

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, AMENDING CHAPTER 138, ARTICLE II AND CHAPTER 154, ARTICLES I AND V; AMENDING GENERAL REVIEW AND APPROVAL PROCESSES; PROVIDING FOR THE ADMINISTRATIVE APPROVAL OF PLATS IN ACCORDANCE WITH STATE LAW; REQUIRING THE APPROVAL AND RECORDING OF A FINAL PLAT PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY OR THE SALE OF A BUILDING OR STRUCTURE LOCATED ON A PARCEL TO BE PLATTED; ESTABLISHING AND DEFINING MINOR SUBDIVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE LAND DEVELOPMENT CODE; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING 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 governing platting in Chapter 138 and Chapter 154 of the Land Development Code; and

**WHEREAS**, on May 29, 2024, the Governor of the State of Florida signed Senate Bill 812 into law (henceforth referred to as Chapter 2024-210, Laws of Florida or Ch. 2024-210); and

**WHEREAS**, Chapter 2024-210, in pertinent part, limited the sale of buildings or the issuance of certificates of occupancy prior to the approval of a final plat, requires a process for the adoption of a preliminary plat in order to expedite the issuance of building permits, and establishes an applicant's vested right in the approved preliminary plat; and

**WHEREAS**, on June 20, 2025, the Governor of the State of Florida signed Senate Bill 784 into law (henceforth referred to as Chapter 2025-164, Laws of Florida or Ch. 2025-164); and

**WHEREAS**, Chapter 2025-164 transfers the approval of plats from the governing body of a local government to an "administrative authority", such as a County Department or Division; and

**WHEREAS**, the Board of County Commissioners wishes to bring its building permitting and plat review process into compliance with Chapter 2024-210 and Chapter 2025-164, Laws of Florida; and

**WHEREAS**, the Local Planning Agency held a duly noticed and advertised public hearing on November 12, 2025, 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 \_\_ day of \_\_\_\_\_ 20\_\_, that:

SECTION 1. RECITALS. The recitals above are incorporated herein.

SECTION 2. Chapter 138 and Chapter 154 of the Pinellas County Code is hereby amended set forth below.

## **CHAPTER 138, ARTICLE II. – ADMINISTRATION AND ENFORCEMENT**

### **DIVISION 3. – DEVELOPMENT AND LAND USE REVIEW PROCEDURES**

#### **Sec. 138-77. Review types.**

- (a) Each application/request shall be processed and reviewed pursuant to the required review type as established in Table 138-77—Review Type and Approval.
- (b) Certain land uses are assigned a review type pursuant to the property's zoning district. The required review type for the proposed land use is established in article III, division 3, and summarized in Table 138-355.
- (c) Each review type is summarized in Table 138-77 along with the associated application/request, decision making authority, and appeal authority. The subsequent sections of this chapter provide additional provisions and authorities for each review type.
- (d) During review Types 2, 3, 4, and 5, the applicant may request a continuance. Staff may grant the continuance before the case is publicly noticed. Following public notice, the review or decision-making authority may continue an application for good cause in its sole discretion.

| Table 138-77—Review Type and Approval      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                           |                                                                                                  |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|--------------------------------------------------------------------------------------------------|
| Review Type                                | Application/Request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Decision Making Authority | Appeal Authority                                                                                 |
| Type 1<br>Path A:<br>Department<br>Reviews | <ul style="list-style-type: none"><li>• Type 1 uses NOT requiring or part of a site plan<ul style="list-style-type: none"><li>• Code interpretations</li><li>• Minor development activity</li></ul></li><li>• Minor Modifications, including site plans<ul style="list-style-type: none"><li>• Waivers</li></ul></li><li>• Administrative Adjustments up to 10%</li><li>• Administrative Adjustments up to 30% for landscaping standards</li><li>• Zoning Clearances and Verification Letters<ul style="list-style-type: none"><li>• Signs</li></ul></li><li>• Environmental Permits (County)</li><li>• Right-of-Way Utilization permits (or equivalent)</li><li>• Stormwater projects involving single-family</li></ul> | Department<br>Review      | 1st Appeal —<br>Board of<br>Adjustment and<br>Appeals (BAA)<br><br>2nd Appeal —<br>Circuit Court |

