



**City Council Work Session
City of Belleair Beach, Florida**

**Thursday, February 23, 2023
Community Center, 6:00pm**

**PUBLIC MEETING NOTICE
AGENDA**

Call to Order
Pledge of Allegiance
Roll Call

1. Discussion of Proposed Ordinance Regarding Comprehensive Sign Regulations. (City Attorney Mora)
2. Discussion of the 2023 Comprehensive Plan DRAFT. (Vice Mayor Shirley)
 - Consider proper zoning/land use for the hotel condominium parcels
3. Discussion of Revising the Marina Wait List Policy. (Mayor Gattis, cont'd)
4. Discussion of Converting to ParkMobile. (Councilmember Zabel)
5. Discussion of Placement of Bricks at the Community Center for the Belleair Beach Community Foundation Brick Program. (Councilmember Roberts)
6. Discussion of Right-angle Turn Located at 19th Street and Bayshore Drive. (City Manager Riefler)
7. General Business.

Adjournment

Any person who decides to appeal any decision of the City Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. The law does not require the City Clerk to transcribe verbatim minutes, therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. Any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-595-4646 or fax a written request to 727-593-1409.

Patricia A. Gentry, CMC
City Clerk

ORDINANCE NO. 2022 - **

AN ORDINANCE OF THE CITY OF BELLEAIR BEACH, FLORIDA, REPEALING CHAPTER 86 OF THE CITY CODE (SIGN REGULATIONS) IN ITS ENTIRETY; CREATING A NEW CHAPTER 86 OF THE CITY CODE PROVIDING FOR COMPREHENSIVE SIGN REGULATIONS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Belleair Beach (the City), which became a municipality in 1950, is an upscale residential community situated on a barrier island which serves as home to a variety of families including those with children, empty-nesters, retirees, and seasonal residents; and

WHEREAS, the City maintains a relaxed and peaceful atmosphere providing all the advantages of waterfront living and the charm of an old-fashioned neighborhood

WHEREAS, the City has codified its ordinances over time into a City Code (the Code) which sets forth the cumulative law of the City; and

WHEREAS, the City's current sign regulations, which are codified in Chapter 86 of the City Code, were adopted in 1986 and were last substantially revised 21 years ago; and

WHEREAS, the City Council (the Council) has determined that the many changes in statutory and common law surrounding signs which occurred in the ensuing decades (and which are reviewed below) require the adoption of more comprehensive sign regulations; and

WHEREAS, Florida Statutes § 163.3164 (26) provides that sign regulations are land development regulations and Florida Statutes § 163.3202(2)(f) requires the City's land development regulations to specifically set forth regulations concerning signage; and

WHEREAS, the purpose, intent and scope of the City's signage standards and regulations should be detailed so as to further describe the beneficial aesthetic and other effects of the City's sign standards and regulations, and to reaffirm that the sign standards and regulations are concerned with the secondary effects of speech, and not designed to censor speech or regulate the viewpoint of the speaker; and

WHEREAS, to ensure content neutrality, the City's limitations on the size (area), height, number, spacing, and setback of signs adopted herein is based upon sign types, not content; and

WHEREAS, the City's limitations on various types of signs are related to their context within the zoning districts for the parcels and properties on which they are located; and

WHEREAS, the City finds that various signs that serve as signage for particular land uses, such as hotel and apartment signs, are based upon content-neutral criteria in recognition of the

functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the City finds that it is appropriate to take into account the City's zoning districts when determining the appropriate size, number, and nature of certain sign types; and

WHEREAS, the City finds that the sign standards and regulations adopted in this Ordinance allow adequate alternative means of communications for both non-commercial and commercial speech; and

WHEREAS, the sign standards adopted in this Ordinance allow and leave open such alternative means of speech as advertising and communications via newspaper, social media, website, targeted texts, physical pamphlets distributed by hand or mail, physical and web-based business directories, over-the-air television and streaming services, radio, direct mail, and other avenues of communication available in the City of Belleair Beach; and

WHEREAS, the City finds that the provisions of this Ordinance are consistent with all applicable policies of the City of Belleair Beach's adopted Comprehensive Plan; and

WHEREAS, the City finds that the provisions of this Ordinance are consistent with the public interests to be served by this municipal government; and

WHEREAS, the amendments to the current City Code contained in this Ordinance will not result in incompatible land uses; and

WHEREAS, the City recognizes that under established Supreme Court precedent, a law that is content-based is subject to strict scrutiny under the First Amendment of the U.S. Constitution, and such law must therefore satisfy a compelling governmental interest; and

WHEREAS, the City recognizes that under established Supreme Court precedent, a compelling government interest is a higher burden than a substantial or significant governmental interest; and

WHEREAS, the City recognizes that under established Supreme Court precedent, aesthetics is not a compelling governmental interest but is a substantial governmental interest; and

WHEREAS, the City recognizes that until 2015, federal court opinions were not clear as to what constituted a content-based law as distinguished from a content-neutral law; and

WHEREAS, this question was clarified in *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015), wherein the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayor, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, the City recognizes that in *Reed*, the Supreme Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, *Reed* held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed; and

WHEREAS, the City recognizes that in *Reed*, the Supreme Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral; and

WHEREAS, the City recognizes that in *Reed*, the Supreme Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

WHEREAS, the City recognizes that in *Reed*, Justice Alito in a concurring opinion, clarified that municipalities still have the power to enact and enforce reasonable sign regulations and provided a non-exhaustive list of sign rules that would not be content-based; and

WHEREAS, Justice Alito noted the following rules would not be content-based: (1) rules regulating sign size, which rules may distinguish among signs based upon any content-neutral criteria; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed; and

WHEREAS, Justice Alito further noted that in addition to regulating privately-placed signs, government entities may also erect their own signs consistent with the principles that allow governmental speech [see *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009)], and that government entities may install all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito observed that the *Reed* opinion, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate aesthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, the City recognizes that as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations,

beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

WHEREAS, the City recognizes that in *Reed* the Supreme Court determined that the Town of Gilbert's differing treatment of Temporary Directional Signs and the two other categories of signs was "content-based," meaning that the Town would have to survive strict scrutiny and show a compelling government interest in its differing treatment of noncommercial speech as applied to the petitioners' use of temporary directional signs to announce the time and location of their services; and

WHEREAS, the City recognizes that *Reed* only involved noncommercial speech; and that commercial speech was not at issue in the *Reed* case; and

WHEREAS, the City recognizes that under established Supreme Court precedent, commercial speech may be subject to greater restrictions than noncommercial speech and that doctrine is true for both temporary signs as well as for permanent signs; and

WHEREAS, the City recognizes that in the case of *City of Austin, Texas v. Reagan National Advertising of Austin, LLC*, 142 S.Ct. 1464, 212 L.Ed.2d 418 (2022), the United States Supreme Court ruled that regulation of signs is not automatically content based, so that strict scrutiny for a violation of First Amendment free speech rights would be applicable, merely because to apply the regulation, a reader must ask who is speaking and what the speaker is saying; and

WHEREAS, the *City of Austin* case therefore found the city's sign ordinance, which distinguished between on-premises and off-premises commercial signs did not violate the First Amendment; and

WHEREAS, the City recognizes that government speech is not subject to First Amendment scrutiny as was confirmed by the United States Supreme Court in *Walker v. Texas Division, Sons of Confederate Veterans, Inc.*, 135 S.Ct. 2239 (2015), released in June 2015 the same day as the *Reed* decision, and that the *Confederate Veterans* decision has been followed as to government signs by the Eleventh Circuit in *Mech v. School Bd. Of Palm Beach County*, 806 3d 1070 (11th Cir. 2015), cert. denied, 137 S.Ct. 73 (2016); and

WHEREAS, the City finds that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [see *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, the City finds that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability

would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the City Council finds that the City has consistently adopted and enacted severability provisions in connection with its ordinance code provisions, and that the City wishes to ensure that severability provisions apply to its land development regulations, including its sign standards; and

WHEREAS, the City finds that there be an ample record of its intention that the presence of a severability clause in connection with the City's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any provision is invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City finds that objects and devices such as grave yard and cemetery markers visible from a public area, vending machines or express mail drop-off boxes visible from a public area, decorations that do not constitute advertising visible from a public area, artwork that does not constitute advertising, a building's architectural features visible from a public area, or a manufacturer's or seller's markings on machinery or equipment visible from a public area, are not within the scope of what is intended to be regulated through "land development" regulations that pertain to signage under Chapter 163 of the Florida Statutes; and

WHEREAS, the City finds that the aforesaid objects and devices are commonly excluded or exempted from being regulated as signs in land development regulations and sign regulations, and that extending a regulatory regime to such objects or devices would be inconsistent with the free speech clause of the First Amendment; and

WHEREAS, the City finds that it is appropriate to prohibit certain vehicle signs similar to the prohibition suggested in Article VIII (Signs) of the Model Land Development Code for Cities and Counties, prepared in 1989 for the Florida Department of Community Affairs by the UF College of Law's Center for Governmental Responsibility and by a professional planner with Henigar and Ray Engineering Associates, Inc., and that is nearly identical to § 7.05.00(x) of the Land Development Regulations of the Town of Orange Park, which were upheld against a constitutional challenge in *Perkins v. Town of Orange Park*, 2006 WL 5988235 (Fla. Cir. Ct.); and

WHEREAS, the City finds that in order to preserve the City as a desirable community in which to live and do business, a pleasing, visually-attractive urban environment is of foremost importance; and

WHEREAS, the City finds that the regulation of signs within the City is a highly contributive means by which to achieve this desired end, and that the sign standards and regulations in this Ordinance are prepared with the intent of enhancing the urban environment and promoting the continued well-being of the City; and

WHEREAS, the City finds that Article II, Section 7, of the Florida Constitution, as adopted in 1968, provides that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the City finds that the regulation of signage for purposes of aesthetics is a substantial governmental interest and directly serves the policy articulated in Article II, Section 7, of the Florida Constitution, by conserving and protecting its scenic beauty; and

WHEREAS, the City finds that the regulation of signage for purposes of aesthetics has long been recognized as advancing the public welfare; and

WHEREAS, the City finds that as far back as 1954, Justice Douglas ruled in *Berman v. Parker*, 348 U.S. 26, 33 (1954) that “the concept of the public welfare is broad and inclusive,” that the values it represents are “spiritual as well as physical, aesthetic as well as monetary,” and that it is within the power of the legislature “to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled;” and

WHEREAS, the City finds that aesthetics is a valid basis for zoning, and that regulation of the size of signs and the prohibition of certain sign types can be based on aesthetic grounds alone as promoting the general welfare [see *Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), cert. dismissed, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds that the enhancement of the visual environment is critical to a community’s image and that the sign control principles set forth herein create a sense of character and ambiance that distinguishes the City as one with a commitment to maintaining and improving an attractive environment; and

WHEREAS, the City finds that the goals, objectives and policies from planning documents developed over the years, demonstrate a strong, long-term commitment to maintaining and improving the City’s attractive and visual environment; and

WHEREAS, the City finds that, from a planning perspective, one of the most important community goals is to define and protect aesthetic resources and community character; and

WHEREAS, the City finds that, from a planning perspective, sign regulations can create a sense of character and ambiance that distinguishes one community from another; and

WHEREAS, the City finds that two decades ago, a growing number of local governments had begun prohibiting pole signs, allowing only ground signs (also referred to as monument signs), and that monument signs are typically used and preferred by planned communities and communities that seek a distinctive image, preservation of sky views, and lower chance of fallen signs due to high winds, and the City also seeks to regulate pole signs for these same goals; and

WHEREAS, the overarching purpose of the City’s regulation of signs as set forth in this Ordinance is to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements; and

WHEREAS, the sign regulations in this Ordinance are intended to enable the identification of places of residence and business and to allow for the communication of information necessary for the conduct of commerce; and

WHEREAS, the sign regulations in this Ordinance are intended to lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs which compete for the attention of pedestrian and vehicular traffic; and

WHEREAS, the sign regulations in this Ordinance are intended to enhance the attractiveness and economic well-being of the City as a place to live, vacation and conduct business; and

WHEREAS, the sign regulations in this Ordinance are intended to protect the public from the dangers of unsafe signs; and

WHEREAS, the sign regulations in this Ordinance are intended to permit signs that are compatible with their surroundings and aid orientation, and to preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs; and

WHEREAS, the sign regulations in this Ordinance are intended to encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain; and

WHEREAS, the sign regulations in this Ordinance are intended to curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business; and

WHEREAS, the sign regulations in this Ordinance are intended to establish sign size limits which are in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; and

WHEREAS, the sign regulations in this Ordinance are intended to preclude signs from conflicting with the principal permitted use of the site or adjoining sites; and

WHEREAS, the sign regulations in this Ordinance are intended to regulate signs in a manner so as to not interfere with, obstruct vision of or distract motorists, bicyclists or pedestrians; and

WHEREAS, the sign regulations in this Ordinance are intended to require signs to be constructed, installed and maintained in a safe and satisfactory manner; and

WHEREAS, the sign regulations in this Ordinance are intended to preserve and enhance the natural and scenic characteristics of this rural community tranquil natural beauty is a major element of the City's economy and identity; and

WHEREAS, the City Council finds that the City has adopted a land development code in order to implement its comprehensive plan, and to comply with the minimum requirements in the State of Florida's Growth Management Act, [Florida Statutes § 163.3202](#), including the regulation of signage and future land uses; and

WHEREAS, the City's Land Development Code, including its signage regulations, is intended to maintain and improve the quality of life for all citizens of the City; and

WHEREAS, in meeting the purposes and goals set forth in these exordial clauses, it is appropriate to prohibit and/or to continue to prohibit certain sign types; and

WHEREAS, the City finds that billboards detract from the natural and manmade beauty of the City; and

WHEREAS, the City agrees with the determination of the American Society of Landscape Architects that billboards tend to deface nearby natural or built rural or urban scenery; and

WHEREAS, the City agrees with the Sierra Club's opposition to billboard development and proliferation; and

WHEREAS, the City agrees with the American Society of Civil Engineers Policy Statement 117 on Aesthetics that aesthetic quality should be an element of the planning, design, construction, operations, maintenance, renovation, rehabilitation, reconstruction, and security enhancement of the built environment; and

WHEREAS, the City recognizes that states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and scenic beauty; and

WHEREAS, the City finds that the prohibition of the construction of billboards and certain other sign types, as well as the establishment and continuation of height, size and other standards for on-premise signs, is consistent with the policy set forth in the Florida Constitution that it shall be the policy of the state to conserve and protect its scenic beauty; and

WHEREAS, the City agrees with courts that have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [*E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), cert. dismissed, 400 U.S. 878 (1970); and

