

ORDINANCE 525

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 AMENDING SECTION 74-82 OF THE LAND DEVELOPMENT CODE RELATING TO GOLF COTTAGES AS ACCESSORY USE FOR GOLF COURSE DISTRICT; AMENDING THE CURRENT ZONING DESIGNATION OF APPROXIMATELY 1.88 ACRES OF PROPERTY BEING LOTS 6 & 7, 28-31, ALL OF LOTS 8, 9, 26 & 27 & THE N'LY 43FT OF LOTS 10 & 25, LOT 11 & THE SW'LY 6 FT OF LOT 10 & THE NE'LY 28 FT OF LOT 12, BLOCK 32, BELLEAIR ESTATES SUBDIVISION FROM SINGLE FAMILY RESIDENTIAL (R-1) TO GOLF COURSE DISTRICT (GC); APPROVING A SUPPLEMENTAL DEVELOPMENT PLAN FOR THE PELICAN GOLF COURSE; APPROVING AMENDMENT TO DEVELOPMENT AGREEMENT WITH PELICAN GOLF, LLC; PROVIDING FOR A RIGHT-OF-WAY USE 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 largely completed; and

Whereas, subsequent to the prior site plan approvals, Applicant has acquired additional property adjacent to the Pelican golf course which 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 4 Application”; and

Whereas, the Phase 4 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; 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 additional 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 1.88 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 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 74-87, Golf Club Cottages, is hereby amended as provided for in **Attachment "A"** attached hereto.

Section 3. Amendment to the Zoning Map. The Town's official Zoning Map for the 1.88 acres of property described and depicted in **Attachment B** is hereby rezoned from Residential (R-1) to Golf Course District (GC).

Section 4. Preliminary Development Plan. The Preliminary Development Plan attached hereto as **Attachment C** is hereby approved. The Final Development Plan (FDP) shall be consistent with the Preliminary Development Plan.

Section 5. Development Agreement. The Town and the Applicant shall execute the amendment to the Development Agreement, attached hereto as **Attachment D**, or in a substantially similar form.

Section 6. 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 7. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 8. 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

Ordinance 525
ATTACHMENT A
Amendments to Chapter 74

1. Amendment to Division 3, Section 74-87.

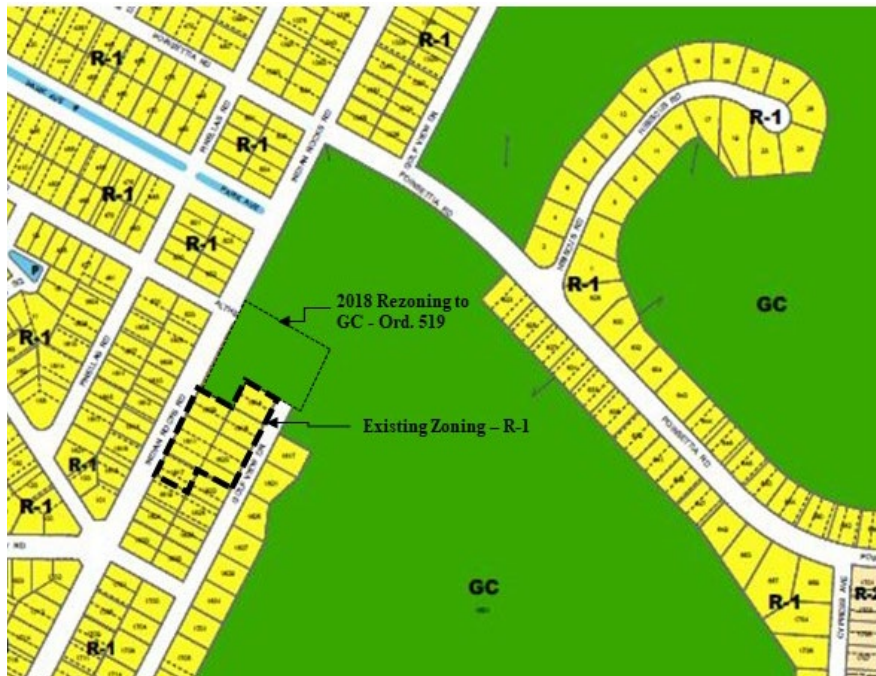
Section 74-87, Golf Club Cottages, Subsection (c), Design Standards for Golf Club Cottagers, subpart (i), Occupants, is amended to increase the cumulative number of bedrooms from 16 to 28.

Ordinance 525
ATTACHMENT B

Pelican Golf Club Zoning Map Amendment

Property Location: Approximately 1.88 acres of property being Lots 6 & 7, 28 thru 31, all of Lots 8, 9, 26 & 27 & the N'ly 43ft of Lots 10 & 25, Lot 11 & the SW'ly 6 ft of lot 10 & the NE'ly 28 ft of Lot 12, Block 32, Belleair Estates Subdivision.

Existing Zoning: Single Family Residential (R-1)



Proposed Zoning: Golf Course District (GC)



Ordinance 525
ATTACHMENT C

Phase 4 Development Plan

Ordinance 525
ATTACHMENT D

Amended Development Agreement