



# Pinellas County

## Legislation Details (With Text)

**File #:** 18-1539A **Version:** 1  
**Type:** Ordinance **Status:** Passed  
**File created:** 9/18/2018 **In control:** Board of County Commissioners  
**On agenda:** 10/23/2018 **Final action:** 10/23/2018  
**Title:** Ordinance amending the Pinellas County Land Development Code, Chapter 158-Floodplain Management, adding Appendix E to incorporate certain local administrative and technical amendments to the Florida Building Code relating to floodplain management. (Companion to Items No. 51 and 53)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. State-filed ORD 18-37, 2. Adopted ORD 18-37, 3. Memo - Floodplain Ordinance Changes - Manufactured Home Parks, 4. Affidavit of Publication - Notice of Second Public Hearing, 5. UPDATED Redlined Ch 158 Floodplain Ordinance BM 100118, 6. UPDATED Clean Ch 158 Floodplain Ord BM 100118, 7. UPDATED Redlined Ch 158 Floodplain Ordinance BM 100118, 8. AATF'd UPDATED Clean Ch 158 Floodplain Ord BM 100118, 9. LDR Staff Report.pdf, 10. Affidavit of Publication - Notice of First Public Hearing

| Date       | Ver. | Action By                     | Action   | Result |
|------------|------|-------------------------------|----------|--------|
| 10/23/2018 | 1    | Board of County Commissioners | approved | Pass   |

### **Subject:**

Ordinance amending the Pinellas County Land Development Code, Chapter 158-Floodplain Management, adding Appendix E to incorporate certain local administrative and technical amendments to the Florida Building Code relating to floodplain management. (Companion to Items No. 51 and 53)

### **Recommended Action:**

Conduct the second of two public hearings for the proposed ordinance amending Chapter 158 Floodplain Management of the Pinellas County Land Development Code (LDC).

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

### **Summary:**

Chapter 158 Floodplain Management, of the Pinellas County Land Development Code is intended to protect people and minimize property damage from flooding; encourage appropriate construction practices to minimize future damage; and protect water supply, sewer treatment, and natural drainage. The limitation of development in areas subject to flooding is intended to reduce financial burdens and displacement of residents in the future. This is achieved through review of all activities proposed within identified floodplains and by the issuance of permits for those activities that comply with the objectives of Chapter 158.

This is the second of two public hearings for consideration and adoption of the proposed ordinance in conjunction with the preceding companion item amending Chapter 134 General and Administrative Provisions of the LDC. The first public hearing was held on September 13, 2018.

**Background Information:**

The County currently manages and regulates activities and development in its floodplains through provisions in both Chapter 158 and in the Florida Building Code (FBC). These amendments represent minor changes to the County's floodplain management regulations since adoption in 2015. The primary reason for updating the floodplain management regulations at this time is to ensure that the County's regulations are in compliance with the updated Florida Building Code, which took effect on January 1, 2018, as well as opportunities to improve the National Flood Insurance Program (NFIP) Community Rating System (CRS) rating.

The proposed amendments apply to flood hazard areas in the following areas: (1) unincorporated Pinellas County, (2) property, easements, right-of-way, and/or any other areas that the County has jurisdiction outside the unincorporated areas, and (3) any activities that would have an effect on floodplains within the areas described above.

The proposed modifications also address County-specific needs, including compliance with the Comprehensive Plan. Preparation of the proposed amendments were coordinated by the Public Works Department, and relied on the County's Floodplain Administrator and coordination with multiple County departments, as well as FEMA, the CRS Task Force, the Office of the State Floodplain Administrator, and the Tampa Bay CRS Users Group. Drafts of the amendments were also provided to the State for review. Their comments have been incorporated into the proposal and the State has approved the revised ordinance and FBC amendments as they are being submitted herein.

The major provisions of the proposed Floodplain Management Ordinance amendments are described below. These provisions primarily apply to newly constructed building.

- (1) It defines and adds a requirement for declarations of land restriction (non-conversion agreements) for enclosures below elevated buildings in flood hazard areas to reduce the number of potential floodplain violations and civil suits for nondisclosure to buyers.
- (2) It increases the minimum elevation requirement for certain buildings and structures in flood hazard areas, which would otherwise be at risk for flood damage.
- (3) It defines and adds specifications for Coastal A zones, which are shown on the FEMA FIRM Preliminary maps that will be adopted after review.
- (4) It clarifies a process for considering requests for variances from the strict application of the floodplain management regulations and requests for appeals.
- (5) It clarifies a process for the inspection of buildings and structures with enclosed areas below the lowest floor.
- (6) A few sections of the FBC will be amended to make them specific to the needs of unincorporated Pinellas County. All but one of these amendments were adopted previously, however,

need to be updated due the update of the FBC. The only additional amendment to the FBC is to include the declaration of land restriction (non-conversion agreement).

**Fiscal Impact:**

No impact.

**Staff Member Responsible:**

Rahim Harji, Assistant County Administrator

**Partners:**

N/A

**Attachments:**

Proposed Ordinance - clean

Proposed Ordinance - strikethrough

Local Planning Agency Report