WHEREAS, the City recognizes that local governments may separately classify off-site and on-site advertising signs in taking steps to minimize visual pollution [see *City of Lake Wales v. Lamar Advertising Association of Lakeland Florida*, 414 So.2d 1030, 1032 (Fla. 1982)]; and

WHEREAS, the City finds that billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected; and

WHEREAS, the City finds and recognizes that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [see *Packer v. Utah*, 285 U.S. 105 (1932)]; and

WHEREAS, the City acknowledges that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area. [see *Markham Adver. Co. v. State*, 73 Wash.2d 405, 439 P.2d 248 (1969), appeal dismissed, 439 U.S. 808 (1978); *Suffolk Outdoor Adver. Co., Inc. v. Hulse*, 43 N.Y.2d 483, 372 N.E.2d 263 (1977), appeal dismissed, 439 U.S. 808 (1978); *Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *Members of the City Council of the City of Los Angeles v. Taxpayers for Vincent*, 466 U.S. 789, 806-807 (1984), *City of Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410 (1993); *National Advertising Co. v. City and County of Denver*, 912 F.2d 405, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1239 (D. Kan. 1999)]; and

WHEREAS, the City finds and recognizes that on-site business signs (including hotel and apartment signs) are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [see *E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153 (5th Cir. 1970), cert. denied, 400 U.S. 878 (1970)]; and

WHEREAS, the City finds that billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics; and

WHEREAS, the City finds that billboards are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [see *Outdoor Systems, Inc. v. City of Lenexa*, 67 F.Supp.2d 1231, 1239 (D. Kan. 1999)]; and

WHEREAS, the City recognizes that Scenic America, Inc. recommends improvements in the scenic character of a community's landscape and appearance by prohibiting the construction of billboards, and by setting height, size and other standards for on-premise signs [see Scenic America's Seven Principles for Scenic Conservation, Principle #5]; and

WHEREAS, the City recognizes that hundreds of Florida communities have adopted ordinances prohibiting the construction of billboards in their communities in order to achieve aesthetic, beautification, traffic safety, and/or other related goals; and

WHEREAS, the City finds that in order to preserve, protect and promote the safety and general welfare of the residents of the City, it is necessary to regulate off-site advertising signs,

commonly known as billboard signs or billboards, so as to prohibit the construction of billboards in all zoning districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the City finds that the prohibition of billboards as set forth herein will improve the beauty of the City, foster overall improvement to the aesthetic and visual appearance of the City, preserve and open up areas for beautification on public property adjoining the public roadways, increase the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, enhance the City as an attractive place to live and/or work, reduce blighting influences, and improve traffic safety by reducing driver distractions; and

WHEREAS, the City wishes to assure that billboards are effectively prohibited as a sign-type within the City; and

WHEREAS, the City finds that anything beside the road which tends to distract the driver of a motor vehicle directly affects traffic safety, and that signs, which divert the attention of the driver and occupants of motor vehicles from the highway to objects away from it, may reasonably be found to increase the danger of accidents, and agrees with the courts that have reached the same determination [see *In re Opinion of the Justices*, 103 N.H. 268, 169 A.2d 762 (1961); *Newman Signs, Inc. v. Hjelle*, 268 N.W.2d 741 (N.D.1978)]; and

WHEREAS, the City acknowledges that the Seven Justices' views in *Metromedia*, as expressly recognized in the later Supreme Court decisions in *Taxpayers for Vincent* and *Discovery Network*, have never been overturned; and that more than a dozen published Circuit Court of Appeal decisions followed *Metromedia* on the permissible distinction between onsite signs and offsite signs-when it comes to government's substantial interest in prohibiting the latter sign type (the offsite sign); and

WHEREAS, consistent with the foregoing exordial clauses, the business of outdoor advertising should be a prohibited use in each of the City's zoning districts and in all of the City's zoning districts; and

WHEREAS, the City finds and determines that it is appropriate to prohibit discontinued signs and/or sign structures because the same visually degrade the community character and are inconsistent with the general principles and purposes of the regulations as set forth in this Ordinance; and

WHEREAS, the City finds that under state law, which may be more permissive than local law, a nonconforming sign is deemed "discontinued" when it is not operated and maintained for a set period of time, and the following conditions under Chapter 14-10, Florida Administrative Code, shall be considered failure to operate and maintain the sign so as to render it a discontinued sign: (1) signs displaying only an "available for lease" or similar message; (2) signs displaying advertising for a product or service which is no longer available; or (3) signs which are blank or do not identify a particular product, service, or facility; and

WHEREAS, the City finds that it is appropriate to specify that in addition to land development regulations identified this Ordinance, signs shall comply with all applicable building and electrical code requirements; and

WHEREAS, the City recognizes that it has allowed noncommercial speech to appear wherever commercial speech appears; and desires to continue that practice through the specific inclusion of a substitution clause that expressly allows non-commercial messages to be substituted for commercial messages; and

WHEREAS, the City finds that by confirming in this Ordinance that noncommercial messages are allowed wherever commercial messages are permitted, it will continue to overcome any constitutional objection that its ordinance impermissibly favors commercial speech noncommercial speech [see *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 2d 1231, 1236-1237 (D. Kan. 1999)]; and

WHEREAS, the City finds that the district court in *Granite State Outdoor Advertising, Inc. v. Clearwater, Fla. (Granite-Clearwater)*, 213 F.Supp.2d 1312 (M.D. Fla. 2002), aff'd in part and rev'd in part on other grounds, 351 F.3d 1112 (11th Cir. 2003), cert. denied, 543 U.S. 813 (2004), cited the severability provisions of that city's code as a basis for severing isolated portions of sign regulations in its Land Development Code; and

WHEREAS, the City finds that under Florida law, whenever a portion of a statute or ordinance is declared unconstitutional, the remainder of the act will be permitted to stand provided: (1) the unconstitutional provisions can be separated from the remaining valid provisions, (2) the legislative purpose expressed in the valid provisions can be accomplished independently of those which are void, (3) the good and the bad features are not so inseparable in substance that it can be said that the legislative body would have passed the one without the other, and (4) an act complete in itself remains after the valid provisions are stricken [see, e.g., *Waldrup v. Dugger*, 562 So. 2d 687 (Fla. 1990)]; and

WHEREAS, the City has consistently included severability provisions in its ordinances, and it wishes to ensure that severability provisions apply to its land development regulations, including this Ordinance; and

WHEREAS, the City desires there to be an ample record of its intention that the presence of a severability clause in connection with its sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the City finds that it is appropriate to allow for the display of allowable temporary signage without any prior restraint or permit requirement; and

WHEREAS, the City finds that when an application for a permanent sign is deemed denied that the applicant shall have an avenue to immediately request in writing a written explanation as to why the application was not approved and the City shall promptly respond in writing and provide

the reason(s) the application was not approved (see *Covenant Media of South Carolina, LLC v. City of North Charleston*, 493 F.3d 421, 435-437 (4th Cir. 2007)); and

WHEREAS, the City finds that an applicant for a sign permit who is aggrieved by the decision of the permitting official, or aggrieved by any failure by the permitting official or by any other City official to act upon a sign permit application in accordance with the LDC, must have the right to seek judicial review of the final decision of the City by the Circuit Court of the Sixth Judicial Circuit in and for Pinellas County, Florida, or by any other court of competent jurisdiction, filed in accordance with the requirements of law, seeking such appropriate remedy as may be available; and

WHEREAS, the City finds that an applicant shall have access to prompt judicial relief in the circumstances where applicant's sign permit application is either denied, deemed denied or not approved in a timely manner, as set forth in the City's sign permitting regulations, and acknowledges that the display of temporary signs in compliance with the City's sign standards and regulations is not subject to any permitting whatsoever; and

WHEREAS, the Council therefore finds that it is in the best interests of the City, and its citizens, property owners and businesses to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Belleair Beach, Florida, that:

SECTION 1. Chapter 86 (Signs) of the Belleair Beach City Code is hereby repealed in its entirety.

SECTION 2. A new Chapter 86 of the Belleair Beach City Code, to be entitled Sign Regulations, is hereby created as follows:

Chapter 86 – SIGN REGULATIONS

Sec. 86-1. – Definitions.

Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of at least **sixty (60)** days. The following conditions shall be considered as the failure to operate or maintain a sign:

(1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed. or

(2) a sign which is blank. This definition includes signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location or any other sign for any purpose for which the purpose has lapsed. If the sign is a conforming sign in compliance with building codes and all other applicable city codes, then only the sign face will be considered abandoned.

Advertising means any commercial sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, entertainment, or real or personal property.

Advertising vessel means any boat, watercrafts, motorboat, sailboat, rowboat, dingy, canoe, airboat, houseboat, barge, floating structure, floating home or any contrivance of any nature whatsoever which is waterborne, whether or not the same is capable of moving under its own power or by sail, which is displaying advertising upon any waters, waterways, marine area or other waters within the city's jurisdictional limits, which advertising is visible to others from either land or water. To be deemed an advertising vessel, one of the following conditions must be met:

- (1) The vessel contains advertising for one or more different business entities;
- (2) The vessel contains advertising for a business entity which is not the majority owner of the vessel;
- (3) The vessel is operated continuously without stopping while displaying some form of general advertisement;
- (4) The vessel is driven in a repetitive back-and-forth, oval, or similar pattern;
- (5) The vessel is capable of automatically changing the advertising messages displayed without stopping; or
- (6) The vessel lacks the ability to serve any purpose other than advertising.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

Architectural detail or embellishment means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish window or door openings, exterior lighting that frames building features, and changes in façade materials to create an architectural effect.

Area of sign means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Artwork means a two-or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area. All outdoor artwork shall conform to the maximum height restrictions of signs within the district. All outdoor artwork shall also conform to any applicable building code and safety standards.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or canopy sign means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner means a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Banner, vertical streetlight means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Bench/bus shelter sign means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

Billboard means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, produced, offered or furnished at a place other than upon the same lot where such sign is displayed.

Building means a structure having a roof supported by columns or walls, that is designed or built for support, enclosure, shelter or protection of any kind.

Building official means the individual responsible for the administration, interpretation and enforcement of the building codes of the city.

Business establishment means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid city occupational license and/or occupying distinct and separate physical space and located in a business activity zoning district.

Bus stop informational sign means a freestanding or attached noncommercial government sign erected by a public transit agency, which is located at an official bus stop and providing information as to the route, hours or times of service.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Canopy sign means a permanent sign which is suspended from, attached to, supported from, printed on, or forms a part of a canopy.

Changeable copy/message sign means a sign with the capability of content change by means of manual or remote input, including the following types:

(1) Manually activated. Changeable sign whose message copy can be changed manually on a display surface.

(2) Electronically activated. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also Electronic message sign.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

Commercial mascot means humans or animals used as advertising devices for commercial establishments, typically by the holding of a separate sign or wearing of insignia, masks or costumes associated with the commercial establishment. This definition includes sign twirlers, sign clowns, etc.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Copy means the linguistic or graphic content of a sign.

Damaged sign means a sign missing more than ten percent of one or more sides of a sign face.

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish: but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Feather sign or flutter sign means a sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fixed aerial advertising sign means any aerial advertising medium that is tethered to, or controlled from the ground.

Flag means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material.

Flag pole means a pole on which to raise a flag. A flag pole is not a pole sign.

Flashing sign means any illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

Foot-candle means a unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

Free-standing (ground) sign means a detached sign which shall include any signs supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. A free-standing (ground) sign may be a pole sign or a monument sign.

Frontage means that allowable sign area shall be measured according to the following standards:

- (1) For single or two business establishment buildings fronting one public right-of-way, measurement shall be taken parallel to that property line abutting the right-of-way with

perpendicular witness lines extending to the farthest distant corners of the structure when measuring building frontage or similarly to the farthest distant property corners when measuring lot frontage. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(2) For single and two business establishment buildings (including hotels) fronting on more than one public right-of-way, measurement shall be taken as per subsection (1) of this definition using that right-of-way for which the primary and foremost portion of each business establishment faces. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(3) For business establishments located within a shopping or business center other than an interior business establishment as defined in this section, measurement shall be taken parallel to and equal in length to a line connecting the farthest distant corners of the business establishment's primary and foremost direction of public access. Generally, the primary and foremost direction of public access shall face the center's common parking facility or a public right-of-way.

Government sign or statutory sign shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

Ground level means the average grade within a 25-foot radius of the sign base on a parcel of land, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a sign. Ground level on marine docks or floating structures shall be the average grade of the landward portion of the adjoining parcel.

Holographic display sign means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Indirectly illuminated sign means any sign, the facing of which reflects light from a source intentionally directed upon it.

Inflatable or balloon sign means a sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

Ingress and egress sign shall mean a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Land means “land” including “water”, “marsh” or “swamp.”

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

Location means a lot, premises, building, wall or any place whatsoever upon which a sign is located.

Lollipop sign means a sign which is attached to any pole(s) or stake(s) that is designed to be driven into the ground and which is not stabilized into the ground or affixed in place by any device other than the stake to which the sign is attached.

Machinery and equipment sign means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance, in the context of this chapter, means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Marquee means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A Marquee is not an awning or canopy.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

Monopole means a vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

Monument sign means a type of freestanding sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that is constructed of a solid material such as wood, masonry or high-density urethane.

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

Mobile billboard advertising means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDC or subsequent amendments, but which is in conflict with the provisions of the LDC.

Nonconforming use means any use of a building or structure which, at the time of the commencement of the use, was a permitted use in the zoning district until the effective date of the LDC, but which does not, on the effective date of the LDC or amendment thereto, conform to any one of the current permitted uses of the zoning district in which it is located. Such nonconforming use may be referred to as a nonconformity.

Offsite/off-premises commercial advertising means a non-accessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Offsite/off-premises commercial sign means a non-accessory billboard or sign that displays offsite commercial advertising.

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this chapter, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

Owner means any part or joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to whole or part of a building or land.

Pennant means any pieces or series of pieces of cloth, plastic, paper or other material attached in a row at only one or more edges, or by one or more corners (the remainder hanging loosely) to any wire, cord, string, rope, or similar device. The term includes, but is not limited to, string pennants, streamers, spinners, ribbons and tinsel.

Permanent interior sign means that if located on a window or within a distance equal to the greatest dimension of the window and if able to view from the exterior, it shall be considered an exterior sign for purposes of this chapter, excluding window sign allowance.

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in this chapter.

Person means any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Pole sign means a permanent ground sign that is supported by one or more poles more than four feet in height and otherwise separated from the ground by air.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign. For purposes of this chapter, a cold air inflatable sign shall be considered to be a portable sign.

Projected light sign means a sign which is generated from a light source which projects a static or changeable image, text, logo or other image onto a building's surface.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. Standard channel set letters on signs do not render a sign a projecting sign.

