

ORDINANCE NO. 600

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING CHAPTER 66 – ADMINISTRATION AND GENERAL PROVISIONS, ARTICLE V – VARIANCES, NONCONFORMITIES AND HARDSHIP RELIEF, DIVISION 2 – HARDSHIP RELIEF, SECTION 66-252 – NONCONFORMING DEVELOPMENT, OF THE TOWN OF BELLEAIR LAND DEVELOPMENT CODE TO REVISE THE REQUIREMENTS FOR ADDITIONS OR IMPROVEMENTS TO NONCONFORMING DEVELOPMENT; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 66-252 of the Town's Land Development Code provides the requirements for additions, improvements, or accessory structures proposed on parcels or structures that are nonconforming to the regulations and design standards in Chapter 74 of the Town's Land Development Code; and

WHEREAS, a recent review of Section 66-252 of the Town's Land Development Code revealed that adhering to the requirements set forth in Section 66-252(c)(3) as currently written would prevent one from obtaining approval for additions, improvements or accessory structures proposed on parcels or structures that are nonconforming; and

WHEREAS, this realization necessitates revisions to the Town's Land Development Code to make it functionally possible to receive approval for additions and improvements on parcels or structures that are nonconforming.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF BELLEAIR, FLORIDA, AS FOLLOWS:

Section 1. Chapter 66, Article V, Division 2, Section 66-252, of the Town of Belleair Land Development Code is hereby amended to read as follows:

Sec. 66-252. – Nonconforming development.

(a) *Definition; continuation.*

(1) Nonconforming development is development that does not conform to the use regulations in chapter 74, article II, or the development design and improvement standards in chapter 74, article III, or the regulations pertaining to accessory structures and uses in chapter 74, article IV.

(2) Subject to the provisions in subsection (b) of this section for terminating nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this land development code, remain in use in its nonconforming state.

(b) *Termination.*

(1) Generally. Nonconforming development must be brought into full compliance with the use regulations in chapter 74, article II, and the development design and improvement standards in chapter 74, article III, in conjunction with the following activities:

a. The gross floor area of the development is expanded by more than 50 percent, or more than 4,000 square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing with the effective date of this land development code, shall be combined in determining whether this threshold has been reached.

b. With respect to structures or uses of land which are nonconforming as to use, reconstruction of the principal structure after the structure has been substantially destroyed by fire or other calamity. A structure is substantially destroyed if the cost of reconstruction is 50 percent or more of the assessed or appraised value of the structure before the calamity. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined assessed or appraised value of all the structures.

Notwithstanding anything to the contrary contained in this article, in any case or situation where a structure or an accessory use as of the date this land development code becomes effective violates any dimensional requirement prescribed in this Code, if such structure or accessory structure is damaged or destroyed by fire or other casualty, the damaged or destroyed structure or accessory structure may be restored within the dimensional area now occupied by the structure or accessory structure, provided such restoration or reconstruction shall be initiated within six months of the date of damage or destruction.

(2) Special provisions for specific nonconformities.

a. Nonconformity with stormwater management requirements. In addition to the activities listed in subsection (b)(1) of this section, an existing development that does not comply with the stormwater management requirements of this land development code must be brought into full compliance when the use of the development is intensified, resulting in an increase in stormwater runoff or added concentration of pollution in the runoff.

b. Nonconformity with parking and loading requirements. In addition to the activities listed in subsection (b)(1) of this section, full compliance with the requirements of this land development code shall be required where the seating capacity or other factor controlling the number of parking or loading spaces required by this Code is increased by ten percent or more.

c. Nonconforming signs.

1. Definition. A nonconforming sign is any sign within the town on the effective date of this land development code, or a sign existing within any area annexed to the city after the effective date of this Code, which is prohibited by or does not conform to the requirements of this Code; except that signs that are within ten percent of the height and size limitations of

this Code, and that in all other respects conform to the requirements of this Code, shall be deemed to be in conformity with this Code.

2. Amortization.

i. All nonconforming signs with a replacement cost of less than \$200.00, and all signs prohibited by section 74-545, pertaining to prohibited signs, shall be removed or made to conform within 60 days of the enactment of this Code.

ii. All other nonconforming signs shall be removed or altered to be conforming within five years of the effective date of this Code, unless an earlier removal is required by subsection (b)(1) of this section or subsection (b)(2)c.3. of this section.

3. Continuation. Subject to the restrictions in subsection (b)(1) of this section and subsection (b)(2)c. of this section, a nonconforming sign may be continued and shall be maintained in good condition as required by this Code, but it shall not be:

i. Structurally changed to another nonconforming sign.

ii. Structurally altered to prolong the life of the sign, except to meet safety requirements.

iii. Altered in any manner that increases the degree of nonconformity.

iv. Expanded.

v. Re-established after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the town manager.

vi. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

vii. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds 50 percent of the assessed value of the structure.

viii. Continued in use after the structure housing the occupancy has been vacant for six months or longer.

(c) *Additions or improvements to nonconforming development.* Additions, improvements or accessory structures proposed on parcels or structures that are nonconforming to the dimensional regulations and design standards in chapter 74, article II, chapter 74, article III and chapter 74, article VIII of this Code may be approved by the town manager provided that the following criteria are met:

- (1) The requested addition or improvement does not create any hardship for abutting property owners and is in harmony with the intent of this land development code.
- (2) The proposed addition or improvement will not substantially diminish property values in, or alter the essential character of, the area surrounding the site.
- (3) The proposed addition or improvement does not violate any additional regulations or design standards in chapter 74, article II, and chapter 74, article III, apart from those regulations or design standards forming the basis of the nonconformity.
- (4) The proposed addition or improvement does not increase the amount of nonconformity.

Section 2. 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 3. The Codifier shall codify the substantive amendments to the Belleair Town Code contained in Section 1 of this Ordinance as provided for therein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 4. Pursuant to Florida Statutes § 166.041(5), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2026, by the Board of Commissioners of the Town of Belleair, Florida.

PUBLISHED on the ____ day of _____, 2026.

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