



Town of Belleair

901 Ponce de Leon Blvd.
Belleair, FL 33756

Meeting Minutes Planning & Zoning Board

Monday, March 15, 2021

5:30 PM

Town Hall

Welcome. We are glad to have you join us. If you wish to speak, please wait to be recognized, then step to the podium and state your name and address. We also ask that you please turn-off all cell phones.

Meeting was called to order at 5:30 PM with Chairman Millspaugh presiding.

ROLL CALL

Present 6 - Chairman Jim Millspaugh, Peter Kyres, Brand Shank, Pam Kern, Joseph Namey, and Jordan Hidalgo
Absent 1 - Marc Mariano

CITIZENS COMMENTS

No comments

APPROVAL OF MINUTES

[21-0033](#) Approval of October 12, 2020 and February 8, 2021 Meeting Minutes

Joseph Namey moved to approve the February 8th meeting minutes. Seconded by Peter Kyres.

Aye: 6 - Chairman Millspaugh, Kyres, Shank, Kern, Namey, and Hidalgo

Absent: 1 - Mariano

Peter Kyres moved to approve the October 12, 2020 meeting minutes. Seconded by Joseph Namey.

Aye: 6 - Chairman Millspaugh, Kyres, Shank, Kern, Namey, and Hidalgo

Absent: 1 - Mariano

GENERAL AGENDA

[21-0039](#) Discussion of Accessory Use: Residential Play Structures

Mr. Millspaugh stated item is carry over from last meeting.

Ms. Kern commented on corner lot scenarios; height of structures.

Mr. Murphy spoke on regulations and defining what require permits; considering what is truly a temporary use and anything else would require a permit; additional regulations can be applied.

Mr. Shank stated many other municipalities don't have regulations in this area; Mr. Murphy stated building official provided some information as what he has come across.

Mr. Millspaugh inquired about genesis of issue; Mr. Murphy stated a few very large structures have been constructed in setbacks and are very tall.

Discussion ensued regarding average playset/structure heights; attempting to create guidelines that include both swings and playhouses; maximum platform height of 6ft, maximum height of structure 12ft; creating a checklist for prefab items that wouldn't require permit; if a footing is required, so is a permit.

Mr. Murphy stated current non-conforming structures would be grandfathered in as long as they're not in setback and not safety issue. Issue came up more due to pandemic.

Mr. Hidalgo questioned how trampolines were handled; not regulated currently.

Mr. Murphy stated verbiage can be not to exceed 12ft unless required for safety and would require permit.

Chris Brimo-Town Planner-not aware of a maximum height on temporary structure; maximum on any accessory structure in residential area is 30ft.

Mr. Millspaugh provided comments regarding height and need to be in setback.

Board consensus of 12ft maximum height, anything over 12ft or located other than in rear yard to be permitted; following manufacturer guidelines.

Mr. Murphy to add structure shall not be considered an accessory dwelling unit; will be made into recommended ordinance and brought back for review prior to Commission hearings.

[21-0040](#)

Discussion of Temporary Signs and Flags

Ms. Kern spoke on main objective; referenced Pinellas County's ordinance; suggested language.

Mr. Milspaugh spoke on communities with commercial properties; commercial property in Belleair.

Mr. Murphy spoke on commercially permitted signs in Belleair; discussed all signs.

Mr. Kyres in agreement with Ms. Kern; removing all content specific restrictions; spoke on proposed items; first amendment protected speech; 1994 Supreme Court case that prohibited outlawing of all temporary signs.

Mr. Shank spoke on some regulation; Ms. Kern questioned if any laws regarding obscenity.

Mr. Hidalgo spoke on issue defining what is offensive, inability to regulate.

Mr. Murphy stated State has definition of what is harmful to a minor, mostly pornographic may limit number of signs per parcel; spoke on currently not allowed to have offsite signs or not in right-of-way; spoke on ability to regulate number, size and duration; vehicles with signage are also related to sign code.

Mr. Brimo provided information he came across during research; intent to protect character of town without interfering with speech; provided his suggestions; location, number, size, and duration are what the Town can regulate without issues.

Mr. Murphy spoke on flags; need to be addressed.

Ms. Kern wanted to address signs specifically first; Mr. Murphy spoke on issues of recent temporary signs; Mr. Shank would like to see limits to duration. Mr. Murphy spoke on duration and size of signs. Mr. Brimo provided current allowed sign size.

Discussion ensued regarding sign size, location and duration.

Mr. Murphy spoke on organizations paying owners to display temporary signs on properties.

Mr. Brimo spoke on commercial and non-commercial speech still a content issue; content neutral.

Ms. Kern suggested setting each item; location not in right-of-way which is currently in code.

Discussion ensued regarding yard sign location and size; duration.

Mr. Brimo spoke on Tarpon's new sign code; political signs to be removed by candidates within 14 days.

Discussion ensued regarding number of signs allowed; political signs; placement; height.

Board consensus to have smaller signs, recommend maximum size 18x24, no one sign exceeding 3ft; duration of political: candidates can be regulated to no more than 40 days prior to election and no more than 3 days post election, overall duration (nonpolitical) temporary signs to be determined; real estate signs moved to 3 sq. ft; staff will work on ordinance and duration can be discussed later.

Discussion on flags; Ms. Kern suggests maximum flag pole height and maximum flag size; 2x3 for structure mounted 5ft for flag pole mounted maximum pole height of 20ft, maximum number of 3 and must be properly mounted not hung from property. not able to address content; garden flags.

Mr. Murphy stated staff will propose ordinance language and bring back; Deputy Mayor Rettstatt will no longer be advisor, unsure of who will be appointed.

OTHER BUSINESS

Mr. Millspaugh commented on renovations and later additions of pools, ability to encourage owners to plan ahead if may want a pool in future so variances won't be needed.

Mr. Murphy stated communications can be made to residents; as redevelopment continues, as part of strategic plan, board will be discussing setbacks and land use regulations.

Ms. Kern questioned planting on Eagles Nest in right-of-way; Mr. Murphy stated the Town is working with owner to clean up and to correct visibility and pedestrian traffic

concerns. Mr. Murphy questioned if Rosery or Eagles Nest should be striped to assist, board in support to delineate.

Mr. Kyres questioned tree ordinance previously discussed and what has occurred; Mr. Murphy stated more trees are being cut down, tree bonds down, but bill is going through legislature that would help address permit concerns; discussed tree trimming.

COMMISSION ADVISOR REPORT

Deputy Mayor Rettstatt was not in attendance.

ADJOURNMENT

Meeting adjourned in due form at 7:29 PM.

APPROVED:

Chairman