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, storm or sanitary sewer main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Roofline means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rotating sign (or revolving sign) means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Sandwich board sign means a portable, freestanding, movable and double-faced sign not exceeding thirty-two (32) inches wide and forty-eight (48) inches high.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. For the purposes of this chapter, the term Sign shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship

of the components, each such component shall be considered to be a single sign. The term Sign for purposes of this chapter shall not include the following objects:

1. Decorative or structural architectural features of buildings (not including lettering, trademarks or moving parts);
2. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently embedded or integrated into the structure of a permanent building which is otherwise legal;
3. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);
4. Manufacturers' or seller's marks on machinery or equipment visible from a public area;
5. The display or use of fire, fireworks or candles;
6. motor vehicle or vessel license plates or registration insignia;
7. Grave stones and cemetery markers visible from a public area;
8. Newsracks and newsstands;
9. Artwork that does not constitute advertising visible from a public area;
10. Decorations that do not constitute advertising visible from a public area;
11. Vending machines or express mail drop-off boxes visible from a public area.

Sign height means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Sign size means area of sign.

Sign structure means any structure which is designed specifically for the purposes of supporting a sign. This definition shall include decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code.

Street means a right-of-way for vehicular traffic, designated as an alley, avenue, boulevard, court, drive, expressway, highway, lane, road, street, or thoroughfare (also referred to as roadway). A street may be dedicated to the public or maintained in private ownership, but open to the public.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Structure means anything constructed, installed or portable, the use of which requires location on land. It includes a movable building which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. It also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, tracks, pipelines, transmission lines, signs, cisterns, sheds, docks, sewage treatment plants and other accessory construction.

Substantial damage means damage to a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the damage occurred.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in the LDC, a sign with an intended use for a period of time related to an event or occurrence at a future time shall be deemed a temporary sign. Such events could include, but are not limited to, scheduled community athletic or charity events, contractor notices of construction projects in progress, elections scheduled to occur in the future, or sales or leases of real property, goods or services by retailers. Realtors or individuals where same will be completed by some future date or upon the completion of the lease or sale. A flag shall be deemed a temporary sign. A sign advertising a reduced price or other promotional benefit associated with a product or service sold or offered on a parcel shall not constitute a temporary sign.

Traffic control device sign means any governmental/statutory sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Trailer sign means any sign that is affixed to or placed on a trailer or other portable device that may be pulled by a vehicle.

Umbrella sign means a sign printed on umbrellas used for legal outdoor eating and drinking establishments, push-carts, sidewalk cafes and which is made of a lightweight fabric or similar material.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Vehicle sign means a sign which covers more than ten (10) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Wayfinding/directional sign means a non-commercial sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

Window means a panel of transparent material surrounded by a framing structure and placed into the construction material comprising a building façade.

Window or door sign, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door.

Sec. 86-2. – Purpose and scope of chapter.

In order to preserve the city as a community in which people wish to, live, visit, vacation, work, invest in, and retire, the city must maintain a visually aesthetic and safe environment. The regulation of signs within the city is an effective means by which to achieve this desired end. These sign regulations are prepared with the intent of promoting the public health, safety and general welfare in the city through a comprehensive system of reasonable, consistent, and non-discriminatory sign standards and requirements. This chapter regulates signs which are placed on private property, or on property owned by public agencies including the city, and over which the city has zoning authority. These sign regulations are intended to:

- a. Encourage the effective use of signs as a means of communication in the city;
- b. Maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth;
- c. Improve pedestrian and traffic safety;
- d. Minimize the possible adverse effect of signs on nearby public and private property;
- e. Foster the integration of signage with architectural and landscape designs;

- f. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- g. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- h. Encourage and allow signs that are appropriate to the land use district in which they are located and consistent with the category of use and function to which they pertain;
- i. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- j. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- k. Categorize signs based upon their structures and tailor the regulation of signs based upon those structures;
- l. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- m. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- n. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- o. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the city;
- p. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- q. Protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- r. Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- s. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the city and that complements the natural surroundings in recognition of

the city's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its residential and agricultural communities;

t. Enable the fair and consistent enforcement of these sign regulations;

u. To promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and to advance the city's goals of quality development;

v. To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of city, county, state and federal law;

w. To provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and

x. Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

Sec. 86-3. – Regulatory interpretations.

It is the city's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All regulatory interpretations of this chapter are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the city code, then the city shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process. The policies, rules and regulations stated in this chapter apply to all signs within the regulatory scope of this code, and to all provisions of this code, notwithstanding any more specific provisions to the contrary. This chapter states the policy decisions regarding display of signs, made by the city council after carefully balancing many competing factors and interests. This chapter consolidates all general provisions relating to the installation, regulation and amortization of signs on private property throughout the city. The city further makes the following findings:

a. The city council specifically finds that off-premises advertising signs present more of a traffic hazard than on-premises advertising signs because, among other factors, the content of off-premises advertising signs changes with more frequency than the content of on-premises advertising signs.

b. The city council finds and intends that noncommercial signs shall be considered to be on-premises signs.

c. The city council further finds that some signs, particularly large signs such as billboards, detract from the aesthetic beauty of the city and create a safety hazard by distracting motorists, pedestrians, and others. The city council wishes to preserve the aesthetic beauty and safety of the community.

d. The city council further finds that when a sign type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the City code, then the city shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

e. The city council further finds that all rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., shall be enforceable independently of any permit or approval process.

f. The city council further specifically finds that the policies, rules and regulations stated in this chapter apply to all signs within the regulatory scope of this chapter, and to all provisions of the land development code, notwithstanding any more specific provisions therein to the contrary. This chapter states the policy decisions regarding display of signs, made by the city council after carefully balancing many competing factors and interests. This chapter consolidates all general provisions relating to the installation, regulation and amortization of signs on all property throughout the city.

g. The city council finds and intends that the maximum height and size for structures and any setback provisions found in the land development code shall apply to signs in the city even if the provisions of this chapter cannot apply due to any valid court order.

Sec. 86-4. – Prohibited signs.

Unless otherwise authorized in this chapter, the following sign types are prohibited within the city:

a. Signs that are deemed abandoned under this chapter, or that do not conform with the provisions of this section or any other applicable code, statute or law, shall be removed by the property owner within 30 days after receipt of notification (which will immediately follow the 90-day abandonment period described this chapter or refusal to accept delivery of notification by certified mail, that such removal is required). Alternatively, the sign panels within the abandoned sign structure may be removed and replaced with sign panels or durable material off-white white or tan in color and containing no message.

b. Bench/bus shelter advertising signs.

c. Billboards.

d. Wall wrap signs.

e. Electronic changeable copy/message sign.

f. Snipe signs.

- g. Any sign nailed, fastened, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).
- h. Flashing signs.
- i. Animated signs.
- j. Revolving or rotating signs.
- k. Signs which move, twirl or swing, including multi-prism and tri-vision signs.
- l. Electronic signs other than traffic control devices.
- m. Beacon lights.
- n. Wind signs.
- o. Pennant signs.
- p. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or other government sign, signal, or device.
- q. Offsite/off-premises commercial signs.
- r. Any sign in or over the public right-of-way, other than government signs or warning or safety signs.
- s. Pavement markings, except official traffic control-markings and street addresses applied by government agencies or pursuant to government laws or regulations.
- t. Signs attached to piers, docks, tie poles or seawalls, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.
- u. Signs in or upon any river, bay, lake, or other body of water within the limits of the city, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.
- v. Portable signs.
- w. Roof signs.
- x. Umbrella signs.
- y. Projecting signs.
- z. Any sign which is designed to approximate, mimic or emulate an official government sign, including unofficial "stop" signs posted on or above any street or right-of-way, or within fifty feet thereof.
- aa. Any sign prohibited by state or federal law.

- bb. Signs that emit sound, vapor, smoke, odor, particles, flame or gas with the exception that signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.
- cc. Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.
- dd. Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- ee. Commercial Mascots and Commercial Message signs that are carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies, or otherwise exercising their valid First Amendment rights.
- ff. Vehicle signs visible from a street or right-of-way within one hundred (100) feet of the vehicle and where the vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of said street or right-of-way.
- gg. Mobile Billboard Advertising and Trailer Signs.
- hh. Any sign located on real property without the permission of the property owner.
- ii. Any feather or flutter sign.
- jj. Obscene signs that meet the definition of obscenity under [Florida Statutes § 847.001](#) et seq., as amended.
- kk. Marquee signs.
- ll. Projected light signs.
- mm. Inflatable or balloon signs.
- nn. Advertising vessels within the jurisdictional waters of the city, as set forth in [§ 100](#) of the city charter.
- oo. Sandwich board signs.

Sec. 86-5. – Applicability.

This chapter does not regulate:

- a. Signs located entirely inside the premises of a building enclosed space, and that are not visible from the right-of-way or public parking lot.
- b. Objects not included in the definition of “sign”.
- c. Signs posted as “no trespassing” in the manner provided for in **Article 5, Chapter 1**
Amendment.
- d. Any government sign placed by or at the direction of or through the permission of the city in, on or over any city or county owned or controlled property or right-of-way, including signs approved by the city under the authority of a development or concession agreement, or an event co-sponsorship agreement with the city.

Sec. 86-6. – Administration and enforcement: nonconforming signs

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this chapter are declared nonconforming signs. It is the intent of this chapter to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this chapter that any elimination of nonconforming signs shall be accomplished so as to avoid any unreasonable invasion of established property rights.

a. Legal nonconforming signs:

1. A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this chapter that does not conform to the regulations as specified in this chapter.
2. A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this chapter or any amendment thereof.
3. A legal nonconforming sign may not be altered in any manner not in conformance with this chapter. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.
4. Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant’s control, shall be brought into conformance with the provisions of this chapter, provided that if the nonconforming sign is a type of sign that is prohibited under this chapter, it shall be removed.

5. Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:

A. Is not increased in area or height to exceed the limits of the zoning district in which it is located;

B. Remains structurally unchanged except for reasonable repairs or alterations;

C. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and

D. Is relocated in such a manner as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

b. Signs rendered nonconforming:

1. Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the provision that rendered the sign nonconforming, including in the event there is a change in ownership. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.

2. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this chapter. An existing monument sign that conforms to the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.

3. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this chapter if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign.

c. Signs for a legal nonconforming use:

1. New or additional signs for a nonconforming use shall not be permitted. A change in ownership shall require a nonconforming sign to be removed or brought into conformity.

2. A nonconforming sign for a nonconforming use that ceases to be used for a period of **sixty (60) consecutive days** or is replaced by a conforming use, shall be

considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

d. Signs discontinued:

1. Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.

2. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

3. Within sixty (60) days after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.

4. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

e. Unsafe signs:

1. If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

2. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

Sec. 86-7. – Administration and enforcement: permits and fees.

a. Generally. Signs subject to this chapter shall be designed, constructed, and maintained in compliance with the city's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.

b. Permit requirements. Unless exempted by this chapter, no sign shall be erected, constructed, altered or relocated without a permit issued, except as otherwise provided in this chapter. Where electrical permits are required, they shall be applied for at the same time as the sign permit. Sign permits shall be obtained separate from building permits. The requirement of a building or electrical permit is separate and independent of the requirement for a sign permit under this chapter. No sign shall be erected, constructed, relocated, altered or maintained without compliance with all permit requirements under local ordinance, state or other applicable law.

c. Fees. Each application for a sign permit shall be accompanied by the applicable fees. When a sign has been erected or constructed before a permit is obtained, the permit fee shall be quadrupled.

Before issuance of a permit, the building official shall collect the necessary sign permit fees, which shall be established by resolution by the city council from time to time.

d. Signage plan. For any site on which the owner proposes to erect one or more signs requiring a permit, the owner, or representative, shall submit to the building official two copies of a signage plan containing the following:

1. An accurate plan of the site, at such scale as the building official may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such site;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the site under this chapter;
4. An accurate indication on the plan of the proposed location of each present and future sign of any type on the property, regardless of whether such sign requires a permit;
5. Detailed drawings to show the dimensions, design, structure and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration);
6. Name of person, firm, corporation or association erecting the sign;
7. Written consent to the permit application, by the owner, or authorized designee, of the building or lot on which the sign is to be erected. Consent of an authorized agent of an owner, contractor or other agent of the lessee shall be sufficient for purposes of this provision; and
8. Such other information as the building official shall require in order to establish full compliance with this chapter and all other applicable laws. As part of the application, the applicant or the applicant's authorized representative must certify in a signed statement that all information provided in the application is true and correct.

e. Nullification. A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.

f. Permit exceptions. The following operations shall not be considered as creating a sign and, therefore, shall not require a sign permit:

1. Replacing. The changing of the advertising copy or message on a previously permitted similarly approved sign which is specifically designed for the use of replaceable copy.
2. Maintenance. Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.

Sec. 86-8. – Inspection; removal; safety.

a. Inspection. Signs for which a permit is required under this chapter may be inspected periodically by the building official for compliance with this chapter, other codes of the city, and all terms upon which the sign permit may have been conditioned.

b. Maintenance. All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition with no fading, cracking or chipping visible. No consideration, however, shall be given to the content of the sign copy when making the determination that the sign should be removed due to a violation of this subsection.

c. Removal of sign. The building official may order the removal of any sign erected or maintained in violation of this chapter, or that are declared a nuisance either by court order or under the provisions of the city code. In non-emergency situations where the sign is not an imminent danger to the health and safety of the residents of the city, the building official shall give a 30-day notice in writing to the owner of such sign, at the address reflected on the Pinellas County Property Appraiser's website. If the sign is not removed within the 30-day notice period, the city shall cause the sign to be removed at the cost of the owner. Removal shall not moot any other enforcement or collection efforts the city may engage in as a result of any violation of this chapter.

d. Unsafe Sign. Absent an emergency where a sign poses an imminent danger to the health or safety of the public (in which case no notice is needed), if the building official determines any sign or sign structure to be in an unsafe condition, he or she shall immediately notify, in writing, the owner or lessee of the property upon which such sign is located, who shall correct such condition within forty-eight (48) hours. If the correction has not been made within forty-eight (48) hours, and if the building official determines it creates a danger to the public safety, he or she may have the sign removed or have any necessary repairs or maintenance performed at the expense of the owner or lessee of the property upon which the sign is located. If in his or her professional opinion the sign poses an immediate risk to the public, the city may take all other necessary steps to remedy the condition following a reasonable attempt to notify the owner of the hazardous condition.

e. Abandoned signs. Any sign that advertises a business or other activity that is not in operation on the premises shall be deemed an abandoned sign beginning 90 days after the business or other activity ceases operation. The following regulations shall apply to such signs:

1. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business establishment which it advertises is no longer conducted on the premises or the sign no longer is being used by the owner or lessee of the premises for its intended advertising purposes for a period in excess of 90 days:

2. Instead of removal, if the sign is a conforming sign, the owner or lessee of the premises may:

(a) Paint over the message on the sign that advertises the business or other activity;

(b) Remove the sign face and replace it with a blank sign face; or

(c) Reverse the sign face and not illuminate the sign from the interior;

3. If the owner or lessee fails to remove it, the building official, or designee, shall give the owner a 30-day written notice to remove it;

4. Upon failure to comply with this notice, or refusal to accept delivery of notification by certified mail that such removal is required, the building official may authorize modification, as set forth in this subsection, or removal of the sign at cost to the owner;

5. Where a successor owner or lessee to a defunct business establishment agrees to maintain the conforming sign at issue as provided in this chapter, this removal requirement shall not apply; however, a new owner or lessee of a business establishment shall not be allowed to maintain a nonconforming sign, and upon change of ownership of the business establishment, either by sale, assignment, lease or other means of transfer of rights, all signs shall be brought into compliance with this chapter; and

6. If an existing building or structure is demolished, any existing freestanding sign shall be considered either an abandoned sign or an impermissible off premises sign and shall be removed at the time of demolition unless the sign complies with the requirements of this chapter. In the event destruction of a building or structure is caused by hurricane, collision with a vehicle or similar reason not attributable to the owner, the building official is authorized to approve of a reconstruction plan which, if complied with, will not result in the sign being deemed abandoned or an impermissible off-premises sign.

