

ORDINANCE NO. 577

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE DEFINITION OF “SUBSTANTIAL IMPROVEMENT” IN SECTION 66-10 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF BELLEAIR; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.

WHEREAS, Town staff has completed a review and analysis of the definition for “Substantial Improvement” under Section 66-10 of the Town’s Land Development Code; and

WHEREAS, Town staff has recommended an amendment to the definition of “Substantial Improvement” to reflect the deletion of a five year period for cumulative costs which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started for any combination or repair, reconstruction, rehabilitation, addition or other improvement of a building or structure.

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

Section 1. The definition of Substantial Improvement in Section 66-10 (Definitions) of Article I (General Provisions) of Chapter 66 (Administration and General Provisions) of the Land Development Code of the Town of Belleair, is hereby amended to read as follows:

Substantial improvement means any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure ~~taking place during a five-year period~~, the ~~cumulative~~ cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. ~~For each building or structure, the five-year period begins on the date of the first improvement or repair of that building or structure subsequent to July 18, 2006.~~ If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Section 2. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 3. For purposes of codification of any existing section of the Code of Ordinances, Town of Belleair, herein amended, words **underlined** represent additions to original text, words

~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

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 Code of Ordinances, Town of Belleair, 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 6. This Ordinance shall be effective immediately upon its passage and adoption.

ADOPTED ON FIRST READING by the Town Commission of the Town of Belleair, Florida, at the meeting held on the ____ day of _____, 2024.

PUBLISHED on the ____ day of _____, 2024.

PASSED AND ADOPTED ON SECOND READING by the Town Commission of the Town of Belleair, Florida, at the meeting held on the ____ day of _____, 2024.

Michael Wilkinson, Mayor

ATTEST:

Christine Nicole, CPM, MMC, Town Clerk