|                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |                                                                                             |
|------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|---------------------------------------------------------------------------------------------|
|                                                                  | <p>detached residential</p> <ul style="list-style-type: none"> <li>• Mobile home replacement (single unit) <ul style="list-style-type: none"> <li>• Temporary uses</li> </ul> </li> <li>• Lot Line Adjustments and Lot Splits (no plats) <ul style="list-style-type: none"> <li>• Preliminary Plats</li> <li>• Time extensions.</li> </ul> </li> <li>• Other actions and powers that are not specifically assigned to a higher review authority, as established by the Code.</li> </ul>                                 |                                             |                                                                                             |
| Type 1<br>Path B:<br>County Administrator or his or her designee | <ul style="list-style-type: none"> <li>• Type 1 uses requiring or part of a site plan</li> <li>• Administrative Adjustments from 10% to 20%</li> <li>• Administrative Adjustments from 30% to 50% for landscaping standards <ul style="list-style-type: none"> <li>• Site Plans</li> <li>• Final Plats</li> </ul> </li> <li>• Non-Traditional Pets</li> <li>• Other authority as provided by this Code or delegated by the BoCC or county administrator.</li> </ul>                                                     | County Administrator or his or her designee | <p>1st Appeal — Board of Adjustment and Appeals (BAA)</p> <p>2nd Appeal — Circuit Court</p> |
| Type 2                                                           | <ul style="list-style-type: none"> <li>• New Type 2 Use establishment or major modifications thereof <ul style="list-style-type: none"> <li>• Variances</li> </ul> </li> <li>• Modification, expansion, redevelopment, revocation, and/or re-establishment of nonconforming uses and structures</li> <li>• Other authority as provided by this Code.</li> </ul>                                                                                                                                                         | Board of Adjustment and Appeals (BAA)       | Circuit Court                                                                               |
| Type 3                                                           | <ul style="list-style-type: none"> <li>• New Type 3 Use establishment or major modifications thereof</li> <li>• Variances (if a part of the establishment of Type 3 Use) <ul style="list-style-type: none"> <li>• Development Agreements</li> </ul> </li> <li>• Development master plans or similar or major modifications thereof <ul style="list-style-type: none"> <li>• Zoning Changes</li> </ul> </li> <li>• Land Development Code text amendments</li> <li>• Other authority as provided by this Code.</li> </ul> | Board of County Commissioners (BoCC)        | Circuit Court                                                                               |
| Type 4                                                           | <ul style="list-style-type: none"> <li>• Comprehensive plan amendments</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                       | Board of County Commissioners               | Pursuant to State Statutes                                                                  |
| Type 5                                                           | <ul style="list-style-type: none"> <li>• Final public land transfers</li> <li>• Final right-of-way transfers (vacations and dedications)</li> <li>• Final platted easement terminations</li> </ul>                                                                                                                                                                                                                                                                                                                      | Board of County Commissioners               | Circuit Court                                                                               |

**Sec. 138-81. Type 1 review.**

- (a) *Purpose.* Type 1 review is an administrative process to ensure that development projects, land usages, and activities comply with the minimum provisions of this Code. A Type 1 process is intended to be a clear and objective review.
- (b) *Application types.* A Type 1 review is required for the following applicable types:
- (1) The applications/requests designated to the Type 1 review as listed in Table 138-77.
  - (2) Other authority as allowed in this Code.
- (c) *Performed by.* Type 1 review is performed by one of the following authorities:
- (1) *Department review.* Considered a Type 1—Path A review, the applicable county department, as determined by the county administrator, may review and provide action on any application requiring Type 1 review. Department reviews may occur for applications/requests pursuant to Table 138.81.a.
  - (2) *County Administrator or his or her designee.* Considered a Type 1—Path B review, the County Administrator or his or her designee reviews applications/request pursuant to Table 138.81.a.

Table 138.81.a—Type 1 Reviewing Authorities by Application and Request Type further identifies which reviewing authority is tasked with each application/request.

| Table 138.81.a — Type 1 Reviewing Authorities by Application and Request Type      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type 1 Review Path                                                                 | Path A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Path B                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Reviewing Authority                                                                | Department Review                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | County Administrator or his or her designee                                                                                                                                                                                                                                                                                                                                                                                                             |
| Applications/Requests(*)<br>(*) The application/requests are based on Table 138-77 | <ul style="list-style-type: none"> <li>• Type 1 uses NOT requiring or part of a site plan <ul style="list-style-type: none"> <li>• Code Interpretations</li> <li>• Minor Development Activity</li> </ul> </li> <li>• Minor Modifications, including site plans <ul style="list-style-type: none"> <li>• Waivers</li> </ul> </li> <li>• Administrative Adjustments up to 10% adjustment.</li> <li>• Administrative Adjustments up to 30% adjustment of a landscaping standard. <ul style="list-style-type: none"> <li>• Zoning Clearance Letters</li> <li>• Signs</li> </ul> </li> <li>• Environmental Permits (County)</li> <li>• Right-of-way Utilization Permits</li> <li>• Stormwater projects involving single-family detached residential</li> <li>• Mobile home replacement (single unit) <ul style="list-style-type: none"> <li>• Temporary Use Permits</li> </ul> </li> <li>• Lot Line Adjustments and Lot Splits (no plats) <ul style="list-style-type: none"> <li>• Preliminary Plats</li> <li>• Time extensions.</li> </ul> </li> <li>• Other actions and powers that are not</li> </ul> | <ul style="list-style-type: none"> <li>• Type 1 uses requiring or part of a site plan</li> <li>• Administrative adjustments from 10% to 20% adjustment of a dimensional standard</li> <li>• Administrative Adjustments from 30% to 50% for landscaping standards <ul style="list-style-type: none"> <li>• Non-Traditional Pets</li> <li>• Site plans</li> <li>• Final Plats</li> </ul> </li> <li>• Other authority as provided by this Code.</li> </ul> |

|  |                                                                                 |  |
|--|---------------------------------------------------------------------------------|--|
|  | specifically assigned to a higher review authority, as established by the Code. |  |
|--|---------------------------------------------------------------------------------|--|

(d) *Result.* Type 1 reviews will result in one of the following actions based on application type.

- (1) For code interpretations and zoning clearance letters, the applicable department will issue a written determination of the requested property and/or land use issue.
- (2) For Type 1 uses not involving a site plan, the applicable department will issue a determination whether the use is permitted or not permitted based on code requirements.
- (3) For Type 1 uses involving a site plan, the Director of BDRS will issue a written determination of approval, approval with conditions, or denial, based on the provisions of the Code.
- (4) For waivers and administrative adjustments, the reviewing authority will issue a written determination of approval, approval with conditions, or denial based on the provisions of the Code.

(e) *Appeal process and authority.* Type 1 review decisions may be appealed as per Table 138-77 and per section 134-14.