Sec. 86-9. – Building official to enforce chapter’s provisions.

The building official and code enforcement deputies are authorized and directed to enforce all of the provisions of this chapter. However, notwithstanding anything in this chapter to the contrary, no sign or sign structure shall be subject to any limitation based on the content or viewpoint of the message contained on such sign or displayed on such sign structure. In conformance with applicable state and federal laws, and upon presentation of proper credentials, the building official may enter, at reasonable times, any building, structure or property in the city to perform any duty imposed upon him or her by this chapter. All inspections shall be in accordance with the provisions of § 86-13 of this chapter.

Sec. 86-10. – Interpretation of chapter provisions.

Where there is an ambiguity or dispute concerning the interpretation of this chapter, the decision of the building official shall prevail, subject to appeal process provided in this chapter.

Sec. 86-11. – Right of appeal.

a. As provided for in § 94-6 (b) of this code, any person aggrieved by any decision or order of the building official, or designee, pertaining to signs under this chapter may appeal to the board of adjustment (the board) by serving written notice to the city clerk, who in turn shall immediately transmit the notice to the board. If an administrative appeal is filed by the applicant, and the board fails to meet within 45 days, the appeal will be deemed denied and the decision or order of the building official, or designee, will be deemed final. Once a decision is appealed to the board, the building official, or designee, shall take no further action on the matter pending the board’s

decision, except for unsafe signs as provided for in this chapter. With respect to sign appeals, the board shall hear and decide appeals where it is alleged that there is an error in the decision or interpretation of the building official in the enforcement of this chapter. Such determination shall be conclusive and no right of appeal to the city council with respect to such action shall exist. Any granting or denial of conditional uses or variances by the board shall be final.

b. Any aggrieved person must file her, his or its petition for writ of certiorari seeking review of any adverse decision or action as provided for above within twenty (20) calendar days of the date the decision was made, or the action was taken. The petition shall be processed in the manner set forth by the Florida Rules of Appellate Procedure for reviews of final quasi-judicial actions.

Sec. 86-12. – Variances.

Notwithstanding § 94-02(a) of this code, the only variance that may be applied for from the board of adjustment in connection with signage in the city is a variance from required setbacks.

Sec. 86-13. – Inspection.

The building official may make or require any inspections to ascertain compliance with the provisions of this chapter, the Florida Building Code and other applicable laws. To the extent Florida Statutes § 933.20 *et seq.* requires it, the building official shall work with the city attorney to ensure a proper inspection warrant is obtained.

Sec. 86-14. – Revocation of sign permit.

If the building official finds that work under any sign permit is proceeding in violation of this chapter, Florida Building Code, any other provision of this code or the city comprehensive plan, or that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten days, it shall be the duty of the building official to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued.

Sec. 86-15. – Sign illumination.

The following standards apply to illumination of signs:

- a. Sign illumination may not create a nuisance to residential areas or for wildlife and shall be compatible with the surrounding neighborhood.
- b. Residential Signs. Signs on residential uses in the RL district shall not be illuminated.
- c. General Rule for All Hotel or Apartment Uses. Other than signs in the RL district, all other signs may be non-illuminated, or illuminated by internal, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified. Signs may not be illuminated in a manner which leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (h) below.

d. *Internal Illumination.* Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), or changeable copy panels, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.

e. *External Indirect Illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon) used for illuminating a sign shall not be directly visible from the adjacent public rights-of-way or properties in the RL district.

f. *Illumination of Signs Adjacent to Single-Family Uses.* No sign located within 50 feet of a property in the RL district with a single-family use shall be internally or externally illuminated.

g. Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.

h. *Exposed Neon.* Exposed neon tube illumination is not permitted in the RL or RM districts, except that it may be permitted on hotel or motel structures, as those are defined in § 10-72 and § 04-2 of the code.

Sec. 86-16. – Sign construction specifications.

The following standards apply to sign construction within the city:

a. Construction and erection of signs shall be in accordance with Florida Building Code.

b. *Materials.* Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event or temporary outside sale and display as provided herein.

c. *Construction standards.* All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated or made of rust or wood rot inhibitive material.

Sec. 86-17. – Design requirements.

All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood. All signs except temporary signs shall be subject to the design requirements below:

a. The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.

b. All tenant panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, font size and illumination.

c. All freestanding monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g. ornamental trees, shrubs, and ornamental plants) shall meet the requirements for landscaping as prescribed in this chapter.

d. Wall signs shall not be installed in a manner that detracts from the architectural design of a building. Wall signs shall not be installed over windows, doors, or other types of fenestration. These signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood.

Sec. 86-18. – General sign provisions.

The following regulations apply to all signs in all districts in the city:

a. No sign may be displayed without the consent of the legal owner of the real or personal property on which the sign is mounted or displayed.

b. This chapter does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter), or the ownership of sign structures.

c. Any sign installed or placed on public right-of-way or on public property, except in conformance with the requirements of this chapter, is illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. There shall be no property right in such sign; all property rights are forfeit and such signs are abandoned property. Such signs may, at the city's option, also be treated as litter with persons responsible for the placement of such signs subject to the provisions of [Florida Statutes § 403.413](#).

d. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

e. No sign shall be erected which interferes with any opening required for ventilation.

f. Signs shall maintain a minimum of six feet horizontal and twelve feet vertical clearance from electrical conductors and from all communications equipment or lines.

g. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.

h. No sign shall be attached to a standpipe, gutter, drain, or fire escape, nor shall any sign be installed so as to impair access to a roof.

- i. The building official may order the repair of signs declared a nuisance. A sign not kept in good repair and in a neat and clean appearance is a public nuisance.
- j. The visual clearance and sight triangle, to assure adequate sight distance at the intersection of two public roadways and at the intersection of a public roadway or other private roadway and an access way or driveway, shall follow the criteria of the current Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways or its equivalent amended document.
- k. In order to assist public safety and emergency service vehicles to rapidly locate addresses and to assist the traveling public to locate specific addresses, residential and nonresidential structures shall conform to all applicable city or county codes mandating address displays.
- l. Signs shall not be located on publicly owned land or easements or inside the street rights-of-way except bus stop informational signs, governmental signs, and safety or warning signs, or as otherwise allowed by license agreement approved by the city council. Nothing shall prohibit a duly authorized local official from removing a sign from public property as allowed by law.
- m. Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.
- n. All signs shall comply with the applicable building and electrical code requirements. Sign face replacements not requiring a permit shall comply with all applicable building and electrical code requirements, this includes sign face replacements when the permitted sign is not structurally or electronically altered, like materials are used, the sign face is the same size within the frame as the permitted sign, and is installed in the same manner as originally permitted.
- o. Signs of a height greater than six feet and within ten feet of the right-of-way shall require a letter of no objection from the local power company to insure current and future compliance to applicable codes and to protect the safety of the public.
- p. If no height or size restriction is specifically provided regarding any sign located in the city the height and size restrictions for a structure in the zone in which the sign is located will govern.

Sec. 86-19. – Temporary sign installation and removal.

- a. General rule concerning temporary signs. Unless otherwise provided for in this chapter, temporary signs shall not be erected for more than 100 days prior to the event being advertised on the temporary sign begins, and they shall be removed promptly at the event's conclusion. Temporary signs not advertising an event to occur on a specific date but which are related to the occurrence of an expected future event or transaction, including but not limited to temporary real

estate for sale signs, shall not be subject to the one hundred (100) day provision of this subsection, but such signs shall also be removed promptly upon the earliest of the occurrence of the event or transaction, or the expiration of the listing or other similar change in facts eliminating the opportunity of the future event or transaction from occurring.

b. *Usage and removal of political campaign advertisements.* Temporary signs erected by a candidate for political office, or that candidate's agent(s), may not erect such signs earlier than sixty (60) days before the scheduled election. Pursuant to Florida Statutes § 106.1435, each candidate, whether for a federal, state, county, municipal or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days (or as to candidates for City office, 72 hours) after:

1. *Withdrawal of his or her candidacy;*
2. *Having been eliminated as a candidate; or*
3. *Being elected to office.*

The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons. If political campaign advertisements are not removed within the specified period, the city shall have the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the city.

Sec. 86-20. – Placement, size and configuration of large sign types.

The following general provisions apply to signs and sign types described in this chapter, except where otherwise noted in this division.

a. Permanent monument signs may be placed on the owner's private property up to the right-of-way line in recognition of this sign type's aesthetic desirability to the city. The setback shall be measured from the nearest protrusion of the sign or sign face to the property line.

b. All new freestanding signs must be monument signs.

c. Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of the city code.

d. No hotel, motel or apartment building shall have more than one exterior wall sign on any street it faces; or one sign per window. Permanent window signs shall not cover more than 50% of any window and shall comply with all fire safety codes. Wall signs may not project more than twelve (12) inches from a wall. Any wall sign that projects more than two and one-half (2.5) inches from a wall shall be mounted so that the bottom of the sign is no closer than nine (9) feet to the ground at the finished grade immediately below the sign.

e. Off-site permanent monument neighborhood directional signs, where permitted, shall be located at the corner of the intersection of two streets, one of which is the primary ingress and egress to the neighborhood. The monument sign must be located on private property within the neighborhood associated with the sign. The monument sign shall not exceed twenty-four (24) square feet per sign face and shall not exceed six (6) feet in height. One double-sided sign or two single-sided signs may be placed at each entrance. The monument sign shall be set back a minimum of thirty (30) feet from the intersection of the right-of-way lines and fifteen (15) feet from all front and side right-of-way lines.

Sec. 86-21. – Signs allowed in all districts, no permit required.

The regulations in this section apply in every district in the city, except where otherwise specified or indicated. Sign permits are not required for signs and sign types described and identified below in this section.

a. *Temporary signs.* Temporary signs shall be allowed on each parcel within the city as follows:

1. In the RL district, each parcel may display up to four temporary signs which shall not exceed four (4) square feet in sign area, and four (4) feet in height.
2. In the RM district, each parcel may display one temporary sign which shall not exceed twenty-four (24) square feet in sign area and six (6) feet in height. Alternatively, each parcel in the RM district may display up to eight (8) temporary signs, which cumulatively shall not exceed twenty-four (24) square feet in sign area and four (4) feet in height.
3. Temporary signs displayed outdoors shall be constructed of metal, plastic, wood or pressed wood, but not of cardboard or paper, and shall be fastened to a temporary support not exceeding four (4) inches by four (4) inches. Temporary window signs displayed on the inside of a window may be constructed of cardboard or paper, as well as metal, plastic, wood or pressed wood.
4. Temporary signs may be installed on any sign type authorized within the relevant district. Alternatively, a temporary sign may be installed using an H frame, spider step stake, inverted L frame, banjo-style frame, or T frame. Any such alternative installation option used must be firmly secured to the ground or to a building located on the parcel.
5. Temporary signs not affixed to a permanent sign structure, but using one of the alternative installation options listed above, must be removed and securely stored during any days for which the National Weather Service has issued a tropical storm warning covering the city.

b. *Flags.*

1. For each detached dwelling unit in the RL district, two flags not greater than fifteen (15) square feet in sign area each may be displayed. One (1) flagpole is

allowed for each single family residential parcel in the RL district not to exceed 25 feet in height.

2. For each parcel in the RM district, three flags not greater than twenty-four (24) square feet in sign area (each) may be displayed. Two (2) flagpoles are allowed for each parcel in the RM district not to exceed 35 feet in height.

c. *Parking space signs, hotel, motel, apartment.* Onsite parking space number or identification signs, not exceeding one two (2) square foot of sign face per sign, shall be allowed on each parcel within the RM district having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six (6) feet unless otherwise required by state or federal law.

d. *Street address signs and residential mailboxes.* For each parcel within the city, one attached wall street address sign may be displayed. For parcels in the RL district, the street address sign shall not exceed two (2) square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the city.

e. *Street address signs, non-residential.* For each parcel in the RM district, the street address sign shall not exceed four (4) square feet in sign area.

f. *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four (4) square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be four (4) feet unless otherwise required by applicable law.

g. *Waterfront identification signs.* Each lot abutting the navigable waters of the city shall be allowed one attached wall identification sign that is visible from the water. Waterfront identification signs shall not exceed four (4) square feet in sign area.

h. *Wayfinding/directional signs.* Non-commercial wayfinding signs are allowed when erected as part of a wayfinding system adopted by the city or county.

i. *Temporary window signs.* For any hotel or motel, one or more temporary window signs may be displayed on the inside of a window. The temporary window sign(s) shall not cover more than 50% of the area of the window, except that if the hotel or motel displaying such sign(s) is also displaying the one permanent window sign authorized by this chapter, then the total area of the window covered by a combination of these shall not exceed 30% of the area of the window.

Sec. 86-22. – Signs allowed in all districts, permit required.

a. *Pole Banners.* Temporary banners for display on light poles shall not exceed **twelve (12)** square feet in area or **twenty (20)** feet in height. A non-commercial ornamental or decorative vertical pole banner may be displayed when the pole is not being used for a permitted vertical pole banner.

b. *Temporary signs at construction sites.* Any land developer or licensed contractor, architect or engineer is authorized, with the consent of the landowner, to install one or more signs at a permitted active construction site, as that term is defined in **Florida Statutes § 810.01 (1)(3)**, or on land upon which the city has given preliminary approval of plans to construct a building or other structure. Such signs shall be subject to the following conditions:

1. The sign is located on a construction site which has a valid building permit displayed on site.
2. The sign area shall not exceed **32** square feet aggregate per street frontage per site.
3. All signs shall be set back a minimum of **ten** feet from all property lines.
4. All signs shall be removed by no later than the date upon which a temporary or final certificate of occupancy is issued by the permitting authority.

