* means a flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

*Base flood elevation* means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD). North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, section 1612.2.]

*Basement* means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, section 1612.2.]

*Breakaway walls* means a partition or wall that is independent of supporting structural members and that is intended to withstand design wind forces but to collapse from a water load less than that which would occur during the base flood, without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. Breakaway walls are designed and constructed to meet the requirements of the FBC. Residential, section R322.3.4 or ASCE 24 for walls below the design flood elevation.

*Coastal Barrier Resource Act of 1982 (CBRA)*. For the purposes of the NFIP, the Coastal Barrier Resources Act of 1982 designated certain portions of the Gulf and East Coasts and undeveloped coastal barriers. These areas are shown on the appropriate flood insurance maps panels and have certain flood insurance coverage restrictions.

*Coastal construction control line* means the line established by the State of Florida pursuant to F.S. § 161.053 and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

*Coastal high hazard area* means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V. This term is not to be confused

with the "coastal high hazard area" defined in the Pinellas County Comprehensive Plan, which is based upon the sea, lake, and overland surges from hurricanes (SLOSH) model, and used for land use planning purposes.

*Coastal A Zone* means an area within a special flood hazard area, landward of a V Zone or landward of an open coast without mapped coastal high hazard areas. In a Coastal A Zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to one and one-half feet (457 mm). The inland limit of the Coastal A Zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

*Compensatory excavation* means that excavation within or directly contiguous to a floodplain for the purpose of hydraulically balancing proposed fill.

*County administrator* means the chief executive officer of the county responsible to the board of county commissioners for the execution of this article and the delegation of responsibilities for the individual tasks contained in this article.

*Declaration of Land Restriction (Non-conversion Acknowledgment)*. A form provided by the floodplain administrator to be signed by the owner and recorded on the property deed in official records of the clerk of courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and structures.

*Design flood* means the flood associated with the greater of the following two areas: [Also defined in FBC, B, section 1612.2.]

- (1) Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
- (2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Design flood elevation* means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to three feet. [Also defined in FBC, B, section 1612.2.]

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities. For the purposes of this chapter, "development" shall include, but is not limited to, the following activities or uses:

- (1) A reconstruction, alteration of the size, or change in the external appearance of a structure;

- (2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land;
- (3) Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any coastal construction as defined in F.S. § 161.021;
- (4) Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land;
- (5) Demolition of a structure;
- (6) Clearing of land as an adjunct of construction;
- (7) Deposit of refuse, solid or liquid waste, or fill on a parcel of land; and
- (8) Placement of fences or walls.

*Encroachment* means the placement of fill, excavation, buildings, permanent structures, or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

*Existing building* and *existing structure* mean any buildings and structures for which the start of construction commenced before June 18, 1971. [Also defined in FBC, B, section 1612.2.]

*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 18, 1971.

*Federal Emergency Management Agency (FEMA)* means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

*Flood* or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, section 1612.2.]

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood damage-resistant materials* means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, section 1612.2.]

*Flood hazard* means base flood elevation, design flood elevation, flood hazard area, or flood zone.

*Flood hazard area* means the greater of the following two areas: [Also defined in FBC, B, section 1612.2.]

- (1) The area within a floodplain subject to a one percent or greater chance of flooding in any year.
- (2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

*Flood insurance rate map (FIRM)* means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, section 1612.2.]

*Flood insurance study (FIS)* means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, section 1612.2.]

*Floodplain* means the lateral extent of inundation by an event of given statistical frequency, such as special flood hazard areas as designated in the FIRMs, and 100-year and 25-year floodplain as designated in county watershed management plans, the county stormwater master plan (SWMP), vulnerability assessments, or any other source approved by the county's floodplain administrator.

*Floodplain administrator* means the office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager) as designated by the county administrator.

*Floodplain development permit or approval* means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

*Floodprone area* means any land area susceptible to being inundated by water from any source.

*Floodway* means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, section 1612.2.] The county has a no rise policy within the floodways.

*Floodway encroachment analysis* means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

*Florida Building Code (FBC)* means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

*Freeboard* means a level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed.

*Hazardous material* means those chemicals or substances that are physical hazards or health hazards as defined and classified in the Florida Building Code and the Florida Fire Prevention Code, whether the materials are in usable or waste condition. [Defined in FBC, B, section 307.]

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

*Historic structure* means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

*Letter of map change (LOMC)* means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) *Letter of map amendment (LOMA)*: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) *Letter of map revision (LOMR)*: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) *Letter of map revision based on fill (LOMR-F)*: A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) *Conditional letter of map revision (CLOMR)*: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

*Light-duty truck* means, as defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

- (1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or
- (2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
- (3) Available with special features enabling off-street or off-highway operation and use.

*Limit of moderate wave action* means a line shown on FIRMs to indicate the inland limit of the one and one-half-foot (457 mm) breaking wave height during the base flood.

*Lowest floor* means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as

to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, section 1612.2.]

*Major drainage system* means a system of natural or manmade drainageways such as streams, ditches or canals that collect stormwater runoff from watersheds identified by name or number in the county's watershed management plans or stormwater management plan.

*Manufactured home* means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in section 15C-1.0101, F.A.C.]

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*Market value* means the value of buildings and structures, excluding the land and other improvements on the parcel. As used in this chapter, the term refers to the actual cash value (like-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction), determined by a qualified independent appraiser, or the "Just Value" of the structure, developed by the Pinellas County Property Appraiser's Office (PAO) for Ad Valorem taxation purposes, adjusted to approximate market value, as determined by the PAO.