(f) *Review procedures.*

The following Table 138.81.b—Type 1 Review Procedure, outlines the general review procedures for Type 1 submittals.

| Table 138.81.b — Type 1 Review Procedure                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Type 1—Path A Review Department Reviews<br><i>Applications/Reviews</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  | Type 1—Path B Review<br>County Administrator or his or her designee<br><i>Applications/Reviews</i>                                                                                                                                                                                                                                                                   |
| <ul style="list-style-type: none"> <li>■ Type 1 uses not involving or part of a site plan</li> <li>■ Code Interpretation</li> <li>■ Minor Development Activity</li> <li>■ Minor Modifications, including site plans</li> <li>■ Waivers</li> <li>■ Administrative Adjustments up to 10%</li> <li>■ Administrative Adjustments up to 30% for landscaping standards</li> <li>■ Zoning Clearance Letters</li> <li>■ Signs</li> <li>■ Environmental Permits (County)</li> <li>■ Right-of-Way Utilization permits</li> <li>■ Stormwater projects involving single-family detached residential</li> <li>■ Mobile home replacement (single unit)</li> <li>■ Temporary Use Permits</li> <li>■ Lot Line Adjustments and Lot Splits</li> <li>■ Preliminary Plats</li> <li>■ Time Extensions</li> <li>■ Other authorized authority</li> </ul> |  | <ul style="list-style-type: none"> <li>■ Type 1 uses requiring or part of a site plan</li> <li>■ Administrative Adjustments from 10% to 20% adjustment</li> <li>■ Administrative Adjustments from 30% to 50% for landscaping standards</li> <li>■ Non-Traditional Pets</li> <li>■ Site Plans</li> <li>■ Final Plats</li> <li>■ Other authorized authority</li> </ul> |
| ↓                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  | ↓                                                                                                                                                                                                                                                                                                                                                                    |

| <i>Pre-Application Meeting (optional)</i><br>County Staff                                                                             |  |                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------|
| ↓                                                                                                                                     |  | ↓                                                                                                                                     |
| <i>Review and Action Body</i><br>Department Review                                                                                    |  | <i>Review and Action Body</i><br>County Administrator or his or her designee                                                          |
| ↓                                                                                                                                     |  | ↓                                                                                                                                     |
| <i>Result</i><br>■ Administrative Findings<br>■ Written Determination of action AND/OR<br>■ Permit                                    |  | <i>Result</i><br>■ Written Determination of action                                                                                    |
| ↓                                                                                                                                     |  | ↓                                                                                                                                     |
| <i>Appeal Process</i><br>■ 1 <sup>st</sup> Appeal - Board of Adjustment and Appeals (BAA)<br>■ 2 <sup>nd</sup> Appeal - Circuit Court |  | <i>Appeal Process</i><br>■ 1 <sup>st</sup> Appeal - Board of Adjustment and Appeals (BAA)<br>■ 2 <sup>nd</sup> Appeal - Circuit Court |

**Sec. 138-85. Type 5 review.**

- (a) *Purpose.* Type 5 review is a formal adoption process for public land transfers, and right-of-way transfers, vacations and dedications. A Type 5 process requires the board of county commissioners (BoCC) to formally accept, adopt, and/or approve the legal instruments associated with these actions. A Type 5 review occurs AFTER receiving preliminary right-of-way transfer approval as part of a Type 1 review.
- (b) *Application types.* A Type 5 review is required for the following applicable types:
  - (1) Final public land transfers
  - (2) Final right-of-way transfers, vacations and dedications
- (c) *Performed by.* Type 5 review is performed by the following authorities:
  - (1) *County staff.* County staff reviews the application/request, writes a staff report, and provides a recommendation to the board of county commissioners (BoCC).
  - (2) *Board of county commissioners (BoCC).* The BoCC reviews the application/request and takes final action whether to approve the application/request.
- (d) *Result.* Type 5 reviews will result in a written notice of official action.
- (e) *Review procedure.*
  - (1) The applicant shall file a formal application with the applicable department as determined by the county administrator.
    - a. The application shall include, at a minimum:
      1. Applicant, owner, and property information.
      2. All applicable drawings and legal descriptions.
    - b. The following Table 138.85.a—Type 5 Review Procedure, outlines the general review procedures for Type 5 submittals.

|                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------|
| Table 138.85.a—Type 5 Review Procedure                                                                                    |
| <i>Applications/Reviews</i><br>■ Final Public Lands Transfer<br>■ Final Right-of-way Transfers, Dedications and Vacations |
| ↓                                                                                                                         |
| <i>Pre-Application Meeting (optional)</i><br>County Staff                                                                 |
| ↓                                                                                                                         |
| <i>First Review and Recommendation Body</i><br>County Staff                                                               |
| ↓                                                                                                                         |
| <i>Reviewing and Action Body</i><br>Board of County Commissioners (BoCC)                                                  |
| ↓                                                                                                                         |
| <i>Result</i><br>■ Written Notice of official action                                                                      |

## **DIVISION 5. SITE PLAN REQUIREMENTS AND REVIEW PROCEDURES**

### **Sec. 138-176. Uses requiring site plan review.**

(a) The following uses require Site Plan Type 1 Path B review:

1. All new construction, unless otherwise specified by this section.
  - a. Single-family dwellings, duplexes, or triplexes when constructed on an established individual lot or parcel shall be exempt from site plan review. This provision does not exempt these uses from complying with other codes, regulations and ordinances applicable to site plan review.
  - b. Accessory uses/structures that are associated to a particular single-family dwelling, duplex, or triplex are exempt from site plan review.
2. New buildings and/or building additions involving the construction of 3,000 square feet or more of building footprint area OR the total surface coverage area of construction exceeding 7,500 square feet or more of impervious surface whether such surface includes all site surface cover or a combination of building and site surface cover.
3. All subdivision plats, excluding minor subdivisions as defined under section 154-265, involving a plat and as consistent with state statutes.
4. All new roadways and streets.
5. A land use or combination of land uses on a property generating greater than 150 additional peak hour trips from the proposed improvements.
6. Change of use to development that is more intensive than the previous use, as determined by the county administrator or his or her designee.
7. Any land excavation or fill referenced in Section 138.3341.

