

ORDINANCE NO. 594

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR LAND DEVELOPMENT CODE BY AMENDING CHAPTER 66, ARTICLE I, SECTION 66-4 "GUIDE FOR USERS," AMENDING CHAPTER 66, ARTICLE I, SECTION 66-8 "ADOPTION OF TECHNICAL CODES AND PROVISIONS OF COMPREHENSIVE PLAN" BY REPEALING SECTION 4 OF ORDINANCE 513, AND AMENDING CHAPTER 66, ARTICLE I, SECTION 66-10 "DEFINITIONS," ALL TO ADOPT THE RECOMMENDATIONS OF THE FLORIDA DIVISION OF EMERGENCY MANAGEMENT AND CONFORM THE LAND DEVELOPMENT CODE WITH THE TOWN'S FLOODPLAIN MANAGEMENT ORDINANCE, STATE LAW, AND THE REQUIREMENTS OF THE COMMUNITY RATING SYSTEM; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

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

WHEREAS, the Town of Belleair participates in the National Flood Insurance Program and participates in the NFIP's Community Rating System, a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum program requirements and achieved a CRS rating of Class 7, making citizens who purchase NFIP flood insurance policies eligible for premium discounts; and

WHEREAS, in 2020 the NFIP Community Rating System established certain minimum prerequisites for communities to qualify for or maintain class ratings of Class 8 or better; and

WHEREAS, the Florida Division of Emergency Management, Bureau of Mitigation, has reviewed the Town's Land Development Code for consistency with its floodplain management ordinance and the requirements of the CRS program and has recommended that certain amendments be made to maintain its CRS rating; and

WHEREAS, the Town Commission has determined that it is in the public interest to amend its land development code to conform with its floodplain management ordinance, present NFIP/CRS regulations, and Florida law.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Belleair, Florida, that:

Section 1. Section 66-4 (b) of Article I of Chapter 66 of the Town of Belleair Land Development Code, is hereby amended to read as follows:

Sec. 66-4. - Guide for users.

- (b) *Checklist for preparation and review of development proposals.* Every attempt has been made to make this land development code as easy as possible for interested citizens, developers and local government staff to use. The checklist is arranged in an order that reflects the process by which a developer would start with a parcel of land and conclude with an approved development. This same ordering provides a checklist approach for interested citizens and staff who are reviewing a proposed development for compliance with code requirements. The ordering and checklist are as follows:

Chapter 66, Article I, General Provisions

This article contains general provisions necessary to determine the applicability of the land development code and to ensure the code's legal validity. Section 66-3, "Applicability," establishes which development must comply with the requirements of this Code. Certain development activities are not covered if they are authorized by previously approved development plans. Thus, an initial question is whether proposed development activity is covered by this Code or by rules in effect prior to the adoption of this Code.

Once a determination is made that this Code applies, this user's guide should be reviewed in order to gain an understanding of how the code works. The remainder of article I need not be reviewed unless a question of intent, interpretation or validity of a regulation arises.

Chapter 74, Article II, Zoning Districts

The first question regarding the development of any site is what use, and what density or intensity of that use, is allowed on the site. This article provides the answer to this question. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ In what zoning district is the development site located? See the official zoning map.

_____ What uses are allowed in that district? See section 74-82.

_____ If a residential development is to be proposed, what is the allowable density (dwelling units per acre)? See section 74-84.

_____ If a commercial development is to be proposed, what is the allowable intensity (floor area ratio) of the development? See section 74-84.

Chapter 74, Article III, Development Design and Improvement Standards

Once the developable portions of the site have been determined, the next question is how the actual development will be designed and what improvements will be required. This article contains standards for controlling the design of the development so that maximum public benefit is realized. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Will the development involve the subdivision of land? See section 74-111 for minimum lot area requirements and section 66-172 for platting procedures.

_____ Will the development contain buildings or other impervious surfaces? See section 74-112 for impervious surface coverage requirements.

_____ Will the development contain buildings or other structures? See section 74-113 for building setback requirements.

_____ Will the development contain streets, parking or other vehicle use areas?

_____ See sections 74-152 and 74-153 for street layout, design and right-of-way requirements.

_____ See section 74-154 for sidewalk and bikeway requirements.

_____ See section 74-155 for access requirements.

_____ See chapter 74, article III, division 3, for offstreet parking and loading requirements.

_____ Will the development involve the installation of utilities? See chapter 74, article III, division 4, for installation and design standards.