Sec. 86-23. – RM district, permit required.

Except for those signs and sign-types expressly allowed in the RM district, except for the following sign-types on a parcel with a hotel or motel, or an apartment building or condominium complex, which shall require a permit:

- a. **One** permanent wall, window or monument sign is allowed for each such building or complex not to exceed **twenty-four (24)** square feet in size (area); however, such a sign, when a monument sign, shall not exceed **six (6)** feet in height.
- b. Onsite directional signs not exceeding **four (4)** square feet in area.
- c. One or more attached wall signs shall be allowed on the first-floor level. The combined area of all such signs used shall not exceed **one hundred fifty (150)** square feet, and they shall be no higher than the height of the first floor.
- d. A canopy or awing sign may be permitted in lieu of a wall sign. The canopy or awning and signage square footage combined shall not exceed the total permissible square footage for a wall sign. The height of the canopy or awning shall not exceed **sixteen (16)** feet (first floor) or **twenty-five (25)** feet (second floor) or the height of the structure on which it is attached, whichever is less.
- f. Wayfinding/directional signs on motel, hotel, condominium or apartment property provided such signs do not exceed **four (4)** square feet in area. The directional sign may be displayed as an attached sign, window sign, or as a monument sign; if displayed as a monument sign, the monument sign shall not exceed **four (4)** feet in height.

g. Temporary banner signs not exceeding thirty-five (35) square feet in area and eight (8) feet in height may be displayed by a hotel, motel, condominium or apartment building in conjunction with a grand opening for a maximum of sixty (60) days from the date the building first opens to occupants. The term “grand opening” as used in this subsection shall mean the initial opening of a new hotel, motel, condominium or apartment building. The term includes the opening of a new location of a pre-existing business, and the re-opening of a pre-existing business which has been shut down for longer than one month due to renovations, remodeling or repairs. No permit shall be required for such signs.

Sec. 86-24. – Unregulated areas.

- a. It is the intent of this chapter to regulate signs in a manner that is consistent with the land use classification which establishes the character of the district in which the signs are located and in keeping with the overall character of the community.
- b. The sign standards in this chapter are intended to include every district in the city. The districts are defined by the city’s zoning code and official zoning map. Where this chapter provides for district-specific sign regulations or allowances, those specific regulations and allowances shall control.
- c. If any district is omitted from this chapter, or if a new district is created after the enactment of this chapter, only exempt signs as described in this chapter shall be permitted in such district until this chapter shall be amended to include sign regulations and allowances for that district.
- d. If any area is annexed into the city limits, no sign, except exempt signs described in this chapter, shall be permitted therein until the area annexed has been zoned by the city council. Signs in existence as of the time of annexation shall be brought into compliance with this chapter within one year of annexation.

Sec. 86-25. – Nonconforming uses must comply with chapter.

Any building or land use not conforming to the zoning ordinance provisions for the district in which it is located shall, nevertheless, comply with all provisions of this chapter for the district in which it is located.

Sec. 86-26. – Rights not transferrable off property.

The rights contained in this chapter, including but not limited to those associated with sign sizes, numbers, types and allowances, as well as rights associated with nonconforming signs and appeal rights may not be transferred in any manner to any other person, nor aggregated with the sign rights of any other person, so as to apply to a property, sign, structure or building other than the property, sign, structure or building associated with the right in question.

Sec. 86-27. – Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this chapter to the contrary, any sign erected pursuant to the provisions of this chapter may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this chapter have been satisfied.

Sec. 86-28. – Content neutrality as to sign message (viewpoint).

Notwithstanding anything in this chapter to the contrary, no legal sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Sec. 86-29. – Violations and remedies.

Any violation of this chapter or of any condition or requirement adopted pursuant to this chapter may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the city shall include, but not be limited to, the following:

- a. Issuance of a stop-work order;
- b. Seek an injunction or other order of restraint or abatement that requires the removal or the correction of the violation;
- c. Seek a court order imposing appropriate sanctions from any court of competent jurisdiction;
- d. In the case of a violation that poses an imminent danger to the public health or safety, taking such emergency measures as are authorized in this chapter;
- e. Seek code enforcement action pursuant to Florida Statutes Chapter 162 and **Article V of Chapter 2** of the city code.

SECTION 3. 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 City Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

SECTION 4. The Codifier shall codify the substantive amendments to the Belleair Beach City Code contained in Sections 1 through 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

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

ADOPTED ON FIRST READING on the ____ day of _____, 2022, by the City Council of the City of Belleair Beach, Florida.

PUBLISHED the ____ day of _____, 2022, in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2022, by the City Council of the City of Belleair Beach, Florida.

David Gattis, Mayor

Attest:

Patricia A. Gentry, City Clerk

Approved as to Form:

Randy D. Mora, City Attorney

CITY OF BELLEAIR BEACH COMPREHENSIVE PLAN



Prepared by



**FORWARD
PINELLAS**
Integrating Land Use & Transportation

City of Belleair Beach Comprehensive Plan

City Council

Dave Gattis, Mayor

Jody Shirley, Vice Mayor

Frank Bankard

Leslie Notaro

Belinda Livingstone

Lloyd Roberts

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City Manager

Kyle Riefler

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FUTURE LAND USE ELEMENT

Goal 1: Manage the City's future development and redevelopment toward maintaining a **totally residential character, promoting a healthful and safe environment, conserving natural qualities, and enhancing the City's economic base.**

Objective 1.1:

Development orders shall not be issued unless the development is compatible with the physical constraints of the land, unless public facilities and services are available, and the development or redevelopment is compatible with surrounding and adjacent development patterns.

Policy 1.1.1:

Public facilities and services shall be available concurrent with the permitting of new development. New development shall not reduce the established level of service standards.

Policy 1.1.2:

All future infill development and redevelopment shall be consistent with and complement the **totally** residential character of the city, and be compatible with adjacent land uses.

Policy 1.1.3:

Future residential redevelopment along Gulf Boulevard shall maximize, to the greatest extent possible, vistas to the Gulf of Mexico.

Policy 1.1.4:

The City shall **not permit** the introduction of any new land uses into existing neighborhoods, which would adversely impact the residential character of the community.

Policy 1.1.5:

Major infrastructure improvements shall be permitted only where they enhance residential neighborhoods or provide for the maintenance or improvement of adopted levels of service standards.

Policy 1.1.6:

To implement this comprehensive plan and pursuant to the land use categories established on ~~the City's~~ Map 1: Future Land Use Map, the following land use categories, together with their applicable criteria shall be used:

Residential Low (RL)

Purpose - It is the purpose of this category to depict those areas of the city that are now developed, or appropriate to be developed, in a low density residential manner; and to recognize such areas as primarily well-suited for residential uses that are consistent with the low density, non-intensive qualities and natural resource characteristics of such areas.

Those uses appropriate to and consistent with this category include:

Primary Uses - Residential

Secondary Uses - Institutional; Transportation/Utility; Recreation/Open Space

Locational Characteristics - This category is generally appropriate to locations outside urban activity centers; in areas where use and development characteristics are low density residential in nature; and in areas serving as a transition between more suburban and more urban residential areas. These areas are generally served by and accessed from minor and collector roadways which connect to the arterial and thoroughfare highway network.

Density/Intensity Standards - Shall include the following:

Residential Use - Shall not exceed four (4) dwelling units per acre.

Non-Residential Use - Shall not exceed a floor area ratio (FAR) of .40, nor an impervious surface ratio (ISR) of .65.

Other Standards - Shall include the following:

Institutional - Shall not exceed a maximum area of three (3) acres. Any such use or contiguous like uses in excess of this threshold shall require an appropriate plan amendment and corresponding zoning map amendment.

Transportation/Utility - Shall not exceed a maximum area of three (3) acres. Any such use or contiguous like uses in excess of this threshold shall require an appropriate plan amendment and corresponding zoning map amendment.

Residential Medium (RM)

Purpose - It is the purpose of this category to depict those areas of the city that are now developed, or appropriate to be developed, in a moderately intensive residential manner; and to recognize such areas as primary well-suited for residential uses that are consistent with the urban qualities, transportation facilities, and natural resource characteristics of such areas.

Use Characteristics - Those uses appropriate to and consistent with this category include:

Primary Uses - Residential

Secondary Uses - None

Locational Characteristics - This category is generally appropriate to locations within or in close proximity to urban activity centers; in areas where use and development characteristics are medium density residential in nature; and in areas serving as a transition between less urban and more residential and mixed-use areas. These areas are typically in close proximity to and may have direct access from the arterial and thoroughfare highway network.

Density/Intensity Standards - Shall include the following:

Residential Use - Shall not exceed fifteen (15) dwelling units per acre.

Preservation (P)

Purpose - It is the purpose of this category to depict those areas of the city that are now characterized, or appropriate to be characterized, as a natural resource feature worthy of preservation; and to recognize the significance of preserving such major environmental features and their ecological functions.

Use Characteristics - Those uses appropriate to and consistent with this category include:

Primary Use - Open and undeveloped areas consistent with the following natural resource features and considerations: Tidal Wetlands including Saltwater Marsh, Undeveloped Barrier Islands and Spoil Islands; Natural Drainageways; Land Seaward of the Coastal Construction Control Line; Dune Systems; Habitat for Endangered and Threatened Species; and such additional areas determined to

have environmental significance and recognized in the applicable local government comprehensive plan.

Locational Characteristics - This category is generally appropriate to those natural resource features it is designed to recognize wherever they may appear and at a size significant to the feature being depicted in relationship to its surroundings. In recognition of the natural conditions which they are intended to preserve, these features will frequently occur in a random and irregular pattern interposed among the other plan categories.

Density/Intensity Standards – Shall include the following:

No development is permitted

Recreation/Open Space (R/OS)

Purpose - It is the purpose of this category to depict those areas of the city that are now used, or appropriate to be used, for open space and/or recreational purposes; and to recognize the significance of providing open space and recreational areas as part of the overall land use plan.

Use Characteristics - Those uses appropriate to and consistent with this category include:

Primary Uses - Public/Private Open Space; Public/Private Park; Public Recreation Facility; Public Beach/Water Access; [Marina](#).

Locational Characteristics - This category is generally appropriate to those public and private open spaces and recreational facilities dispersed throughout the city; and in recognition of the natural and manmade conditions which contribute to the active and passive open space character and recreation use of such locations.

Density/Intensity Standards - Shall include the following:

No use shall exceed a floor area ratio (FAR) of .25, nor an impervious surface ratio (ISR) of .60.

Institutional (I)

Purpose - The Institutional Land Use Category is intended for those areas of the city that are now used, or appropriate to be used, for public/semi-public institutional purposes;

and to recognize such areas consistent with the need, character and scale of the institutional use relative to surrounding uses, transportation facilities, and natural resource features. Those uses appropriate to and consistent with this category include:

Primary Uses - Municipal Office/Public Buildings; Public Educational Facilities

Secondary Uses -Transportation/Utility, Recreation/Open Space;

Locational Characteristics: This category is generally appropriate to those locations where educational, health, public safety, civic, religious, and like institutional uses are required to serve the community; and to recognize the special needs of these uses relative to their relationship with surrounding uses and transportation access.

Intensity Standards - Shall include the following:

Shall not exceed a floor area ratio (FAR) of .65, nor an impervious surface ratio (ISR) of .85.

Other Standards - Shall include the following:

Transportation/Utility Use - Shall not exceed a maximum area of ten (10) acres. Any such use, alone or when added to existing contiguous like use(s), which exceeds this threshold shall require a plan amendment which shall include such use and all contiguous like uses.

Policy 1.1.7:

The City's adopted future land use categories shall be consistent with the corresponding Countywide Plan Map categories, as shown in the following table. An amendment to a local future land use category shall require a corresponding amendment to the Countywide Plan Map.

Table Showing Countywide Plan Map Categories and Corresponding Future Land Use Map Categories

Countywide Plan Map Categories	Corresponding Future Land Use Map Categories
Residential Low Medium	Residential Low
Residential Medium	Residential Medium
Preservation	Preservation
Recreation/Open Space	Recreation/Open Space
Institutional	Public/Semi-Public

Policy 1.1.8:

The City shall deny an amendment to its Future Land Use Map within the Coastal High Hazard Area (CHHA), ~~which~~ that results in an increase of density or intensity; except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the following criteria, as are determined applicable and significant to the subject amendment:

- a. Access to Emergency Shelter Space and Evacuation Routes - The uses associated with the requested amendment will have access to adequate emergency shelter space as well as evacuation routes with adequate capacities and evacuation clearance times.
- b. Utilization of Existing and Planned Infrastructure -The requested amendment will result in the utilization of existing infrastructure, as opposed to requiring the expenditure of public funds for the construction of new, unplanned infrastructure with the potential to be damaged by coastal storms.
- c. Utilization of Existing Disturbed Areas - The requested amendment will result in the utilization of existing disturbed areas as opposed to natural areas that buffer existing development from coastal storms.
- d. Maintenance of Scenic Qualities and Improvement of Public Access to Water - The requested amendment will result in the maintenance of scenic qualities, and the improvement of public access, to the Gulf of Mexico, inland waterways (such as Boca Ciega Bay), and Tampa Bay.
- e. Water Dependent Use - The requested amendment is for uses which are water dependent.
- f. Part of Community Redevelopment Plan - The requested amendment is included in a Community Redevelopment Plan, as defined by Florida Statutes for a downtown or other designated redevelopment area.
- g. Overall Reduction of Density or Intensity -The requested amendment would result in an increase in density or intensity on a single parcel, in concert with corollary amendments which result in the overall reduction of development density or intensity in the surrounding CHHA.
- h. Clustering of Uses-The requested amendment within the CHHA provides for the clustering of uses on a portion of the site outside the CHHA.

Policy 1.1.9:

The City shall deny an amendment to its Future Land Use Map within the Coastal High Hazard Area (CHHA) that would permit the siting or expansion of uses that are inconsistent with the CHHA, given their susceptibility to storm damage or special evacuation requirements, including hospitals, nursing homes, convalescent homes, adult living facilities, recreational vehicles, and mobile homes; except that they may, at their sole and absolute discretion, consider approving such amendment based upon a balancing of the criteria enumerated in Policy 1.1.8, as are determined applicable and significant to the subject amendment.

Policy 1.1.10:

The City recognizes the contribution of the Belleair Beach Marina to the City's economic base and residents' enjoyment of natural resources, and desires to maintain its use as a marina.