- (b) All other development activity shall be reviewed and processed under the building permit process with a determination if the minor site plan scope is a Development Review Services (DRS) staff review or an Interdepartmental Distributed (ID) staff review.
- (c) Compliance with Chapter 154-52, Pinellas County Stormwater Manual, applies except as specified for Minor Subdivisions per section 154-265(a)(1)(i).

## **CHAPTER 154 – SITE DEVELOPMENT, RIGHT-OF-WAY IMPROVEMENTS, SUBDIVISIONS, AND PLATTING**

### **ARTICLE I. – IN GENERAL**

#### **Sec. 154-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrative Authority*, as defined by F.S. 177.071, as amended, for the purpose of review of plats shall be the Development Review Services Division.

*Administrative Official*, as described in F.S. 177.071, as amended, for the purpose of approving plats shall be the Pinellas County Administrator or his or her designee.

*Arterial roads (streets)* means main traffic thoroughfares, as indicated on the Pinellas County Sector Plan Right-of-Way Requirements and Traffic Corridors Plan, and defined as roads consisting of connecting links between municipalities and/or state roads. Requirements for speed and level of service are usually quite high. The arterial system should form a continuous network designed for a free flow of through traffic.

*Block length* means the distance between the right-of-way lines of intersecting streets, measured along the nearside right-of-way line of the through street.

*Collector roads (streets)* means roadways that are of relatively moderate average traffic volume, moderately average trip length, and moderately average operating speed, and allows the distribution of traffic between local streets and major traffic generators, such as highways, to provide intra-neighborhood transportation connections. The traffic characteristics generally consist of relatively short trip lengths, moderate speeds and volumes. Average daily traffic usually ranges from 1,000 to 4,000 vehicle trips per day. It is primarily a residentially oriented system which filters traffic from local streets before their capacity is exceeded and conducts it to arterial facilities or local generators such as shopping centers, schools or community centers.

*County engineer or director* means the county administrator if certified and licensed as a professional engineer in the State of Florida, or his or her authorized designee(s), certified and licensed as a professional engineer in the State of Florida.

*Detention* means the temporary storage of stormwater runoff to limit the rate of discharge into receiving water bodies. These systems can also discharge into the MS4.

*Easement* means a nonpossessory interest in land of another that entitles the grantee to use or enjoy the other's land in a specific manner.

*Elevation* means the vertical distance of a point relative to the established North American Vertical Datum of 1988 (NAVD 88).

*Engineer, professional engineer, or licensed engineer, or professional surveyor or mapper* shall be as defined by F.S. chs. 471 and 472.

*File of record* means a permanent file which contains all pertinent data, correspondence, calculations, drawings, plats, etc., used to review site plans and/or plats of submitted developments.

*Final stabilization* means that all soil disturbing activities at the site have been completed, and that a uniform (evenly distributed, without large bare areas) perennial vegetative cover, with a density of at least 70 percent for all unpaved areas and areas not covered by permanent structure, has been established, or equivalent permanent stabilization measures have been employed.

*Flag lot* means a lot which abuts or gains access to a street through a narrow portion which does not meet the minimum frontage or lot width requirements for the zone district where it is located.

*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.

*Impervious* means land surfaces that do not allow, or minimally allow the penetration of water; such as building roofs, non-porous concrete and asphalt pavements, and some fine grained or compacted soils.

*Minor Subdivision* means a subdivision of land into not more than four lots or parcels subject to section 154-265 of this Chapter, as amended, and otherwise governed by the same statutes and regulations governing plats in Florida.

*Natural area* means a preservation area which is to remain in its natural state.

*Natural drainageways* means those watercourses that are either natural or have not been substantially excavated, graded or otherwise altered or improved by man.

*Plat* means a map or delineated representation of the Subdivision of lands, being a complete exact representation of the Subdivision, and other information in compliance with the requirement of all applicable sections of this chapter, state statutes and of any local ordinances, and may include the terms "replat."

*Receiving water bodies* means those water bodies and drainage-ways, either natural or manmade, that lie downstream of the site in question and which are susceptible to degradation of water quality due to activity at the upstream site.

*Redevelopment* means any manmade material change to improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Retention* means as defined by the Pinellas County Stormwater Manual.

*Right-of-way* means land in which the state, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility.

*Site* means any tract, lot or parcel or combination of lots or parcels of land where development or redevelopment can occur and which is subject to site plan requirements as defined in chapter 138, article II, division 5.

*Subdivision* means the division of a parcel of land into three or more lots or parcels for the purpose of transfer of ownership or building development; or, if a new street is involved, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. The word "subdivision" includes the words "resubdivision," "plot," "plat" and "replat."

*Subdivision street* means a street within a subdivision defined as a local street in the county sector plan right-of-way requirements and traffic corridor plan.

*Substantial site improvement* means any manmade change to a site which discharges the surface water runoff from the site at a faster rate.

