





PINELLAS COUNTY CONSTRUCTION LICENSING BOARD

LOCAL TECHNICAL OR ADMINISTRATIVE AMENDMENT

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Municipality or County Department Name	Pinellas County, Building and Development Review Services
Principal contact	Jim Mckillen
Title	Building Official
Telephone	727-453-3379
Email	jmckillen@pinellas.gov
Date	12/16/2024
Summary of requested changes (300 character limit)	Definition update to Substantial Improvement. This update provides for an exception to the rolling one (1) year period of cumulative repair/reconstruction/rehabilitation if it is solely related to repairing wind or flood damage to pre-damage condition of like kind and quality (and does not exceed 49%) Florida Building Code, Building, 2023, 8th Ed.
Code Version being amended	
Sub Code	Building
Chapter Topic	Definitions
Section	202
Are there any related Sub Code and Section modifications? Please confirm compliance with all necessary requirements of F.S. 553.73 (all must apply)	Yes. Florida Building Code, Residential, 2023, 8th Ed. The amendment: <input checked="" type="checkbox"/> is limited only to the Florida Building Code. <input checked="" type="checkbox"/> specifies a need to strengthen the requirements of the Florida Building Code. <input checked="" type="checkbox"/> includes evidence of local data demonstrating conditions that require a stronger local variation. <input checked="" type="checkbox"/> describes how the local amendment addresses the needed variation. <input checked="" type="checkbox"/> does not introduce a new subject not addressed in the Florida Building Code. <input checked="" type="checkbox"/> is no more stringent than necessary. The amendment complies with: <input checked="" type="checkbox"/> Section 2 restrictions on swimming pools, barriers, pool covers and other pool security? <input checked="" type="checkbox"/> Section 10 restrictions regarding exempt buildings, structures, and facilities? <input checked="" type="checkbox"/> Section 13 issues related to code enforcement, communications towers, roof-mounted mechanical equipment, school lighting, residential fire sprinklers, range hood, elevators, door from garage to home, and other AC/heating standards? <input checked="" type="checkbox"/> The requirements are not discriminatory against materials, products, or construction techniques of demonstrated capabilities. <input checked="" type="checkbox"/> Does the amendment use the International Codes published by the ICC or the National Electric Code (NFPA 70)? <input checked="" type="checkbox"/> Does the proposal include a fiscal impact statement that meets the criteria in 553.73?
 Approved by PCCLB on 1/13/25 Chair: Alan Holderith	James Mckillen  December 20, 2024
Signature	
Date	

Business Impact Estimate Form (see F.S. § 125.66(3)(a))

For:

Chapter 158 Floodplain Management

This Ordinance amendment is scheduled for consideration for adoption (1st public hearing) by the Pinellas County Commission on December 17, 2024 at 6:00pm at 333 Chestnut Street, Palm Room, Clearwater, Florida 33756

** Unless an attachment is expressly referenced, the content in this Form encompasses the entire Business Impact Estimate for the Ordinance.*

1. Summary of the Ordinance, including a statement of the public purpose to be served by the Ordinance, such as serving the public health, safety, morals, and welfare of the County:

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.

Background:

When Chapter 158, Floodplain Management, was previously updated it provided for a special magistrate to hear variances but did not remove references to a variance review board in the ordinance. This update removes all references to a variance review board and replaces it with special magistrate. The ordinance is also amended to clarify appeals to a decision by the special magistrate can be appealed to the circuit court. Additionally, the definition of substantial improvement is amended to provide flexibility to not include:

Costs for repairs for the express purpose of repairing wind or flood damage to predamage 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.

Sec. 138-3232 - Legislative intent.

The intent of the ordinance update to provide clear definition on the appeal and variance processes and flexibility to the definition of what is included as substantial improvement.

WHEREAS Clauses

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.

2. An estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the County, including the following, if any:

The proposed ordinance amendment has no adverse financial impact on private or for-profit business in the County.

3. A good faith estimate of the number of businesses likely to be impacted by the Proposed Ordinance:

None.

4. Any additional information the BCC deems useful: *[This Section is not legally required.]*

NA

From Florida Building Code, Building, 8th. Ed, (2023):

[BS] SUBSTANTIAL IMPROVEMENT. Any *repair*, reconstruction, rehabilitation, alteration, *addition* or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. If the structure has sustained *substantial damage*, any *repairs* are considered substantial improvement regardless of the actual *repair* work performed. The term does not, however, include either:

1. 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 is the minimum necessary to assure safe living conditions.
2. 2.Any *alteration* of a historic structure provided that the *alteration* will not preclude the structure's continued designation as a historic structure.

From Municode, Current:

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 improvement regardless of the actual repair work performed. The term does not, however, include either: [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.

With New Proposed FBC Technical Amendment:

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. Exception: The rolling one (1) year period of cumulative repair/reconstruction/rehabilitation if it is solely related to repairing wind or flood damage to pre-damage condition of like kind and quality (and does not exceed 49%). If the building or

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