_____ Will the development affect the quality or quantity of stormwater runoff from the site? See chapter 74, article III, division 5, for stormwater management requirements.

_____ See chapter 74, article III, division 6, for landscaping requirements.

_____ Is the development adjacent to a street or use such that a buffer must be provided? See section 74-232 for buffer requirements.

Chapter 74, Article IV, Accessory Structures and Uses

This article creates the standards for the creation, placement and construction of accessory structures or uses. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Is a storage building, private garage, gazebo or greenhouse to be installed? See section 74-283.

_____ Is a swimming pool, hot tub, screen enclosure or similar structure to be installed? See section 74-284.

_____ Is a fence or fence wall to be installed? See section 74-285.

_____ Is a dock or pier to be installed? See section 74-286.

_____ Is a seawall, riprap or similar structure to be installed? See section 74-287.

_____ Is a hardcourt recreational facility to be installed? See section 74-288.

Chapter 74, Article V, Overlay and Floating Zones

Once the use, and its intensity and density, have been determined for a site, it must be determined whether the site is within an overlay district. For example, if the site is within a hurricane vulnerability zone, certain added development restrictions will apply. This article contains all overlay districts that might affect a site. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Is the site within a designated hurricane vulnerability zone? See section 74-333.

_____ Is the site within an area designated as a coastal high-hazard zone? See section 74-334.

_____ Does the proposed activity involve a house to be used as a group home? See the group home floating zone provisions in section 74-336.

Chapter 70, Consistency and Concurrency Determinations

The final question to be answered with regard to whether the use, and density or intensity of that use, is appropriate for the site is whether the consistency and concurrency requirements are met.

In order for the concurrency requirement to be met, each development proposal must show that adopted levels of service for certain public facilities and services will not be degraded by the impact of the development. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Is the development (except for concurrency) consistent with the comprehensive plan? See section 70-2.

_____ Is the general concurrency requirement met? See section 70-3. Specifically:

_____ Will the proposed development use potable water? See section 70-31.

_____ Will the proposed development create wastewater? See section 70-32.

_____ Will the proposed development increase traffic on surrounding streets?
See section 70-33.

_____ Will the proposed development create solid waste? See section 70-34.

_____ Will the proposed development create a need for public recreation?
See section 70-35.

Chapter 74, Article VI, Resource Protection Standards

Once the use, and the density and intensity of that use, is determined for a site, the next question is whether any portions of the site must remain totally or partially free of development activity. This article prescribes those areas and the restrictions that apply within them. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Does the site contain protected trees, or a canopy road, as defined in this Code? See chapter 74, article VI, division 2.

_____ Does the site contain wetlands, or other environmentally sensitive lands described in the comprehensive plan? See chapter 74, article VI, division 3.

_____ Is the site near a major wellhead as defined in this Code? See chapter 74, article VI, division 4.

_____ Does the site contain land in the 100-year floodplain? See chapter ~~74~~ 75, ~~article VI, division 5~~.

Chapter 74, Article IX, Signs

This article provides standards and prohibitions relating to signs. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Prohibited signs are listed at section 74-545.

_____ Exempt signs are listed at section 74-571.

_____ Regulations relating to temporary signs are at section 74-572. Regulations relating to permanent accessory signs are at section 74-573.

_____ The way in which measurement determinations, e.g., sign height and size, are made is covered in chapter 74, article IX, division 3.

_____ Regulations relating to the design, construction and location of signs are in chapter 74, article IX, division 4.

Chapter 74, Article VII, Operational Performance Standards

This article provides standards governing certain potentially noxious aspects of the ongoing use of property. The following is a checklist of provisions that should be consulted with regard to the ongoing use of property:

_____ Will the use create an exceptional amount of noise? See section 74-484.

_____ Will the use create air pollution? See section 74- 486.

_____ Will the use create an exceptional amount of odor? See section 74-487.

_____ Will the development create a risk of fire or explosion? See section 74-488.

_____ Will the development create a risk of electromagnetic interference? See section 74-489.

Chapter 74, Article VIII, Property Maintenance Standards

This article provides standards and enforcement remedies governing the continued maintenance of developed property (existing at the time of adoption of this Code and developed subsequent and pursuant to adoption of this Code). The following is a checklist of property maintenance provisions that should be consulted by all property owners regarding the upkeep and repair of their property:

_____ Does the property have or propose to have a seawall? See section 74-514.

_____ Does the property have or propose to have a dock or pier? See section 74-515.

_____ Does the property contain or abut a public sidewalk? See section 74-516.

_____ Is the house in a state of disrepair? See section 74-517.

_____ Does the property have or propose to have a fence or wall? See section 74-518.

_____ What may the town do to ensure that the structures listed are maintained in a safe and healthy manner for the protection of the public interest? See section 74-513(a).