*Transportation facility* means any means for the transportation of people or property from place to place which is constructed, operated, or maintained in whole or in part from public funds. The term includes the property or property rights, both real and personal, which have been or may be established by public bodies for the transportation of people or property from place to place.

*Water body* means any lake, reservoir, pond or other containment of surface water occupying a bed or depression in the earth's surface and having a discernible shoreline or edge.

## **ARTICLE V. - SUBDIVISIONS, PLATTING, AND VACATIONS**

### **DIVISION 1. – GENERALLY**

#### **Sec. 154-250. - Applicability.**

(a) This article shall apply to all lands within unincorporated county, properties of countywide importance as defined in chapter 134, article VIII, and roads within the county road system.

(b) The requirements of this section shall not exempt an applicant from any other applicable local, county, state or federal requirements. Where a conflict results between this section and any applicable local, county, state or federal requirements, the stricter of the requirements shall apply.

**Sec. 154-251. - Purpose and intent.**

(a) The purpose of this section is to establish procedures and standards for the development and subdivision of land within the county. It is intended to promote the public safety, health and general welfare with the following objectives:

(1) To ensure proper legal description, identification, monumentation and recording of plats;

(2) To ensure the orderly layout and appropriate use of the land; to provide safe, convenient and economic circulation of vehicular and pedestrian traffic;

(3) To provide suitable building sites which drain properly and are readily accessible; to provide for suitable, amenable, well planned neighborhoods.

**Sec. 154-252. - Unlawful acts.**

(a) It shall be unlawful for any person to convey or mortgage land in the county by reference to any plat unless and until such plat is recorded in the office of the clerk of the circuit court.

(b) It shall also be unlawful to fail to complete required improvements, in substantial compliance with site and/or construction plans approved in compliance with this chapter, within a timely manner. Cancellation or nonrenewal of any required security shall be deemed a violation of this chapter.

(c) It shall also be unlawful for an applicant to sell or transfer ownership of a residential or non-residential structure or building, located in the subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

(d) It shall also be unlawful for an applicant to obtain a temporary or final certificate of occupancy for a residential structure or building, for which a building permit is issued, prior to the final plat being approved and recorded in the public records by the clerk of the circuit court.

**DIVISION 2. - LOT LINE ADJUSTMENTS AND LOT SPLITS**

**Sec. 154-260. - Lot line adjustments and lot splits defined.**

- (a) A lot line adjustment is a process involving the adjustment of the parcel line(s) between two or more abutting lots of record which changes the size of the buildable lots. For the purposes of these standards, lot line adjustments do not result in additional number of lots.
- (b) A lot split is the process involving the creation of one or more buildable lots from a lot of record which changes the number of buildable lots. Obtaining a separate parcel identification number from the Pinellas County Property Appraiser does not constitute a lot split or a buildable lot.

**Sec. 154-261. - Requirements.**

- (a) The following standards apply to lot line adjustments and lot splits:
  - (1) Easements for public utilities including stormwater drainage shall be relocated as necessary and subject to county approval. The applicant shall pay all costs of utility adjustments, extensions, relocations, and connections.
  - (2) Any unpaid outstanding liens and assessments owed to the county shall be satisfied as a condition of lot line adjustment or lot split.
  - (3) Consistency with the established neighborhood pattern shall generally be maintained, including lot dimensions, utility and parking functions, alley access, and sanitation services.
  - (4) All lots must be owned by the same entity or person and have the written consent of all property owners or someone legally able to bind the owner.
  - (5) Lot splits shall not result in more than two (2) buildable lots; in such case where three (3) or more lots are proposed, the proposal may not be reviewed as a lot split and shall be processed as a Plat.

A parcel of land, which exists in the same size and shape as shown on the official map adopted by the Board of County Commissioners as housed in the Building & Development Review Services offices, may receive the benefit of a lot split on only one occasion. Any subsequent subdivision or replat of the subject property shall not be processed as a lot split or a minor subdivision.

- (6) For lot line adjustments, all lots shall meet the minimum lot size of the zoning district, unless one or more of the original lots do not meet the minimum lot size, then no lot having less area than the smallest of the lots included in the application shall be created.

(7) For lot splits, no variance to the minimum lot area requirements of the zoning district is allowed.

(b) Lot line adjustments and lot splits shall be reviewed as a Type 1 Path A application pursuant to chapter 138, article II.

(c) Platting and/or replatting is required if the subdivision of the subject property will result in a total of three or more lots.

(d) Upon approval, the lot split/lot line adjustment shall be recorded with the clerk of the court.

### **DIVISION 3. - SUBDIVISION/PLATS**

#### **Sec. 154-262. - Platting required.**

(a) Platting is required for the following conditions:

(1) Land which is intended to be subdivided to result in:

- a. Three or more lots or parcels;
- b. New streets and/or alleys; AND/OR
- c. Additions and resubdivisions as it relates to the subdivision.

(2) Land which is being developed in such a manner that it is apparent from the documents submitted that subdivision of the land for sale will result and platting would otherwise be required.

(3) Obtaining a separate parcel identification number from the Pinellas County Property Appraiser without obtaining a lot split is not a valid form of subdividing land for the purpose of creating a buildable lot.

#### **Sec. 154-263. - Plat review and approval processes.**

(a) All plats are reviewed as a two-step process pursuant to the following:

(1) Step 1—Preliminary plats.