Objective 1.2:

Existing land uses which are incompatible or inconsistent with the Future Land Use Map shall be eliminated.

Policy 1.2.1:

~~Motel~~ Nonconforming temporary lodging uses shall not be permitted to expand. In the event of a natural disaster, ~~existing motel~~ such uses shall be redeveloped as multifamily residential consistent with the established densities on the Future Land Use Map.

~~Policy 1.2.2:~~

~~Future redevelopment of the Belleair Beach Marina shall complement the existing residential character of the surrounding area.~~

Objective 1.3:

The City shall, over the short and long-term horizons of this comprehensive plan, ensure no net reduction in the amount of land available and suitable for future utility facilities.

Policy 1.3.1:

While no future land needs for utility facility siting are anticipated over the horizon of this plan, the City shall identify and monitor the facility improvement plans for Pinellas County and other utility entities to ensure that adequate lands are available to accommodate facility maintenance and upgrading.

Policy 1.3.2:

Consistent with state law, new electric substations shall be permissible in all land use categories in the City.

Objective 1.4:

Recognizing that the City of Belleair Beach is located within the coastal zone of Pinellas County, future growth and development shall be managed through the preparation, adoption, implementation and enforcement of land development regulations consistent with this adopted comprehensive plan.

Policy 1.4.1:

The City shall periodically review its present land development codes and ordinances (e.g., zoning, subdivision regulations, signage) and identify any revisions necessary to implement the Future Land Use Element.

Policy 1.4.2:

Land use and zoning regulations shall include flexible and innovative techniques that recognize the vulnerability of the area between Gulf Boulevard and the Gulf of Mexico to storm surges and that incorporate the aesthetic value of the Gulf of Mexico into the development.

Policy 1.4.3:

Land development regulations shall contain minimum design standards including adequate drainage and stormwater management structures, open space, and safe and convenient on-site traffic flow. These standards shall be reviewed against the need for on-site vehicular parking.

Goal 2: Comply with Chapter 2012-245, Laws of Florida, as amended, by participating in the countywide planning process through representation on and coordination with ~~the Pinellas Planning Council~~ Forward Pinellas, to ensure consistency between the City's comprehensive plan and the Countywide ~~Rules Plan~~ for Pinellas County.

Objective 2.1:

~~The~~ The Future Land Use Element of the City of Belleair Beach Comprehensive Plan shall be consistent with the Countywide ~~Future Land Use Plan~~ Map, including the categories, rules, policies, and procedures thereof.

Policy 2.1.1:

Through its Future Land Use Element, the City shall maintain consistency with the Countywide ~~Future Land Use Plan~~ Map by requiring the following:

- Identification of any inconsistencies between the future land use element and plan maps of the City of Belleair Beach and the Countywide ~~Future Land Use Plan~~ Map, its categories, rules, policies and procedures.

- Processing for action by ~~the Pinellas Planning Council~~ Forward Pinellas and the Board of County Commissioners, acting in their capacity as the Countywide Planning Authority, all land use plan amendments required to reconcile outstanding inconsistencies between the respective land use plans, such processing to be initiated by the City.

Policy 2.1.2:

Per Chapter 2012-245, Laws of Florida, as amended, the City's land development regulations shall contain density/intensity standards and "other standards" consistent with the Countywide Rules. ~~Concerning the Administration of the Countywide Future Land Use Plan.~~

TRANSPORTATION ELEMENT

Goal 1: Maintain an overall transportation system which meets existing and future demands including, but not limited to roadways, mass transit, bikeways, sidewalks and parking facilities.

Objective 1.1:

Maintain a multimodal transportation system that increases mobility for bicyclists, pedestrians and transit users as well as motorists, and that promotes development patterns that reduce vehicle miles traveled and greenhouse gas emissions.

Policy 1.1.1:

The City shall implement a Mobility Management System through the application of Transportation Element policies and the site plan review process. Policies pertaining to the application of the Mobility Management System are listed below.

1. All development projects generating new trips shall be subject to payment of a multimodal impact fee.
2. Development projects that generate between 51 and 300 new peak hour trips on deficient roads shall be classified as tier 1 and required to submit a transportation management plan (TMP) designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.
3. Development projects that generate more than 300 new peak hour trips on deficient roads shall be classified as tier 2, required to conduct a traffic study, and submit an accompanying report and TMP based on the report findings.
4. Multimodal impact fee assessments may be applied as credit toward the cost of a TMP.
5. A traffic study and/or TMP for a development project not impacting a deficient road corridor shall be required if necessary to address the impact of additional trips generated by the project on the surrounding traffic circulation system.
6. Deficient roads shall include those operating at peak hour level of service (LOS) E and F and/or volume-to-capacity (v/c) ratio 0.9 or greater without a mitigating improvement scheduled for construction within three years.

7. Multimodal impact fee revenue shall be utilized to fund multimodal improvements to local, county or state facilities that are consistent with the comprehensive plan as well as the ~~Metropolitan Planning Organization (MPO)~~ Forward Pinellas Long Range Transportation Plan.
8. The City shall support the effort of ~~the MPO~~ Pinellas County to complete ~~the biennial periodic~~ updates of the Multimodal Impact Fee Ordinance ~~through the MPO planning process, which includes review by the MPO Technical Coordinating Committee and MPO Policy Board.~~

Policy 1.1.2:

Unless otherwise prohibited by lot configuration, access to residential properties fronting on Gulf and Causeway Boulevards shall be via the local street system. Where ingress and egress from a local street is not possible, circular drives or on-site turning areas shall be required to avoid backing onto the minor arterial facilities.

Policy 1.1.3:

The City shall limit the number of connections to Gulf Boulevard and Causeway Boulevard.

Policy 1.1.4:

The City shall require as a condition of development approval the dedication of appropriate right-of-way to maintain the minimum standard of 100 feet for Gulf Boulevard and Causeway Boulevard.

Policy 1.1.5:

The City shall require that all local residential streets maintain a minimum 50 feet right-of-way. Since the City's street system is totally developed, this policy shall apply in the event of redevelopment.

Objective 1.2:

The City's Transportation Element shall be coordinated with the future land uses depicted on the Future Land Use Map, FDOT 5-year Transportation Plan, the ~~Pinellas County Metropolitan Planning Organization~~ Forward Pinellas Long Range Transportation Plan, and plans of neighboring jurisdictions.

Policy 1.2.1:

The City's Planning Board shall continually monitor and provide an annual report to the City Council regarding changes or impacts of the above transportation planning efforts on the City of Belleair Beach.

Policy 1.2.2:

The City shall promote the ~~Pinellas County Metropolitan Planning Organization~~ Forward Pinellas Long Range Transportation Plan roadway improvements necessary to safely and efficiently carry local and non-local traffic through the City and divert unnecessary through traffic toward alternative routes.

Policy 1.2.3:

~~Recognizing~~ The City recognizes that Gulf Boulevard and Causeway Boulevard, as depicted on Map 2: Transportation Corridors Map, are the only major roadways within the City and are functionally controlled by Pinellas County.

Policy 1.2.4:

~~The City of Belleair Beach~~ shall, through its designated ~~Pinellas MPO~~ Forward Pinellas representative and the public participatory process, make known the unique residential needs and characteristics of Belleair Beach for the future implementation of the countywide transportation system plan.

Policy 1.2.5:

The social and economic needs of the individual and the community shall receive maximum consideration in the development and implementation of the County's overall transportation system with the City.

Policy 1.2.6:

The City recognizes the Belleair Beach Causeway and its approaches as a Scenic/Noncommercial Corridor and shall ensure that provisions of the Countywide Rules are implemented along this roadway for any development for which the city is responsible.

~~Objective 1.3~~ Policy 1.2.7:

The City shall coordinate with ~~the~~ Pinellas County ~~MPO~~, which maintains functional responsibility for Gulf Boulevard and Causeway Boulevard, to ensure the ~~motorized and non-motorized~~ transportation needs of the residents of Belleair Beach are met in the safest, most efficient, and convenient manner possible.

Objective 1.3:

The City recognizes that traffic congestion resulting from increased development on neighboring communities has had negative impacts on the mobility and quality of life of its residents, and shall seek means to address this issue.

Policy 1.3.1:

The City shall work with Forward Pinellas, Pinellas County, and neighboring communities to explore means of decreasing or diverting through traffic into Belleair Beach.

Policy 1.3.2:

The City shall seek funding to offset the costs of mitigating increased traffic flows into Belleair Beach from neighboring communities.

Policy 1.3.3:

The City shall coordinate with appropriate agencies to explore the use of traffic control devices or other means to require that through traffic on Gulf Blvd. yield to traffic exiting from local streets.

Objective 1.4

The City shall seek opportunities to increase mobility for pedestrians and bicyclists.

Policy 1.34.1:

The City shall coordinate with Pinellas County and Forward Pinellas to, ~~through its designated representative on the Pinellas MPO,~~ ensure that planning for pedestrian and bicycle paths and bicycle friendly design standards is incorporated into future- ~~improvements to Gulf Boulevard and Belleair Causeway incorporate pedestrian and bicycle paths and bicycle friendly design standards into plans for~~ future roadway projects within the city.

Policy 1.34.2:

The City shall support the future development of non-motorized corridors for cycling, jogging, and walking.

Policy 1.4.3:

The City shall coordinate with Forward Pinellas and neighboring communities in the regulation of micromobility devices such as e-bikes and scooters.

Objective 1.45:

The City shall coordinate with Pinellas County to implement a transportation system that enhances environmental quality by reducing the environmental impacts of water, air, and noise pollution.

Policy 1.45.1:

The City shall require parking lots to be paved and on-site retention provided for the proposed multifamily uses to reduce fugitive dust. The City shall allow the use of permeable materials (such as grass, geoweb, or turfblock).

HOUSING ELEMENT

Goal 1: Maintain and protect the City's existing neighborhoods and housing stock and provide for the infilling of future residential development in the most environmentally sensitive, structurally sound, and cost effective manner possible.

Objective 1.1:

Recognizing the City's limited ability to provide affordable housing within its corporate limits, the City shall maintain coordination with Pinellas County through continued participation in the Pinellas County Housing Authority or other agencies charged with the responsibility of providing affordable housing.

Policy 1.1.1:

The City shall actively participate in County-sponsored housing programs, where applicable, which provide opportunities for affordable housing on a countywide basis.

Policy 1.1.2:

Through coordination with the Pinellas County Housing Authority, the City of Belleair Beach will continue to support and provide sites, if practicable, for extremely low-, very low-, low- and moderate-income housing, and group homes consistent with the residential character and density of Belleair Beach.

Policy 1.1.3:

The City shall maintain a streamlined review and permitting process to avoid any unnecessary requirements in order to expedite private sector development and any required renovation/ remodeling of existing structures.

Objective 1.2:

In an effort to maintain, at a minimum, the current level of housing standards, the City shall encourage the conservation, rehabilitation, or demolition of the housing stock through code enforcement and the issuance of citations when appropriate.

Policy 1.2.1:

The City shall encourage individual homeowners to increase private reinvestment in the existing housing stock and to continue a high level of property maintenance.

Policy 1.2.2:

Major infrastructure improvements shall be permitted only where they enhance residential neighborhoods or provide for the maintenance or improvement of adopted levels of service standards.

INFRASTRUCTURE ELEMENT

Goal 1: Retain access to and availability of infrastructure system(s) necessary to support the existing and future populations within the City.

Objective 1.1:

The City of Belleair Beach shall continue to coordinate with Pinellas County to correct existing deficiencies and to ensure that adequate facility capacity is available to meet the demands of future development and/or redevelopment.

Policy 1.1.1:

The following level of service standards are hereby adopted for the purpose of calculating future facility capacity and demand generated by development and redevelopment activity.

Stormwater Drainage:	25-year, 24-hour storm event
Quality:	Consistent with Ch. 62-25, F.A.C.
Sanitary Sewer:	111 115 gallons per capita per day
Potable Water:	120 115 gallons per capita per day
Solid Waste:	1.3 tons per capita per year

Policy 1.1.2:

Pinellas County Utilities (PCU) shall provide all potable water supply and sanitary sewer service to the City, consistent with the interlocal agreement between the City and the County.

Policy 1.1.3:

The City of Belleair Beach shall ensure through coordination with Pinellas County and review of roadway improvement plans that any improvements to Gulf Boulevard will effectively eliminate any minor local ponding of water adjacent to the residential and beach access parcels within the City.

Policy 1.1.4:

The City adopts by reference the Pinellas County Utilities' *Water Supply Facilities Work Plan, effective January 1, 2023*. The City and Pinellas County shall work together to reduce the City's potable water demand consistent with Pinellas County Utilities' *Water Supply Facilities Work Plan*.

Policy 1.1.5

The City will coordinate with Pinellas County to ensure that plumbing permits specify the installation of water conservation devices for new construction, pursuant to Chapter 553.14, F.S., and encourage the installation of the same during redevelopment or rehabilitation.

Policy 1.1.6

The City will support Pinellas County and [the Southwest Florida Water Management District](#) ~~SWFWMD~~ restrictions for unnecessary consumption of potable water, particularly as it relates to irrigation, lawn watering, and vehicle washing during periods of drought, supply reduction, and other emergencies.

Policy 1.1.7

The City shall promote, through a public education program developed in cooperation with [the Southwest Florida Water Management District](#) ~~SWFWMD~~ and the Pinellas County Utilities, the use and reuse of water of the lowest acceptable quality for the purpose intended.

Policy 1.1.8:

Prior to approval of a building permit, the City shall consult with Pinellas County Utilities to determine whether adequate water supplies to serve the new development will be available no later than the anticipated date of issuance by the County of a certificate of occupancy.

Objectives 1.2:

The City of Belleair Beach shall provide educational [brochures](#) ~~information~~ so that residents can implement ~~the~~ water conservation measures in an effort to conserve the County's water resources.

Policy 1.2.1:

The City shall promote water conservation through education of residents about Xeriscaping™, maintenance and installation of irrigation systems, and low-flow plumbing fixtures.

Policy ~~2~~1.2.2:

Belleair Beach will cooperate with the Southwest Florida Water Management District in dealing with water shortages and enforcing water use restrictions.

COASTAL MANAGEMENT AND CONSERVATION ELEMENT

Goal 1: Protect and improve the environmental quality and natural and economic resources of the City of Belleair Beach; protect human life; and, limit public expenditures within the Coastal High Hazard Area.

Objective 1.1:

The infilling of development on the remaining vacant single-family parcels will result in no net reduction of marine grass beds, mangrove forests, and coastal marshes.

Policy 1.1.1:

The dredging and filling of seagrass beds shall be prohibited except in circumstances of overriding public interest. Mitigation is required.

