

ORDINANCE 519

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, PERTAINING TO THE REDEVELOPMENT OF THE PELICAN GOLF COURSE; AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES SECTION 74-82-SCHEDULE OF DISTRICT REGULATIONS ADDING ADDITIONAL ACCESSORY USE FOR GOLF COURSE DISTRICT; AMENDING THE CURRENT ZONING DESIGNATION OF APPROXIMATELY 1.13 ACRES OF PROPERTY BEING LOTS 1-5, AND 32-34, BLOCK 32, BELLEAIR ESTATES SUBDIVISION FROM SINGLE FAMILY RESIDENTIAL (R-1) TO GOLF COURSE DISTRICT (GC); VACATING A PORTION OF STREET RIGHTS OF WAY FOR ALTHEA ROAD AND GOLFVIEW DRIVE ADJACENT TO THE PELICAN GOLF COURSE; APPROVING A SUPPLEMENTAL PRELIMINARY DEVELOPMENT PLAN FOR THE PELICAN GOLF COURSE; APPROVING AN AMENDMENT TO DEVELOPMENT AGREEMENT WITH PELICAN GOLF, LLC; PROVIDING FOR SEVERABILITY; SUPERSEDING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE.

Whereas, Pelican Golf, LLC (“Applicant”) has filed a series of applications with the Town of Belleair (“Town”) in order to provide for the expansion and upgrade to the Pelican Golf Course; and,

Whereas, Applicant’s previous applications for redevelopment of the Pelican golf course and clubhouse have been approved and development activity pursuant to the previously approved site plan is underway; and

Whereas, subsequent to the prior site plan approval, Applicant has acquired additional property adjacent to the Pelican golf course with Applicant desires to utilize to expand the golf course and related amenities and has filed a supplemental application for preliminary site plan approval for the expansion project hereinafter referred to as the “Phase 3 Application”; and

Whereas, the Phase 3 Application includes a concurrent amendment to the Town’s Comprehensive Land Use Plan, a request to amend the Town Code of Ordinances (“Code”) related to additional uses in the Golf Course District; a request for a zoning map amendment; a vacation of certain rights of way and corresponding approval of a supplemental preliminary development plan and amendment to an existing development agreement with the Applicant (hereafter collectively the “Applications”); and,

Whereas, the Applications would allow for the expansion of the existing Pelican Golf Course to provide an elite golf facility including the addition of on-site guest cottages to be used by members and out of town guest and to construct an expanded golf course practice area; and,

Whereas, the application for amendment of the Zoning Map proposes to amend the current Residential (R-1) existing on 1.13 acres of property, as more fully described in Attachment “A” herein, adjacent to the Pelican Golf Course to Golf Course District (GC) ; and,

Whereas, the process and requirements for a preliminary development plan submitted in conjunction with a request for zoning amendment is set forth in Sec. 66-164 (b) of the Code; and,

Whereas, the Applicant for the Applications have submitted and proposes to execute an amendment to an existing Development Agreement the purpose of which is to memorialize and establish a commitment to the specific development details and respective responsibilities of the applicant and the Town under Section 74-86 of the Land Development Code; and,

Whereas, with respect to the amendment to the zoning map, the Town Commission finds the proposed development plan to be:

- (a) Consistent with the goals, objectives and policies set forth in the Town's Comprehensive Plan, specifically, the Future Land Use, Transportation, Infrastructure, Recreation and Open Space, and Capital Improvement Elements of the Comprehensive Plan;
- (b) Compliant with the related provisions of the Code addressing compatibility with the site, adjoining use and the maintenance of required levels of service standards for concurrency management; and,

Whereas, with respect to the application for Supplemental Preliminary Development Plan approval, the application and proposed development plan is consistent with the requirements of 74-86 of the Town Code; and

Whereas, with respect to the application for the Right of Way Vacation approval, the application is consistent with the requirements of Sec. 74-152 as follows:

- (a) The requested vacation is consistent with the traffic circulation element of the town comprehensive plan and the county metropolitan planning organization transportation plan
- (b) The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.
- (c) The vacation would not jeopardize the current or future location of any utility.
- (d) The proposed vacation is not detrimental to the public interest and provides a positive benefit to the town; and

Whereas, with respect to the application to amend the Development Agreement with Pelican Golf, LLC, the application is:

- (a) Consistent with the form and content required by State law and the Town Code;
- (b) Consistent with the foregoing applications for Zoning Map amendment, Preliminary Development Plan approval - subject to such changes or additions as set forth herein; and

Whereas, the Town held all required duly noticed public hearing per the Code and per Florida Statutes.

NOW, THEREFORE, BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF BELLEAIR:

Section 1. Legislative Findings. The foregoing recitals are incorporated herein by reference as the legislative findings of the Town Commission of the Town of Belleair.

Section 2. Zoning Code Amendment. Town Code Chapter 74 Section 74-82 – Schedule of District Regulations is hereby amended and new Code Section 74-87, Golf Club Cottages is adopted as provided for in **Attachment “A”** attached hereto.

Section 3. Amendment to the Zoning Map. The Town’s official Zoning Map for the 1.3 acres of property described and depicted in **Attachment B** is hereby rezoned from Residential (R-1) to Golf Course District (GC).

Section 4. Vacation of Rights of Way. The Vacation of the Right of Way of that portion of Althea Road and Golf View Drive adjacent to the Pelican Golf Course and more fully shown on **Attachment C**, is hereby approved.

