

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, PINELLAS COUNTY, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING CHAPTER 18, LAND DEVELOPMENT CODE, REPEALING SECTION 18-3-801.2 AND SECTION 18-3-801.3 “FLORIDA BUILDING CODE TECHNICAL AMENDMENTS” OF ARTICLE 8, FLOOD DAMAGE CONTROL; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (LDC-1026-00002, CITY OF PINELLAS PARK)

WHEREAS, the Legislature of the State of Florida, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Pinellas Park participates in the National Flood Insurance Program (NFIP) and participates in the NFIP’s Community Rating System (CRS), a voluntary incentive program that rewards communities for floodplain management activities that exceed NFIP minimum requirements, which can result in a more desirable Class rating with associated premium discounts for NFIP policyholders; and

WHEREAS, in 2020, the NFIP established minimum standards for CRS communities to qualify for or maintain a Class 8 or better rating; and

WHEREAS, Chapter 553, Florida Statutes, authorizes local jurisdictions to adopt administrative and technical amendments to the Florida Building Code, including those that are more stringent when necessary to implement the NFIP and enhance floodplain management; and

WHEREAS, the City of Pinellas Park determined that it was in the public interest to adopt the proposed local technical amendments to the Florida Building Code, which were not more stringent than necessary to address the need identified, did not discriminate against materials, products or construction techniques of demonstrated capabilities, were in compliance with section 553.73(4), Florida Statutes; and

WHEREAS, the Mayor and City Council determined that it was in the public interest to amend the floodplain management regulations to better protect manufactured homes and to continue participating in the CRS at the current class rating; and

WHEREAS, in 2024, the City of Pinellas Park adopted technical amendments to the Florida Building Code that would limit the size of enclosures below elevated buildings and require Declarations of Land Restriction (Nonconversion Agreements) for enclosures below elevated buildings and structures in flood hazard areas for the purpose of participating in the NFIP’s CRS and, pursuant to section 553.73(5), F.S., formatted those amendments to coordinate with the Florida Building Code; and

WHEREAS, the Pinellas County Construction Licensing Board, which approves local technical amendments to the Florida Building Code, reviewed and denied the City's proposed amendments contained in Land Development Code Section 18-3-801.2 and 18-3-801.3; and

WHEREAS, due to the decision of the Pinellas County Construction Licensing Board, the City of Pinellas Park is required to repeal Section 18-3-801.2 and Section 18-3-801.3 of the Land Development Code; and

WHEREAS, the Planning and Zoning Commission, sitting as the Local Planning Agency, and the City Council for the City of Pinellas Park, Florida have reviewed and held public hearings on said proposed ordinance.

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

SECTION 1: That Section 18-3-801 of Chapter 18, of the Land Development Code of the City of Pinellas Park, Florida is hereby amended to read as follows:

Sec. 18-3-801.1. DESIGN AND CONSTRUCTION OF BUILDINGS, STRUCTURES AND FACILITIES EXEMPT FROM THE FLORIDA BUILDING CODE.

Pursuant to Sub-Article 1, Section 18-1-804.2.1 of this ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sub-Article 3, Section 18-3-807 of this ordinance.

(Ord. No. 3948, § 1, 6-25-2015)

~~Sec. 18-3-801.2. FLORIDA BUILDING CODE ADMINISTRATIVE AMENDMENTS.~~

~~NONCONVERSION AGREEMENTS. Applications for buildings with enclosures below the required elevation shall include signed declarations of land restrictions (nonconversion agreements), as defined in Sec. 18-2-802. The agreements shall be recorded in the Official Records of Pinellas County, Florida, prior to issuance of the Certificate of Occupancy.~~

~~(Ord. No. 4258, § 7, 6-13-2024)~~

~~Sec. 18-3-801.3. FLORIDA BUILDING CODE TECHNICAL AMENDMENTS.~~

~~1. ENCLOSURES BELOW REQUIRED ELEVATIONS FOR BUILDINGS IN FLOOD HAZARD AREAS. Enclosed areas below the required elevation for buildings in flood hazard areas shall be limited as follows:~~

~~a. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells, ramps, and elevators unless a partition is~~

required by the fire code.

b. ~~Where perimeter walls are permitted, the limitation on partitions does not apply to load-bearing walls interior to perimeter wall (crawl space) foundations.~~

c. ~~Access to enclosed areas shall be the minimum necessary to allow for the parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the building (stairway or elevator).~~

~~2. LIMIT ENCLOSURES BELOW REQUIRED ELEVATIONS FOR BUILDINGS IN FLOOD HAZARD AREAS. Enclosed areas below the required elevation for buildings in flood hazard areas shall be not more than two hundred ninety-nine (299) square feet in area, except for perimeter wall (crawl space) foundations that have a wall height less than five (5) feet, unless enclosed by lattice or screening.~~

~~(Ord. No. 4258, § 7, 6-13-2024)~~

SECTION 2: All other provisions of Chapter 18 of the Code of the City of Pinellas Park not hereby amended shall remain in full force and effect.

SECTION 3: The provisions of this Ordinance shall become and be made a part of the Land Development Code of the City of Pinellas Park, Florida, and the publisher of the Code of Ordinances may renumber, reclassify or otherwise insert this Ordinance in an appropriate place to accomplish such intention.

SECTION 4: If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

SECTION 5: This Ordinance shall be in full force and effect immediately after its passage and approval in the manner provided by law.

PUBLISHED THE _____, DAY OF _____, 2026.

FIRST READING _____, DAY OF _____, 2026.

PUBLIC HEARING THE _____, DAY OF _____, 2026.

PASSED THIS _____, DAY OF _____, 2026.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED THIS _____, DAY OF _____, 2026.

Sandra L. Bradbury
MAYOR

ATTEST:

Jennifer R. Carfagno, MMC
CITY CLERK

Business Impact Estimate

This form must be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the City's website by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference: **Ordinance 2026-XX**

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

If one or more boxes are checked below, this means the City is of the view that a business impact estimate is *not* required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Development orders and development permits, as those terms are defined in Florida Statutes § 163.3164, and development agreements, as authorized by the Florida Local Government Development Agreement Act under Florida Statutes § 163.3220-163.3243;
 - b. Comprehensive plan amendments and land development regulation amendments initiated by an application by a private party other than the City;
 - c. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - d. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - e. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare): This ordinance repeals provisions in the City of Pinellas Park Land Development Code referencing local technical amendments to the Florida Building Code that were denied by the Pinellas County Construction Licensing Board.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the city, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; as this ordinance repeals language, there are no direct compliance costs attributed to the adoption of this ordinance.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
None.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.
There are no anticipated revenues or regulatory costs associated with the adoption of this ordinance.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

N/A

4. Additional information the governing body deems useful (if any):

N/A