Chapter 66, Article V, Hardship Relief

This article provides several avenues for seeking relief from requirements in this Code that create an undue hardship. The following is a checklist of provisions that should be consulted with regard to use of land:

_____ Is the existing land use a nonconforming use in regard to the use regulations in chapter 74, article II, or the development design and improvement standards in chapter 74, article III? See section 66-252.

_____ In regard to proposed development, is relief sought from the strict application of a development design standard? See section 66-253.

_____ In regard to proposed development, is relief sought from the resource protection standards through the use of clustering? See section 66-254(b).

Chapter 66, Article II, Boards and Agencies

At this point, all substantive provisions relating to the use and design of a development site have been covered. If the decision to proceed with development is made, the procedures for development review in chapter 66 must be followed. First, however, one should become familiar with the boards and agencies involved in that review. This article establishes and describes the following boards and agencies:

_____ ~~Planning committee~~ and zoning board. See chapter 66, article II, division 3.

_____ ~~Code enforcement board~~ special magistrate. See chapter ~~66, article II, division 4~~ chapter 19, article I, Town of Belleair Code of Ordinances.

Chapter 66, Articles III through IX, Administration and Enforcement

These articles set out the procedures for making land use decisions. Most importantly, they set out the procedures for reviewing development plans to determine their compliance with code requirements. The following is a checklist of provisions that should be consulted with regard to a development proposal:

_____ Is the proposed activity development as defined in the code? See section 66-10, Definitions.

_____ If the proposed activity is development, must a development plan showing the proposed development be approved prior to the issuance of a construction permit? See chapter 66, article IV.

_____ If a development plan is not required, see chapter 66, article IV, for procedures for issuance of development permits.

_____ If a development plan is required, is the proposed development a minor development or a major development? See section 66-162. See also the submittal requirements at section 66-171.

_____ If the proposal is a minor development, follow the review procedures at sections 66-161, 66-162 and 66-163.

_____ If the proposal is a major development, follow the review procedures at sections 66-161, 66-162 and 66-164.

_____ If the development is to be built in phases, see section 66-165.

_____ If the development proposal requires an amendment to the comprehensive plan or land development code, see chapter 66, article VII.

_____ If an appeal of a decision by the town manager is sought, see chapter 66, article VI.

Section 2. Chapter 66, Article I, Section 66-8 (a) of the Town of Belleair Land Development Code is hereby amended to repeal section 4 of Ordinance 513, passed on second reading by the Town Commission on May 2, 2017, but not thereafter codified in the Land Development Code. Ordinance 513 is attached hereto as Exhibit “A.”

Section 3. The following definitions contained in Chapter 66, Article I, Section 66-10 – Definitions of the Town of Belleair Land Development Code, are hereby deleted or amended as follows:

~~*Existing manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 14, 1971.~~

~~*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~*Flood protection elevation* means the elevation of the base flood.~~

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

- (1) *Letter of map amendment (LOMA)*: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.
- (2) *Letter of map revision (LOMR)*: A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.
- (3) *Letter of map revision based on fill (LOMR-F)*: A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
- (4) *Conditional letter of map revision (CLOMR)*: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Market value means the ~~price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel.~~ Market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or ~~Market value shall be established tax assessment value adjusted to approximate market value by a factor provided by the Pinellas County Property Appraiser.~~

~~*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 14, 1971.~~

~~*Permanent construction* does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]~~

Start of construction means the date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Section 4. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Town Commission would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. The Codifier shall codify the substantive amendments to the Town of Belleair Land Development Code contained in Sections 1 through 3 of this Ordinance as provided for therein and shall not codify the exordial clauses or any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 166.041(5), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2025, by the Board of Commissioners of the Town of Belleair, Florida.

PUBLISHED on the _____ day of _____, 2026.

PASSED AND ADOPTED ON SECOND AND FINAL READING on the _____ day of _____, 2026, by the Board of Commissioners of the Town of Belleair, Florida.

Mike Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, MMC, Town Clerk