- a. Preliminary plats are a map or delineated representation of the subdivision of lands that is a complete and exact representation of the subdivision or planned community and contains any additional information needed to be in compliance with the requirements of F.S. ch. 177, part 1. Preliminary plats are required prior to plat approval and recording; preliminary plats illustrate the requested parcels, tracts, lots,

rights-of-way, and easements; preliminary plats shall be in accordance with the approved subdivision site plan (an approved subdivision site plan is not required for those preliminary plats that meet the requirements of section 154-265 of this Chapter).

b. Preliminary plats shall be reviewed for conformity to F.S. ch. 177 by a professional surveyor and mapper either employed by or under contract to the local governing body.

c. Preliminary plats are reviewed as a Type 1 Path A application pursuant to chapter 138, article II.

d. When the subject area includes site improvements and/or new roadways, the preliminary plat will be reviewed as part of a site plan application.

e. Upon preliminary plat approval, residential building permit review and issuance shall comply with F.S. 177.073.

(2) Step 2—Final plats.

a. Final plats are the final tracing or map presented to a governing body for final approval, after all preliminary plat requirements have been met, and upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording. Final plats include the legally-adopted instruments that establishes the new plat. Final plats are prepared and processed after the county approves the preliminary plat and any required site improvements are completed or bonded (e.g., streets, infrastructure, plat monumentation).

b. Final plats shall be reviewed for conformity to F.S. ch. 177 by a professional surveyor and mapper either employed by or under contract to the local governing body, and evidence of such review must be placed on such plat.

c. Final plats are reviewed as a Type 1 Path B application pursuant to chapter 138, article II.

d. Final plats must be approved by the Administrative Official and subsequently recorded with the clerk of the court.

(b) Modifications/corrections to existing plats shall follow the applicable review processes.

(c) Minor Subdivisions must meet the requirements per section 154-265.

**Sec. 154-264. - Platting requirements and information.**

(a) General requirements for platting are as follows:

- (1) For platting purposes, the owner of the land shall cause a record plat to be made. Such plat must be prepared by a professional surveyor or mapper and submitted to the county in the format required by the county administrator or designee. The plat must conform to the requirements of F.S. ch. 177, part 1.
- (2) Developers must submit the required number of copies of the plat along with the check for the review fee as established by resolution of the board of county commissioners. Such check shall be made payable to the board of county commissioners.
- (3) There shall be a dedication to the public on the face of the plat clearly identifying those streets, walkways, waters, easements and/or other areas being dedicated to the public. The plat shall include dedicated areas which are necessary for access, drainage and utilities, or as established by resolution of the board of county commissioners. Such dedication shall be duly executed by the owner or owners, in the same manner as deeds conveying lands are required to be executed for recordation.
- (4) Plats shall include the submittal and information as established in chapter 138 article II for Type 1 and Type 1 Path B reviews. Refer to section 154-265 for exemptions and other applicable procedures on Minor Subdivisions.
- (5) The clerk of the circuit court requires:
  - a. All additions after initial drafting of plat be executed in permanent black ink.
  - b. Every plat submitted to the Administrative Authority must be accompanied by a title opinion of an attorney at law licensed in Florida or a certification by an abstractor or a title company showing that record title to the land as described and shown on the plat is in the name of the person, persons, corporation, or entity executing the dedication as it is shown on the plat. The title opinion or certification shall also show all mortgages not satisfied or released of record nor otherwise terminated by law.
  - c. Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or in any way similar to any name appearing on any recorded plat in the same county as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same developer or his succession in title. Every subdivision's name shall have legible lettering of the same size and type, including the words "section," "unit," "replat," "amended," etc. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name.
- (6) The board of county commissioners shall establish fee schedules by board resolution for plat review, final inspection and re-inspections for release of surety. Checks for these fees shall be made out to the board of county commissioners.

(7) The board of county commissioners shall establish fee schedules by board resolution for filing fees for plats and for recording consents to plat if mortgagee(s) did not sign the plat itself. Checks for these fees shall be made out to the clerk of the circuit court.

(b) The plat must conform to all of the requirements of F.S. ch. 177, , and any amendments thereto, together with any additional provisions required by Pinellas County, as permitted in F.S. ch. 177.011, as set forth in the current platting standards presented by the requirements and example package available from the reviewing county department.

(c) The following shall be submitted with the plat prior to recording:

(1) Required plat review fee.

(2) Proof that vacations of existing right-of-way and easements within the proposed boundaries of the development have been completed, with the exception of platted rights-of-way and platted easements created solely through a plat that will be automatically vacated by virtue of the approval and recording of a replat of the same parcel(s).

(3) Letters of no objection from utility companies (e.g., water, , sanitary sewer, power, , , etc.) stating that the easements shown are sufficient for their needs.

(4) Letter of no objection from the Department of Safety and Emergency Services.

(5) Developer's sidewalk completion guarantee. Sidewalks adjacent to common areas must be constructed as a portion of the development construction.

(6) An engineer's certification on design. Not applicable to Minor Subdivisions if no improvements are proposed or required.

(7) A letter from the postal service indicating that there are no duplicate street names. The street names on the plans and on the plat must be the same.

(8) The fee for installation of street signs shall be per quote from the county traffic department. If the streets are private, street signs must have been installed or a private street sign installation guaranty submitted.

(9) Proof that all property taxes have been paid on the lands to be subdivided.

(10) In the event improvements have been made prior to the plat being submitted for recording, an engineer's certification of completion, a subdivider's affidavit that all bills have been paid, a letter from the water, sewer and the Public Works Department that all their requirements have been met and they are accepting their respective systems, and a maintenance surety are required prior to the plat being recorded.