Policy 1.1.2:

Future development of mangrove forests and coastal marshes shall be prohibited.

Policy 1.1.3:

Living marine resources shall be protected from immediate and future degradation resulting from improper development and/or waste disposal practices. The City shall ensure that future infill development and redevelopment results in no net loss in living marine resources.

Policy 1.1.4:

Both Heron and Pelican Islands shall be preserved in their present state, and no development shall be permitted.

Policy 1.1.5:

The City shall require the use of native vegetation in required buffers, setbacks and open spaces.

Policy 1.1.6:

~~Areas for~~ Future roadway drainage detention areas shall be located, and designed, and enhanced landscaping shall be utilized, in such a manner as to complement the existing residential character of the city and result in no net reduction of water quality to abutting waters.

Policy 1.1.7:

Since manatees occasionally frequent Clearwater Harbor near Belleair Beach, ~~in the area of the City, the city~~ shall coordinate with appropriate agencies to ensure that reduced boating speed limits will be set-enforced in ~~water less than four feet in depth and in seagrass areas~~ designated manatee protection areas and slow speed, minimum wake zones.

Policy 1.1.8:

No new point sources shall be permitted to discharge into Clearwater Harbor and the Gulf of Mexico from the City of Belleair Beach.

Policy 1.1.9:

In an effort to reduce non-point source pollutant loadings with respect to future multifamily development/redevelopment, the City shall ensure that:

- (1) on-site retention or detention ~~of~~ shall accommodate the first one inch of runoff.
- (2) periodic inspections of stormwater control structures are conducted to ensure proper function and maintenance.

Policy 1.1.10:

Development adjacent to the Clearwater Harbor Aquatic Preserve shall be limited to single family, public facilities, and open space/public access.

Policy 1.1.11:

A coastal building setback requirement equal to or landward of the State Coastal Construction Control Line shall be strictly enforced.

Objective 1.2:

Existing water-dependent uses, other than existing commercial motel facilities, shall be preserved.

Policy 1.2.1:

Recreational waterfronts, including existing mini parks and gulf beach access, shall be preserved. ~~And no~~ no net reduction in the amount of acreage devoted to these uses shall be permitted.

Policy 1.2.2:

While not the responsibility of Belleair Beach, the City shall coordinate with Pinellas County to ensure the availability of beach access along Causeway Boulevard.

Policy 1.2.3:

The expressed desire of the residents of Belleair Beach to retain an exclusively residential character shall effectively eliminate the need for the expansion of existing commercial uses or the development or redevelopment of future commercial water-related and/or water-dependent uses as reflected on the Future Land Use Map, except for the ~~yacht club~~ Belleair Beach Marina facility. [This term doesn't appear to be in common use and isn't used elsewhere in the plan.]

Objective 1.3:

The City of Belleair Beach shall maintain the clearance time for hurricane evacuation identified by Tampa Bay Regional Planning Council, and any. ~~Any~~ proposed development shall not increase this clearance time.

Policy 1.3.1:

The evacuation times adopted in the latest hurricane evacuation study published by the Tampa Bay Regional Planning Council, and the State's out-of-county category 5 hurricane standard of 16 hours, shall be used for comprehensive plan amendment review and development review and approval.

Policy 1.3.2:

The City shall coordinate with the Pinellas County to ensure continued shelter capacity to accommodate existing and future residents of the city.

Policy 1.3.3:

The City shall provide information for distribution to City residents identifying the established evacuation routes and shelters.

Policy 1.3.4

The City, in cooperation with the Pinellas County Emergency Management, the American Red Cross of Tampa Bay, and the other island communities, shall participate in annual hurricane preparedness seminars to increase hurricane awareness.

Policy 1.3.5

City emergency response personnel and volunteers shall coordinate with county and state emergency response agencies in emergency planning, including communications, traffic control, and warning operations, to affect a safe and efficient evacuation of the city.

Policy 1.3.64:

The City shall coordinate with Pinellas County to ensure that future facility improvements to Causeway Boulevard do not increase hurricane evacuation clearance times.

Objective 1.4:

The City shall restrict development and redevelopment densities to those adopted in the Future Land Use Element and shall limit the expenditure of public funds in Coastal High Hazard Areas ~~(CHHA)~~ to those facilities necessary for the protection of health and safety. All building and development activities in these areas shall be conducted in such a manner as to lessen the existing danger to life and public and private property.

Policy 1.4.1:

The ~~CHHA~~ Coastal High Hazard Area is defined as that portion of the community below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Policy 1.4.2:

The City defines a Coastal Storm Area as the area that includes the following:

- (1) the Coastal High Hazard Area (CHHA),
- (2) the causeway,
- (3) any area surrounded by the CHHA or by the CHHA and a body of water, and
- (4) all areas located within the Velocity Zone as designated by the Federal Emergency Management Agency.

Policy 1.4.3:

The ~~CHHA~~ Coastal High Hazard Area as defined in Policy 1.4.1, together with the Coastal Storm Area as defined in Policy 1.4.2, ~~being consistent with the Pinellas Planning Council Countywide Plan Rules,~~ shall be the area of coastal development and redevelopment regulation within the City of Belleair Beach. This area is depicted on Map 3: Coastal High Hazard Area Map. ~~LU-4: Future Land Use and Future Transportation Corridors.~~

Policy 1.4.4:

City-funded roadways, water, sewer and drainage improvements shall not be built in the Coastal High Hazard Area unless the facility is for public access maintenance improvements, or restoration of infrastructure service following a natural disaster.

Objective 1.5:

The City shall implement the priority reconstruction/redevelopment program outlined in this comprehensive plan, as appropriate, immediately following a natural disaster

Policy 1.5.1:

Following a natural disaster, the City Manager, in concert with the City Council, shall coordinate the implementation of the Post Disaster Development Plan.

Policy 1.5.2:

Following a natural disaster, the City shall: (1) review damages and assess the priorities for repair and/or reconstruction, (2) coordinate with county, state and federal officials as appropriate to prepare application for disaster assistance, (3) identify options for repair or reconstruction of damaged public facilities, and (4) implement a redevelopment strategy and plan for both short and long-term redevelopment.

Policy 1.5.3:

The City shall develop and implement a program for immediate repair and clean up needed to protect the public health safety and welfare of returning citizens. Such activities shall include (1) restoration of potable water, sanitary sewer and electrical power as appropriate, (2) removal of storm debris to facilitate movement of vehicular traffic, and (3) identification and removal of unsafe structures and identifying structures to receive priority permitting approvals.

Policy 1.5.4:

The City shall identify long-term redevelopment strategies based upon an assessment of infrastructure and/or structural damage. Appropriate interagency hazard mitigation reports shall be thoroughly assessed to assist the City in distinguishing between immediate repair clean-up activities and long-term repairs.

Policy 1.5.5:

The City shall require that any structure which incurs damage in excess of fifty (50) percent of its fair market value ~~shall~~ to be rebuilt to meet all applicable codes, ordinances and development regulations. This policy shall not be construed to prohibit replacement of a single-family house on an existing platted lot.

Policy 1.5.6:

Recognizing that a major hurricane could result in the need for extensive repairs to public infrastructure, the City shall maintain a contingency fund, at a level to be determined, in order to ensure a local dollar match for state and/or federal disaster assistance grants.

Policy 1.5.7:

The City shall annually review the local and/or regional evacuation plans to ensure coordination of ~~the City~~ land use densities and population projections.

Objective 1.6:

~~The City shall provide t~~Through cooperation with Pinellas County, the City shall provide a transportation system, ~~which~~ that promotes public safety and welfare.

Policy 1.6.1:

The City shall coordinate with Pinellas County Emergency Management to ensure that evacuation routes are posted.

Objective 1.7:

Belleair Beach will comply with all local, state and federal air quality regulations to ensure protection and enhancement of air resources.

Policy 1.7.1:

Belleair Beach will cooperate with Pinellas County to support of federal fuel volatility regulations as a means of significantly reducing mobile source pollutant emissions.

Policy 1.7.2:

Application of pesticides and other toxic substances shall be timed and performed in such a manner as to minimize exposure.

Objective 1.8:

The City shall reduce the risk of exposure of human life and public and private property to natural disasters through preparedness planning and implementation of hazard mitigation measures.

Policy 1.8.1:

The City shall designate an emergency management coordinator who acts as a liaison between State, regional, County and City emergency response and planning agencies; and ensure coordination between emergency management and development management activities in the City.

Policy 1.8.2:

Recognizing that the entire community is located within the Coastal High Hazard Area, Coastal Storm Area and the 100-year floodplain, the City shall adopt and strictly enforce all appropriate federal, state, and local coastal construction codes, coastal setback requirements, special Coastal Construction Control Line facility siting restrictions, and floodplain management regulations.

Policy 1.8.3:

Special care facilities such as hospitals, nursing homes, convalescent homes, adult living facilities shall not be located in the Coastal High Hazard Area, unless adequate provisions for safe and efficient evacuation and shelter are ensured.

Policy 1.8.4:

The City shall seek opportunities for funding to relocate or harden infrastructure to reduce its vulnerability to natural disasters, including undergrounding of utilities where appropriate.

Objective 1.9:

Through provisions in its land development regulations, the City shall implement development and redevelopment principles, strategies, and engineering solutions that reduce the flood risk from high-tide events, storm surge, flash floods, stormwater runoff, and the related impacts of sea level rise.

Policy 1.9.1:

Land that is subject to flooding conditions and is deemed by the City to be topographically unsuitable shall not be platted for residential occupancy, nor for such other use as may endanger health, life or property or aggravate erosion or flooding conditions.

Policy 1.9.2:

All proposed new development shall be reviewed to determine that such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding.

Policy 1.9.3:

All public utilities and facilities such as sewer, gas, electric, communications, and water systems shall be located and constructed to minimize or eliminate flood damage.

Policy 1.9.4:

For new development in AE and VE flood zones, adequate drainage shall be provided to reduce exposure to flood hazards and adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

Objective 1.10:

The City shall encourage the use of best practices development and redevelopment principles, strategies, and engineering solutions that will result in the removal of coastal real property from flood zone designations established by the Federal Emergency Management Agency.

Policy 1.10.1:

The City shall explore opportunities for federal, state and local assistance with public acquisition of properties that suffer extensive storm or flood damage.

Policy 1.10.2:

The City shall consider one or more of the following strategies in those areas which receive major or moderate flood damage:

- Relocation;
- Reduction of permissible density or intensity of use;
- Reconstruction in compliance with current building and construction standards; or
- Public acquisition.

Objective 1.11:

The City shall identify site development techniques and best practices that may reduce losses due to flooding and claims made under flood insurance policies issued in this state.

Policy 1.11.1:

The City shall prohibit the alteration of sand dunes or mangrove stands which would increase potential flood damage.

Policy 1.11.2:

The City shall control the alteration of natural floodplains, stream channels and natural protective barriers that help accommodate or channel floodwaters; control filling, grading, dredging and other development that may increase flood damage; and prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Policy 1.11.3:

The City shall encourage retrofitting of existing structures to mitigate potential damages from natural disasters.

Policy 1.11.4:

The City shall continue to coordinate with Pinellas County and the Army Corps of Engineers to evaluate the feasibility of beach renourishment, erosion control structures, or other mitigation to preserve and protect the public beachfront from erosion and the potential effects of sea level rise.

Policy 1.11.5:

The City shall consider the findings of the *Pinellas County Sea Level Rise and Storm Surge Vulnerability Assessment* to help identify and mitigate properties that are vulnerable to flooding.

Objective 1.12:

The City shall participate, and encourage other local governments to participate, in the National Flood Insurance Program Community Rating System administered by the Federal Emergency Management Agency to achieve flood insurance premium discounts for residents.

Policy 1.12.1:

The City shall continue to be a participant in the National Flood Insurance Program Community Rating System, and shall work to maintain or increase its rating.

Policy 1.12.2:

The City shall assist residents by providing information about the National Flood Insurance Program and flood damage prevention on its official website.

Policy 1.12.3:

The City shall post copies of available elevation certificates on its official website.

RECREATION AND OPEN SPACE ELEMENT

Goal 1: Provide adequate parks and recreation facilities and open space areas, which enhance the health, safety and welfare of the city's residents and promote a sense of community.

Objective 1.1:

The City shall maintain access to existing park sites from surrounding neighborhoods.

Policy 1.1.1:

The City shall continue to coordinate beach access maintenance programs with the Town of Belleair Shore, thereby ensuring convenient access to the Gulf of Mexico by City residents via the three beach access sites located in Belleair Shore.

Objective 1.2:

To coordinate with all levels of government, quasi-public entities, and the private sector toward providing multiple recreational opportunities to City residents.

Policy 1.2.1:

Recognizing the physical limitations of the city to expand parkland uses, the City shall assist its residents by providing information on area-wide public, quasi-public, and private recreation opportunities.

Policy 1.2.2:

Any future redevelopment of multifamily uses shall provide for on-site recreational facilities to the maximum extent possible.

Policy 1.2.3:

To the extent feasible, the City shall prioritize use of recreational facilities, including the Belleair Beach Marina, for residents.

Objective 1.3:

The City shall allow no net reduction in the amount of access currently provided to the Gulf of Mexico and Clearwater Harbor.

Policy 1.3.1:

The City of Belleair Beach shall retain ownership rights to its properties providing or having the potential to provide public access to coastal areas.

Policy 1.3.2:

The City of Belleair Beach shall coordinate with Pinellas County and adjacent municipalities to develop measures to increase accessibility to shoreline areas.

Policy 1.3.3:

The City shall expand the current level of maintenance and landscaping of its existing shoreline park sites, thereby encouraging and facilitating increased enjoyment of and access to the shoreline.

INTERGOVERNMENTAL COORDINATION ELEMENT

Goal 1: Achieve an optimal level of coordination, which is appropriate for attaining maximum efficiency.

Objective 1.1:

The City of Belleair Beach shall effectively coordinate the comprehensive plan with the plans of the School Board, other units of government providing services, but not having the regulatory authority over the use of land, and the comprehensive plans of adjacent municipalities and the County to ensure consistency with and implementation of the plan.

Policy 1.1.1:

Services and information shall be shared with other agencies and jurisdictions.

Policy 1.1.2:

Intergovernmental coordination activities shall be reviewed periodically to avoid needless paperwork, duplication, non-productive meetings, and other waste.

Policy 1.1.3:

The City of Belleair Beach shall maintain existing interlocal agreements and consider new interlocal agreements for services and public access with adjacent jurisdictions where appropriate.

Objective 1.2:

Intergovernmental coordination shall help to achieve effective implementation of the local comprehensive plan.

Policy 1.2.1:

The City shall cooperate with other communities and agencies in the region to bring private and public sectors together for establishing an orderly, environmentally, and economically sound plan that addresses the future needs of growth.