*New construction* means, for the purposes of administration of this chapter and the flood-resistant construction requirements of the Florida Building Code, structures for which the start of construction commenced on or after June 18, 1971, and includes any subsequent improvements to such structures. For the purposes of determining NFIP flood insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

*North American Vertical Datum of 1988 (NAVD)* means the vertical datum used by the Federal Emergency Management Agency (FEMA) as the basis for published flood elevations.

*Otherwise protected areas (OPAs)* are undeveloped coastal barriers that are within the boundaries of areas established under federal, state, or local law, or held by a qualified organization, primarily for wildlife refuge, sanctuary, recreational or natural resource conservation purposes. The only federal spending limitation within OPAs is federal flood insurance.

*Park trailer* means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01.]

*Recreational vehicle* means a vehicle, including a park trailer, which is: [See F.S. § 320.01.]

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light-duty truck; and



- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Sand dunes* means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

*Special flood hazard area* means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, CAZ, V1-V30, VE or V. [Also defined in FBC, B, section 1612.2.]

*Start of construction* means the date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual "start of construction" means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

"Permanent construction" does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B, section 1612.2.]

*Substantial damage* means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, section 1612.2.]

*Substantial improvement* means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a rolling one (1) year period, the cost of which equals or exceeds 49 percent of the market value of the building or structure before the improvement or repair is started. The rolling period of accumulation for a building or structure begins when the permit for the first improvement is finalized. If the building or structure has incurred "substantial damage", any repairs are considered substantial improvements regardless of the actual repair work performed. The term does not, however, include: [Also defined in FBC, B, section 1612.2.]

- (1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
- (2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.
- (3) Costs for repairs for the express purpose of repairing wind or flood damage to pre-damage condition of like kind and quality, provided the structure is not substantially damaged, and the costs of repairing wind or flood damage do not exceed 49 percent of the market value of the structure before the damage occurred.

*Twenty-five-year flood* means the flood having a four percent chance of being equaled or exceeded in any given year.

*Variance* means a grant of relief from the requirements of this chapter, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

*Watercourse* means a river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

*Wetland* means all those waters, fresh and saline, or areas which are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation specifically adapted to life in saturated conditions. Such wetland vegetative indicators shall be those species listed in the Florida Administrative Code. Wetlands include, but are not limited to, rivers, lakes, streams, springs, impoundments, swamps, hydric hammocks, marshes, bogs, sinkholes, estuaries, sloughs, cypress heads, mangrove forests, bayheads, bayous, bays, and open marine waters, whether on private or public lands and whether they are manmade or natural. Wetlands shall not include stormwater retention ponds.

**SECTION 2. Severability.** If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such holding will not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

**SECTION 3. Inclusion in Code.** The provisions of this Ordinance will be included and incorporated in the Pinellas County Land Development Code, as an amendment thereto, and will be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Land Development Code

**SECTION 4. Filing of Ordinance; Effective Date.** Pursuant to Section 125.66, Florida Statutes, a certified copy of this Ordinance will 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 will become effective upon filing with the Department of State.

PCAO 496226

APPROVED AS TO FORM  
By: Derrill McAttee  
Office of the County Attorney

**From:** [Clerk Board Records](#)  
**To:** [countyordinances@dos.myflorida.com](mailto:countyordinances@dos.myflorida.com)  
**Cc:** [Eres, Christian L](#); [Revie, Derelynn H](#)  
**Subject:** Pinellas County Ordinance - PIN20241217\_Ordinance2024\_24-40  
**Date:** Friday, December 20, 2024 3:51:00 PM  
**Attachments:** [image003.png](#)  
[image004.png](#)  
[PIN20241217\\_Ordinance2024\\_24-40.pdf](#)

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|                      |                                                                                                                                  |
|----------------------|----------------------------------------------------------------------------------------------------------------------------------|
| Sender Full Name:    | Ken Burke, Clerk of the Circuit Court and Comptroller<br><a href="#">Derelynn Revie</a> , Deputy Clerk, Board Records Department |
| Sender Phone number: | (727) 464-3458                                                                                                                   |
| County Name:         | <b>Pinellas</b>                                                                                                                  |
| Ordinance Number:    | <b>PIN20241217_Ordinance2024_24-40</b>                                                                                           |

Thank you!

*Dacia Hooey*

Records Specialist III  
Board Records Department  
Office of Ken Burke, Clerk of the Circuit Court and Comptroller  
Pinellas County, Florida  
315 Court St., 5<sup>th</sup> Floor, Clearwater, FL 33756  
Office (727)464-3464  
[dhooey@mypinellasclerk.gov](mailto:dhooey@mypinellasclerk.gov) | [www.mypinellasclerk.gov](http://www.mypinellasclerk.gov)  
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## FLORIDA DEPARTMENT *of* STATE

**RON DESANTIS**  
Governor

**CORD BYRD**  
Secretary of State

December 23, 2024

Ken Burke  
Clerk of the Circuit Court  
Pinellas County Courthouse  
315 Court Street, 5<sup>th</sup> Floor  
Clearwater, Florida 33756

Dear Ken Burke:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Pinellas County Ordinance No. 24-40, which was filed in this office on December 20, 2024.

Sincerely,

Alexandra Leijon  
Administrative Code and Register Director

AL