

ORDINANCE NO. 521

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA AMENDING THE CODE OF ORDINANCES CREATING SECTION 74-34 ENTITLED “SPECIAL RELIEF PERMITS”; PROVIDING TEMPORARY RELIEF FROM SECTION 6-2, ARTICLE II, ARTICLE III, SECTION 74-311, SECTION 74-484, AND SECTION 74-572; PROVIDING FOR APPLICATION TO TOWN COMMISSION; PROVIDING FOR MAXIMUM NUMBER OF PERMITS; PROVIDING FOR MAXIMUM PERIOD OF RELIEF; PROVIDING FOR PUBLIC EXEMPTION; PROVIDING FOR FEES IN CONNECTION WITH APPLICATION; PROVIDING FOR REQUIRED CONTENTS OF APPLICATION; PROVIDING FOR POWER OF COMMISSION TO ATTACH CONDITIONS OF ISSUANCE; PROVIDING FOR EXPIRATION OF APPROVALS; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Commission desires to provide temporary relief from certain code restrictions by establishing a permitting process; and

WHEREAS, the Commission desires to create a new code Section 74-34 to address such requests for relief; and

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

SECTION 1. ORDINANCE AMENDMENTS. Section 74-34 of the Town of Belleair Code of Ordinances, entitled “Special Relief Permits,” is hereby created as follows:

- (a) The purpose of this section is to provide mechanisms for obtaining temporary relief from the following provisions of the Code of Ordinances:
 - (1) Section 6-2: Drinking in Public; possession of open container
 - (2) Article II: Parking
 - (3) Article III: Commercial Solicitation
 - (4) Section 74-311: Home Occupations
 - (5) Section 74-484: Public Nuisance Noises
 - (6) Section 74-572: Permitted temporary signs
- (b) Except as provided herein, a special relief permit shall be issued by the Town Commission, no more than twice annually for each property parcel, (not each unit if a multifamily dwelling property); and for periods not to exceed 72 hours
- (c) For town owned parcels, there shall be no prohibition on the maximum number of permits to be issued.
- (d) All applications for special relief permits shall be made to the Town Manager for consideration by the Town Commission at least three weeks prior to the proposed event.

Applicants shall pay a fee equivalent to that of “Appeal to the Commission” listed in Appendix B: Fee Schedule

- (e) The Town Commission has the right to attach conditions of issuance as it deems necessary to further the health, safety, comfort, convenience and welfare of the town and its residents.
- (f) All applications shall contain the following:
 - (1) Site address;
 - (2) Current Zoning of the subject parcel;
 - (3) Property owner; if the permit applicant is not the property owner, the written consent of the property owner;
 - (4) Local contact information;
 - (5) Date and time of the use requested;
 - (6) Any plans relevant to the requested temporary use including but not limited to: a detailed description of the proposed temporary use, site layouts, proposed hours of operations, parking plans, public safety access, noise mitigation plans, alcohol licensure, temporary signage, sanitary plans, waste elimination and restoration.
- (g) All approved uses shall only be valid during the times approved and shall expire immediately following the event.

SECTION 2. SEVERABILITY. In the event that any word, phrase, clause, sentence or paragraph hereof shall be held invalid by any court of competent jurisdiction, such holding shall not affect any other word, clause, phrase, sentence or paragraph hereof.

SECTION 3. SUPERSEDING CLAUSE. All ordinances, resolutions or parts thereof in conflict or inconsistent with this ordinance are hereby superseded insofar as there is conflict or inconsistency.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passing.

PASSED ON FIRST READING: *May 15, 2018**

PASSED ON SECOND READING:

Mayor

ATTEST:

Town Clerk