(11) Subdivisions where the infrastructure is not to be public must be completed before the filing of the plat or a payment and escrow agreement must be submitted and approved.

(12) Each plat submittal shall include a title report not more than 60 calendar days old. The title report ("report") must cover a minimum 30-year period, and must include copies of all recorded documents within the 30-year period, as well as earlier documents still binding on the plat (e.g., easements and rights-of-way). All documents referenced in the title report as pertinent to the platted lands must be provided with the certification, including the last deed of record.

(13) Certified copies of any active permits issued by the Florida Department of Environmental Protection or Southwest Florida Water Management District for any stormwater management system, as that term is defined in F.S. ch. 373, reflected on the plat.

(14) Certified copies of any active sovereign submerged lands leases issued by the Florida Department of Environmental Protection pursuant to F.S. ch. 253 for any sovereign submerged lands reflected on the plat.

(d) It is the responsibility of the project engineer to request in writing to the county administrator or designee that the final inspection of the street, drainage, related grading improvements, and plat monumentation be made. This request should be made at the earliest possible date to allow sufficient time to complete incidental construction items prior to surety expirations or to meet deadlines mentioned.

(e) Completion and maintenance security:

(1) The County Administrator or his or her designee, as a condition to the approval of the plat, shall require the developer who is seeking to have the plat approved provide a completion security in the form of a surety bond, letter of credit or other acceptable guaranty as the board shall determine adequate to guarantee construction and installation of all roads, streets, sidewalks, drainage, water and sewerage disposal facilities, and plat monumentation as are required in accordance with this chapter and other applicable ordinances, statutes and regulations. Security shall be in the amount of 130 percent of the estimated cost of required improvements based on a certificate of cost estimate prepared, signed, sealed and dated by a registered professional engineer.

(2) Upon satisfactory completion of all improvements within areas to be dedicated to the public, the county may, at its discretion, accept those dedicated areas, by resolution, on behalf of the public. As a condition of acceptance, the developer shall provide a maintenance security in the form of a surety bond, letter of credit, or other acceptable guaranty in such amount and for such duration as the board deems sufficient to indemnify the board against latent defects in the improvements within the dedicated areas. Minimum security shall be 20 percent of the estimated cost of required improvements, to be fully effective for 18 months from acceptance by the board. Upon acceptance and receipt of the maintenance surety, the county shall release the completion security. A bill for the cost of work may be used to calculate the amount for the 20 percent maintenance bond.

(3) A separate security may be required for construction to be performed and/or maintained within existing county rights-of-way and other public property.

(f) Procedure of acceptance of improvements and release of surety:

(1) Sixty days before the expiration date, the county will inspect the development and prepare an inspection report. This report will be sent to the principal of the bond (owner/developer or contractor) by certified mail, return receipt requested. Copies will also be forwarded to the project engineer, the surety agent, either the owner/developer or contractor and the director.

(2) Thirty days before the expiration date, the county shall reinspect the development to determine whether defects in the above referenced 60-day report have been corrected satisfactorily. If defects still exist within the development, the highway division shall prepare a final letter stating that the contractor or developer has failed to repair certain defects within the development. Such letter of defects shall be specific and shall give exact locations within the development.

a. Completion surety: If the inspection shows that all defects have been corrected, and a maintenance surety has been submitted and approved, the release of the completion surety will be placed on the next Board of County Commissioner's agenda.

b. Maintenance surety: If the inspection shows that all defects have been corrected, the request for release of the maintenance surety will be placed on the board of county commissioner's agenda.

(3) Eighteen days before the expiration date, correspondence will be prepared that will enable the county to collect on the completion surety or maintenance surety. In the case of a bond, a letter will be sent directly to the bonding company. In the case of a letter of credit, a sight draft will be prepared to be drawn upon the bank or lending institution. Necessary signatures on the sight draft will be obtained and will be sent by certified mail, return receipt requested, to the respective surety representative.

(4) A request to release a surety (completion or maintenance) must be made in writing to the county administrator or designee no later than 5:00 p.m. on Monday of the week previous to the scheduled board meeting. At this time the county must have a written release from the public works and utility departments stating that the work is accepted and a maintenance surety has been received and approved or the project has been accepted for county maintenance after the maintenance surety has expired or been released.

(5) Should a surety have to be extended beyond the expiration date, in order that requirements of the surety are met, then the time of extension shall not exceed six months. If it is deemed necessary to further extend the time of surety, a new certificate of cost estimate shall be submitted, signed, sealed and dated by a Florida registered

engineer. The new surety shall be in the amount of the cost estimate but not less than the amount of the original surety. The new sureties shall not be extended.

**Sec. 154-265. - Minor Subdivision requirements, procedures and restrictions.**

(a) *Generally.* Minor Subdivisions constitute:

(1) The subdivision of land into not more than four lots or parcels, provided that:

- a. The parcel being platted exists in the same size and shape as shown on the official map adopted by the Board of County Commissioners as housed in the Building and Development Review Services offices;
- b. No new streets, alleys, or other public ways are created, or required;
- c. No changes, including but not limited to the extension, widening or horizontal geometry are made to the existing rights-of-way of any streets, alleys, or other public ways;
- d. Access occurs on a designated local street. Properties located with frontage only on a designated collector road shall be subject to the requirement of a common access driveway(s) as determined by the County Engineer. Properties located with frontage only on a designated arterial road are not eligible as a Minor Subdivision.
- e. No new primary water and/or sewer utilities are required including extensions;
- f. The new lots or parcels comply with applicable zoning district frontage requirements;
- g. No flag lot is created;
- h. The lots have direct access to a roadway built to applicable County or Municipal jurisdiction standard or approved by the County Engineer and has been accepted for maintenance by the appropriate jurisdiction or is maintained by a Property Owners Association (note-at the discretion of the County Engineer, minor scope of work associated with existing roadway may be permitted as a condition of approval associated with a Minor Subdivision) and;
- i. Only parcels located within Residential Zones R-1 – R-4 are eligible to receive the benefit of a minor subdivision.
- j. Stormwater management for each platted property located in Residential Zones R-1 - R-4 shall meet a 1-inch rainfall volumetric retention requirement for the entire lot area through the utilization of vegetated swales (e.g. turf or planted), rain gardens, bio-swales or dry retention areas. The Minor Subdivision shall be required to include

a note that each lot and subsequent building permit must comply with this stormwater provision.