Section 5. Preliminary Development Plan. The Preliminary Development Plan attached hereto as **Attachment D** is hereby approved. The Final Development Plan (FDP) shall be consistent with the Preliminary Development Plan.

Section 6. Development Agreement. The Town and the Applicant shall execute the amendment to the Development Agreement, attached hereto as **Attachment E**, or in a substantially similar form.

Section 7. Severability. If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full effect.

Section 8. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 9. Effective Date. This Ordinance takes effect upon Ordinance 518 becoming effective.

INTRODUCED AND PASSED ON FIRST READING: _____

APPROVED AND ADOPTED ON SECOND READING : _____

Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM AND LEGALITY:

David J. Ottinger, Town Attorney

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ATTACHMENT A
Amendments to Chapter 74

1. Amendment to Division 3, Section 74-82.

Section 74-82, Schedule of District Resolutions, is amended to add golf club cottages as an approved accessory structures and accessory use.

The following new Section 74-87, Golf Club Cottages, is added to Chapter 74, Article II, Zoning Districts, Division 3, District Regulations:

Section 74-87 Golf Club Cottages,

(a) Golf club cottages, as defined herein, are authorized as accessory structures and an accessory uses on properties in the golf course (“GC”) zoning district which are actively used for golf course play.

(b) Golf club cottages shall mean temporary living and sleeping quarters located on a golf course property for the exclusive use of golf club members and their sponsored guests which shall comply with the following standards and restrictions with respect to their design and use.

(c) Design Standards for Golf Club Cottages.

(i) Occupants. The maximum number of bedrooms per individual cottage shall be 8. For multiple cottage structures on a golf course property, the cumulative number of bedrooms shall not exceed 16.

(ii) Dimensions. Each individual cottage shall have a minimum area of 3,000 square feet. Each bedroom in a cottage shall have a minimum area of 300 square feet. Golf club cottages shall comply with all dimensional regulations in Section 74-84.

(iii) Common Entry and Living Area. Each cottage structure shall have a single keyed entrance and shall have common living, dining and entertainment areas.

(iv) Vehicle Parking. No vehicle parking is permitted near or adjacent to a golf club cottage. Guests shall access the cottages by walking or by golf cart.

(d) Use Restrictions.

(i) Exclusive Use by Golf Club Members. Use of golf club cottages is limited to golf course members and their sponsored guests.

(ii) No Other Transient Rentals. All use of the cottages shall be controlled and monitored by the golf club owner. No third party booking or reservation service shall be used to offer accommodations at the golf club cottages. Fees for use of the cottages will be billed to and paid by the sponsoring club member.

(iii) Maximum Length of Stay. Because the primary purpose of the golf club cottages is to provide accommodations for out of town club members and guests while utilizing the golf course facilities, the maximum length of stay for any group using a cottage shall be one week.

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ATTACHMENT B

Pelican Golf Club Zoning Map Amendment

Property Location: Approximately 1.13 acres of property being Lots 1-5 and 32-34, Block 32 Belleair Estates Subdivision. **Existing Zoning: Single Family Residential (R-1)**



Proposed Zoning: Golf Course District (GC)



Note: Rezoning includes vacated right-of-way

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ATTACHMENT C

**Description of Vacated Right of Way
For portions of Althea Road and Golf View Drive**

1. **Althea Road vacated right of way.** That portion of Althea Road right of way commencing at the intersection with the eastern boundary of right of way for Indian Rocks Road then south east to the intersection with Golf View Dr.
2. **Golf View Drive vacated right of way.** That portion of Golf View Drive right of way commencing at the intersection with eastern end of Althea Road then south west to the northern boundary of proposed cul-de-sac circle on Golf View Dr.

Legal Description:

THAT PORTION OF ALTHEA ROAD (GOLF VIEW DRIVE - FIELD) LYING NORTHERLY OF AND ADJOINING TO LOTS 1 AND 34, BLOCK 32, TOGETHER WITH THAT PORTION OF GOLF VIEW DRIVE LYING EASTERLY OF AND ADJOINING TO LOTS 32, 33 AND 34, BLOCK 32, ALL LYING WITHIN A SUBDIVISION OF BELLEAIR ESTATES EAST OF INDIAN ROCKS ROAD, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGES 52 THROUGH 57, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 32; THENCE N25°17'43"E, ALONG THE SOUTHEASTERLY RIGHT-OF-WAY OF INDIAN ROCKS ROAD, A DISTANCE OF 60 FEET TO A POINT ON THE WESTERLY BOUNDARY OF PELICAN GOLF COURSE, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 53, PAGE 45, OF THE PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA; THENCE ALONG SAID WESTERLY BOUNDARY OF PELICAN GOLF COURSE FOR THE FOLLOWING TWO (2) COURSES AND DISTANCES: (1) S64°42'17"E, A DISTANCE OF 310 FEET, (2) S25°17'43"W, A DISTANCE OF 208 FEET; THENCE N64°42'17"W, ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY BOUNDARY OF SAID LOT 32, BLOCK 32, A DISTANCE OF 60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 32, BLOCK 32; THENCE N25°17'43"E, ALONG THE EASTERLY BOUNDARY OF SAID BLOCK 32, A DISTANCE OF 148 FEET TO THE NORTHEAST CORNER OF SAID LOT 34, BLOCK 32; THENCE N64°42'17"W, ALONG THE NORTHERLY BOUNDARY OF SAID BLOCK 32, A DISTANCE OF 250 FEET TO THE POINT OF BEGINNING.

CONTAINING 27,480 SQUARE FEET OR 0.63 ACRES, MORE OR LESS.