

ORDINANCE 539

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE CODE OF ORDINANCES SUBPART B – LAND DEVELOPMENT CODE, CHAPTER 74 – LAND USE REGULATIONS; ARTICLE IV – ACCESSORY USE STRUCTURES BY ADDING SECTION 74-296, RELATED TO PLAY STRUCTURES IN RESIDENTIAL ZONING DISTRICTS; PROVING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town has seen an increase in the installation of children’s play structures in single-family residential districts; and

WHEREAS, these play structures are considered accessory structures; and

WHEREAS, the Town desires to provide reasonable, equitable and uniform standards to govern the location, and maximum permitted height of these play structures in single-family residential districts; and

WHEREAS, the regulations are the minimum necessary to ensure the safety of these play structures, and to preserve the aesthetics of the Town while maintaining the quality of life of neighboring residential properties.

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. Subpart B - Land Development Code Amendment. Chapter 74 – Land Use Regulations, Article IV – Accessory Use Structures is hereby amended to include Section 74-296 – Play structures or play equipment in residential zoning districts.

Sec. 74-296. – Play structures or play equipment in residential zoning districts.

- (a) Portable accessory structures in all residential districts. Portable accessory structures are those play structures or play equipment, including swing sets, slides, and playhouses without a permanent foundation and capable of being moved intact. Portable accessory structures shall meet the requirements for accessory structures as outlined in Section 74-281 above unless such requirements are superseded by this section.
 - 1. All pieces of play equipment should be installed as directed by the manufacturer’s instructions and specifications of ASTM International/U.S. Consumer Product Safety Commission (ASTM/CPSC) standards. The equipment should be able to

withstand the maximum anticipated forces generated by active use or high winds that might cause it to overturn, tip, slide, or move in any way.

2. Only one (1) portable accessory structure shall be allowed per zoning lot.
3. No mechanical equipment shall be operated within or attached to the structure.

Exception: Electrical service to such play structures shall be in accordance with building code requirements.

(b) In all residential districts, portable accessory structures shall comply with following location requirements.

1. No play structure shall exceed a maximum allowable height of 15 feet.
2. Play structures are prohibited in the primary front yard.
3. Play structures up to 8 feet in height may be placed within the required side and rear yard setbacks.
4. Play structures more than 8 feet in height shall be no closer than 5 feet to the property line.
5. Children's play structures that exceed 10 feet in height or 150 square feet in area shall require a permit.

Section 3. Effective Date. This Ordinance and the amendment to the Towns Land Development Code shall become effective following adoption.

PASSED ON FIRST READING: **October 19, 2021*

PASSED ON SECOND AND FINAL READING: **November 2, 2021*

Mike Wilkinson, Mayor

ATTEST:

Town Clerk