(b) *Procedures.* Minor Subdivisions shall be exempt from the requirements for a site plan review, but shall meet the requirements of Chapter 154 - Division 3.

(1) A parcel of land may receive the benefit of a Minor Subdivision on only one occasion. Any subsequent divisions of the subject property shall not be processed under the provision of section 154-265.

#### **DIVISION 4. - RIGHT-OF-WAY VACATIONS AND EASEMENT TERMINATIONS**

##### **Sec. 154-270. - Applicability.**

(a) *Right-of-way vacation.* A right-of-way vacation is required for situations that will result in the county's vacation, abandonment, discontinuance or closure of any existing public or private street, alleyway, road, highway, or other place used for travel, or any portion thereof, including associated right-of-way. The provisions of this division are applicable to requests to vacate public rights-of-way.

(b) *Easement termination.* An easement termination is required for situations where the county will terminate its access and/or utilization benefits from a particular easement. The provisions of this division are applicable to easement terminations between the county and a property owner; this section does not apply to private party easement arrangements.

##### **Sec. 154-271. - Review and approval processes.**

(a) *Vacations.* Vacation requests for platted rights-of-way and easements are reviewed as a Type 5 application.

(b) *Easements other than those dedicated by plat.* Vacation of easements other than those dedicated by plat shall be a Type 1 Path A review, approved by the county administrator or designee.

**Sec. 154-272. - Criteria for consideration.**

- (a) The following criteria shall be considered by the reviewing body:
  - (1) Whether there is the need for easements for public utilities including stormwater drainage and pedestrian easements to be retained or relocated as requested by the various departments or utility companies.
  - (2) Whether the action would cause a substantial detrimental effect upon or substantially impair or deny access to any lot of record.
  - (3) Whether the action would adversely impact the existing roadway network, such as creating dead-end rights-of-way, substantially alter utilized travel patterns, or undermine the integrity of historic plats of designated historic landmarks or districts.
  - (4) Whether the easement is needed for the purpose for which the county has a legal interest and, for rights-of-way, whether there is a present or future need for the right-of-way for public vehicular or pedestrian access, or for public utility corridors, or stormwater/environmental maintenance or improvement projects.
  - (5) Whether the action will restrict/eliminate public access to beaches, lakes, rivers, bays, estuaries, streams and other waterways.
  - (6) Whether the right-of-way/easement is a significant component of a community redevelopment plan, community plan, or equivalent.
- (b) The reviewing body shall consider other factors affecting the public health, safety, or welfare.
- (c) The county, at its discretion, shall determine if there is any viable use of the right-of-way or easement currently or in the future before considering approval of the request.

**Sec. 154-273. - Vacation replat requirements.**

- (a) All vacations shall also require a replat, except:
  - (1) Vacation of rights-of-way in residential zoning districts in which 25 percent or more of the lineal frontage of abutting lots are developed shall not require platting.
  - (2) Partial street vacations and vacation of walkways.
  - (3) Vacations associated with the assembly of land for city, county, state, federal, or other governmental institutional use.

(b) Replatting shall be required in any of the aforementioned situations if the board of county commissioners determine that replatting of the vacated rights-of-way and abutting properties is necessary to protect the public health, safety, or welfare.

**Sec. 154-274. - Payment for required public improvements.**

(a) When vacations and/or easement terminations are granted, the applicant may be required to pay the cost of relocating any public facilities associated with the land area. The applicant may also be required to pay the cost that was originally incurred in order to acquire the land or easement.

(b) The applicant/developer shall complete all applicable improvements and payment of costs before the final vacation/easement termination is recorded. The county administrator or designee may adjust this requirement when bonds or other securities are executed.

**Sec. 154-275. - Vacation of right-of-way and/or easements to publicly accessible waters.**

(a) No public road, public street, public accessway, public right-of-way, or public easement capable of granting public access to any publicly accessible waters of the county shall be abandoned, released, or otherwise vacated, except as otherwise provided in subsection (b).

(b) In those instances where any party, including another governmental unit, petitions the county for abandonment, release, or vacation of a public road, public street, public accessway, public-right-of-way, or public easement capable of granting public access to any publicly accessible waters, and the board determines that it is in the best interest of the public, is not injurious to individual property owners, and satisfies any other criteria as may be provided by law, the board may, in its discretion, grant the petition, so long as the party agrees to provide, trade, convey, or dedicate to the public comparable land granting access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the board.

**SECTION 3. 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 4. Inclusion in Code.** The provisions of this Ordinance will be included and incorporated in the Pinellas County Code, as an amendment thereto, and will be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

**SECTION 5. 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 of the ordinance with the Department of State.

PCAO 534258

**APPROVED AS TO FORM**

By: Derrill McAteer  
Office of the County Attorney