Policy 1.2.2:

Development of regional programs that will reduce unnecessary delays in federal, state, and local development review procedures is encouraged.

Policy 1.2.3:

Level of service standards shall be coordinated with other state, regional, or local entities having operational and maintenance responsibility for public facilities.

Goal 2: Establish a regular means of communication among officials of adjacent jurisdictions, Pinellas County, and ~~Forward Pinellas the Metropolitan Planning Organization/Pinellas Planning Council~~ for the purpose of addressing and resolving issues of mutual interest that arise from the City's comprehensive plan and the plans of others.

Objective 2.1:

~~To~~ The City shall identify and coordinate the effects of special districts in Pinellas County with the comprehensive plan.

Policy 2.1.1:

The City will periodically review the plans and independent special district facility reports of the Southwest Florida Water Management District, ~~(SWFWMD), and~~ Tampa Bay Water ~~(TBW), and~~ Pinellas County Utilities, ~~and to~~ identify and resolve conflicts with the City's comprehensive plan, including concurrency-related items.

Objective 2.2:

~~The City shall~~ identify and describe joint processes for collaborative planning on population projections, facilities subject to concurrency, facilities with countywide significance, and problematic land uses.

Policy 2.2.1:

The City will coordinate with ~~the Pinellas County Planning Department~~ Forward Pinellas in order to develop countywide population projections that include expected growth ~~shown in the comprehensive plan~~ for the community.

Policy 2.2.2:

The City will review the draft population projections and consider using them in the update of the comprehensive plan.

Policy 2.2.3:

The City will forward the population projections used in its comprehensive plan to the School Board so they can consider projected growth and development as it relates to the future need for schools in the School Board's 5, 10, and 20-year facility plans.

Policy 2.2.4:

City staff will coordinate annually, or more often as needed, with Pinellas County staff for the purpose of determining future needs for water and sewer.

Policy 2.2.5:

~~The City will coordinate, through the Metropolitan Planning Organization (MPO), the transportation needs of the City with the needs of the remainder of the county. [Moved under Objective 2.3]~~

Policy 2.2.6:

~~The City will forward requests for access to County maintained roadways for comment concerning their plans and policies. [Moved under Objective 2.3]~~

Policy 2.2.75:

The City will coordinate with service providers that have no regulatory authority over the use of land in the city to develop recommendations that address ways to improve coordination of the City's concurrency management methodologies and systems, and levels of service.

Policy 2.2.86:

The City will continue to coordinate with Pinellas County for the provision of countywide facilities, including but not limited to, potable water service, sanitary sewer service, solid waste disposal, the St. Petersburg/Clearwater International Airport, and the Pinellas County Emergency Operations Center.

Policy 2.2.9:

~~The City will continue to coordinate with the MPO staff for the provision of bridges, major transportation facilities, and mass transit. [Moved under Objective 2.3]~~

Policy 2.2.107:

The City will forward notice of proposed Future Land Use Element policies related to hurricane shelters and evacuation routes, as well as Future Land Use Map amendments resulting in an increase in population within the Coastal High Hazard Areas and Coastal Storm Area, to the Tampa Bay Regional Planning Council and the Pinellas County Emergency Management Department to determine hurricane shelter space availability and the effect of increased populations on evacuation clearance times and routes.

Policy 2.2.118:

The City will coordinate with ~~the MPO/PPC~~, Forward Pinellas, or the appropriate ad hoc committees, in the development, review, and recommendation of efficient countywide guidelines to coordinate the location of problematic land uses.

Policy 2.2.129:

The City will utilize the countywide planning process as a means of notifying the School Board, ~~which has one member on the M P O / PPC, and School Board staff,~~ which has one staff member on the Planners Advisory Committee, of proposed land use plan amendments.

Objective 2.3:

The City shall coordinate with appropriate agencies to facilitate the provision of a safe, efficient transportation system meeting the needs of residents and others.

Policy 2.3.1:

Through Forward Pinellas in its role as the Metropolitan Planning Organization, the City will coordinate its transportation needs with the needs of the remainder of the county.

Policy 2.3.2:

The City shall consider designating a specific representative or committee to work with Forward Pinellas, Pinellas County, and neighboring jurisdictions to address the impacts of traffic congestion on Gulf Blvd.

Policy 2.3.3:

The City will forward requests for access to County maintained roadways for comment concerning their plans and policies.

Policy 2.3.4:

The City will continue to coordinate with Forward Pinellas to facilitate the provision of bridges, major transportation facilities, and mass transit.

Objective 2.34:

Bring intergovernmental disputes to closure in a timely manner through the use of voluntary dispute resolution processes.

Policy 2.34.1:

In instances where the resolution of issues requiring intergovernmental concurrency has not been achieved, the City of Belleair Beach shall initiate informal mediation by filing with the Tampa Bay Regional Planning Council a written request for mediation assistance, pursuant to the requirements of state law.

CAPITAL IMPROVEMENTS ELEMENT

Goal 1: Provide public facilities to all residents while maintaining the residential character of Belleair Beach.

Objective 1.1:

The City of Belleair Beach shall maintain the existing level of service standards for public facilities that are the fiscal responsibility of the City.

Policy 1.1.1:

The City of Belleair Beach shall not approve any development order that will lower the existing level of service standards.

Policy 1.1.2:

The Capital Improvements Element shall be reviewed on an annual basis.

Policy 1.1.3:

The City of Belleair Beach shall adopt a capital improvements budget and amend its Five-Year Schedule of Capital Improvements on an annual basis.

Policy 1.1.4:

Proposed capital improvement projects shall be evaluated according to the following criteria:

- Elimination of a proven or obvious hazard to public health, safety, or welfare;
- Fulfillment of a City legal commitment;
- Preservation, maintenance, refurbishment, achievement of full use, or replacement of existing facilities;
- Enhancement of an existing facility to an adopted level of service;
- Efficiency or use increase of existing facilities; prevention or reduction of future improvement costs; or provision of equitable service;
- Facility enhancement to meet the demands of development and redevelopment;
- Furtherance of goals, objectives, or policies adopted in the Belleair Beach Comprehensive Plan;
- Increase of community economic base or quality of life;
- Budget impact and financial feasibility; and
- Consistency with plans of other agencies having responsibility for public facilities within the City.

Policy 1.1.5:

The City adopts the Schedule of Capital Improvements as shown in the table below:

Schedule of Capital Improvements
(projects that exceed \$100,000 in any year)

<u>Project</u>	<u>Total</u>	<u>Fiscal Year 22-23</u>	<u>Fiscal Year 23-24</u>	<u>Fiscal Year 24-25</u>	<u>Fiscal Year 25-26</u>	<u>Fiscal Year 26-27</u>
Capital Improvements Fund						
Community Center Generator	120,000	120,000	-	-	-	-
Gulf Boulevard Beautification	2,791,275	930,425	930,425	930,425	-	-
Total for Capital Improvements Fund	2,911,275	1,050,425	930,425	930,425	-	-
Stormwater Fund						
Stormwater System	2,442,310	498,680	324,870	503,490	539,370	575,900
Total for Stormwater Fund	2,442,310	498,680	324,870	503,490	539,370	575,900
Total for All Funds	5,353,585	1,549,105	1,255,295	1,433,915	539,370	575,900

Source: City of Belleair Beach, 2022

Policy 1.1.65:

It is the policy of the City of Belleair Beach to set a capital improvements cost threshold of \$100,000 annually for projects to be included in the Capital Improvements Element of the City of Belleair Beach Comprehensive Plan.

Policy 1.1.76:

Existing and anticipated capacity deficiencies identified in other elements of this plan may be corrected according to the Schedule of Capital Improvements adopted through ~~this policy of the City of Belleair Beach Comprehensive Plan~~ the Capital Improvements Element subject to ~~the~~ annual review ~~of the CIE~~ by the City Council.

Schedule of Capital Improvements

(All numbers are in thousands: \$100,000 = 100)

Table 1: Schedule of Capital Improvements

(All numbers are in thousands)

Type of Project & Name	Total	FY 15/16	FY 16/17	FY 17/18	FY 18/19	FY 19/20
CAPITAL PROJECTS FUND (CPF)						
Improvements—Community-Ctr	38	8	7	8	7	8
Parks—Bayside Park	45	5	10	10	10	10
Street Light Program	36	16	10	10	0	0
Improvements—bridges	400	57	172	77	47	47
Gulf Blvd Beautification	2332	291	292	583	583	583
Street Resurfacing Program	398	40	80	98	120	60
Stormwater System Project	324	53	87	80	50	54
Total CPF	3573	470	658	866	817	762
MARINA FUND						
Marina Improvements						
Marina Improvements	30	8	7	8	7	0
Total Marina Fund	30	8	7	8	7	0
GRAND TOTAL ALL FUNDS	3603	478	665	874	824	762
Funding Summary						
PCBCC Funding Gulf Blvd	2332	291	292	583	583	583
CPF—Transfer from General Fund's Various Tax Revenue	1241	179	366	283	234	179
Marina Fund	30	8	7	8	7	0
Possible long term debt	0	0	0	0	0	0
Total	3603	478	665	874	824	762

Source: City of Belleair Beach, 2015/2016

Objective 1.2:

The City of Belleair Beach shall continue to maintain the existing capital improvements for which the City has fiscal responsibility, and Capital Improvements shall be completed to correct any existing deficiency, accommodate future growth, or ~~to~~ replace obsolete or worn out facilities.

Policy 1.2.1:

The City of Belleair Beach shall correct any existing deficiencies and replace obsolete or worn out facilities as a priority. Any required expansion of facilities shall occur after deficiencies and/or facility replacement§ have been accomplished.

Policy 1.2.2:

The City of Belleair Beach shall continue to use user fees as the means to finance improvements. New development will be assessed its share of the improvements.

Objective 1.3:

The City shall utilize its fiscal resources to eliminate any identified existing deficiencies and ensure the provision of needed capital improvements for future development and redevelopment at adopted levels of service as specified in the elements of this comprehensive plan.

Policy 1.3.1:

The City shall work with other governmental jurisdictions to establish a strategy to ensure that the entire cost of providing necessary capital facilities, at adopted levels of service, for any future development or redevelopment within the jurisdiction shall not be borne by existing residents.

Policy 1.3.2:

The City shall coordinate with Pinellas County, state agencies, the water management district, and other municipalities that provide public facilities within the City's jurisdiction to ensure projects are funded in a fiscally equitable manner apportioning the costs of growth among those who are responsible for it.

Policy 1.3.3:

The City shall administer current and consider the adoption of appropriate future impact or user fees and other general fund revenue enhancement.

Policy 1.3.4:

The City shall issue development orders and permits only when required capital facilities are present or will be available concurrent with the impact of development.

Policy 1.3.5:

The adopted levels of service for public facilities within the jurisdiction of the City of Belleair Beach shall be those adopted in the other elements of this plan.

Objective 1.4:

Public expenditures that support development in the Coastal High Hazard Areas shall be limited to those improvements included in this comprehensive plan or determined by the City Council to be an overriding public health benefit.

Policy 1.4.1:

The City shall expend funds in the Coastal High Hazard Areas only for the replacement and renewal of public facilities serving development or planned redevelopment as anticipated in this comprehensive plan.

Objective 1.5:

The City of Belleair Beach shall provide, or require provision of, needed infrastructure for development and redevelopment concurrently with their impacts through the use of a concurrency management system, implementation and monitoring of the comprehensive plan, and enforcement of development regulations.

Policy 1.5.1:

The City shall ensure that ~~all~~ no development ~~and or~~ redevelopment taking place within its municipal boundaries ~~do not~~ results in a reduction of the level-of-service standards established and adopted in the financially feasible Capital Improvements Element of this comprehensive plan.

Policy 1.5.2:

Development orders and permits shall be issued only if public facilities necessary to meet the level-of-service standards adopted pursuant to this comprehensive plan are available concurrent with the impacts of the development.

Policy 1.5.3:

The development of residential land shall be timed and staged in conjunction with provision of supporting community facilities.

Policy 1.5.4:

The City shall use the levels of service adopted in the Transportation Element, Infrastructure Element, and Recreation and Open Space Element of this comprehensive plan to determine the impacts of development and redevelopment.

Policy 1.5.5:

The City shall continue to implement a monitoring system designed to ensure continued enforcement of levels of service and provision of required public facility capacity.

Policy 1.5.6:

The monitoring system shall be reviewed on an annual basis together with the review of the Capital Improvements Element and shall be updated the year prior to preparation of the periodic Evaluation and Appraisal Report.

Policy 1.5.7:

Developments or redevelopments requiring the use of potable water, sanitary sewer, solid waste, or drainage facilities shall receive development orders subject to:

- The public facilities being in place at the time of issuance of the certificate of occupancy; or
- The provision of the facilities is guaranteed in an enforceable development agreement pursuant to Section 163.3220, Florida Statutes, or an agreement or development order issued pursuant to Chapter 380, Florida Statutes, to be in place at the time of certificate of occupancy issuance.

Policy 1.5.8:

The Schedule of Capital Improvements may include projects listed in the first three years of the Florida Department of Transportation five-year work program.

Policy 1.5.9:

The Schedule of Capital Improvements shall contain the estimated commencement and completion dates of road projects.

Policy 1.5.10:

The elimination, deferral, or delay of construction of any road or mass transit facility or service needed to maintain adopted level-of-service standards and which is listed in the Schedule of Capital Improvements shall require amendment of the comprehensive plan.

Objective 1.6:

The City shall seek opportunities for new funding sources to offset its capital and operating costs and maintain a high quality of life for residents.

Policy 1.6.1:

The City shall explore the opportunity for cost savings through the use of renewable resources such as solar energy.

Policy 1.6.2:

The City shall explore the use of grants or other funding opportunities for the undergrounding of utilities.

Policy 1.6.3:

The City shall explore opportunities for state and local transportation funding to address identified traffic congestion issues.

PRIVATE PROPERTY RIGHTS ELEMENT

Objective 1.1:

In accordance with the legislative intent expressed in Sections 163.3161(10) and 187.101(3), Florida Statutes, the City adopts a Private Property Rights Element to respect judicially acknowledged and constitutionally protected private property rights and ensure that private property rights are considered in local decision-making.

Policy 1.1.1:

The following rights shall be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.



MAP 1

2045 Future Land Use Map for the City of Belleair Beach, Florida



Date: March 3, 2022

Legend

Future Land Use Category

	Residential Low		Preservation
	Residential Medium		Institutional
	Recreation/Open Space		Water
	Scenic/Noncommercial Corridor Overlay		



0 500 1,000 2,000 Feet



MAP 2

Transportation Corridors Map for the City of Belleair Beach, Florida



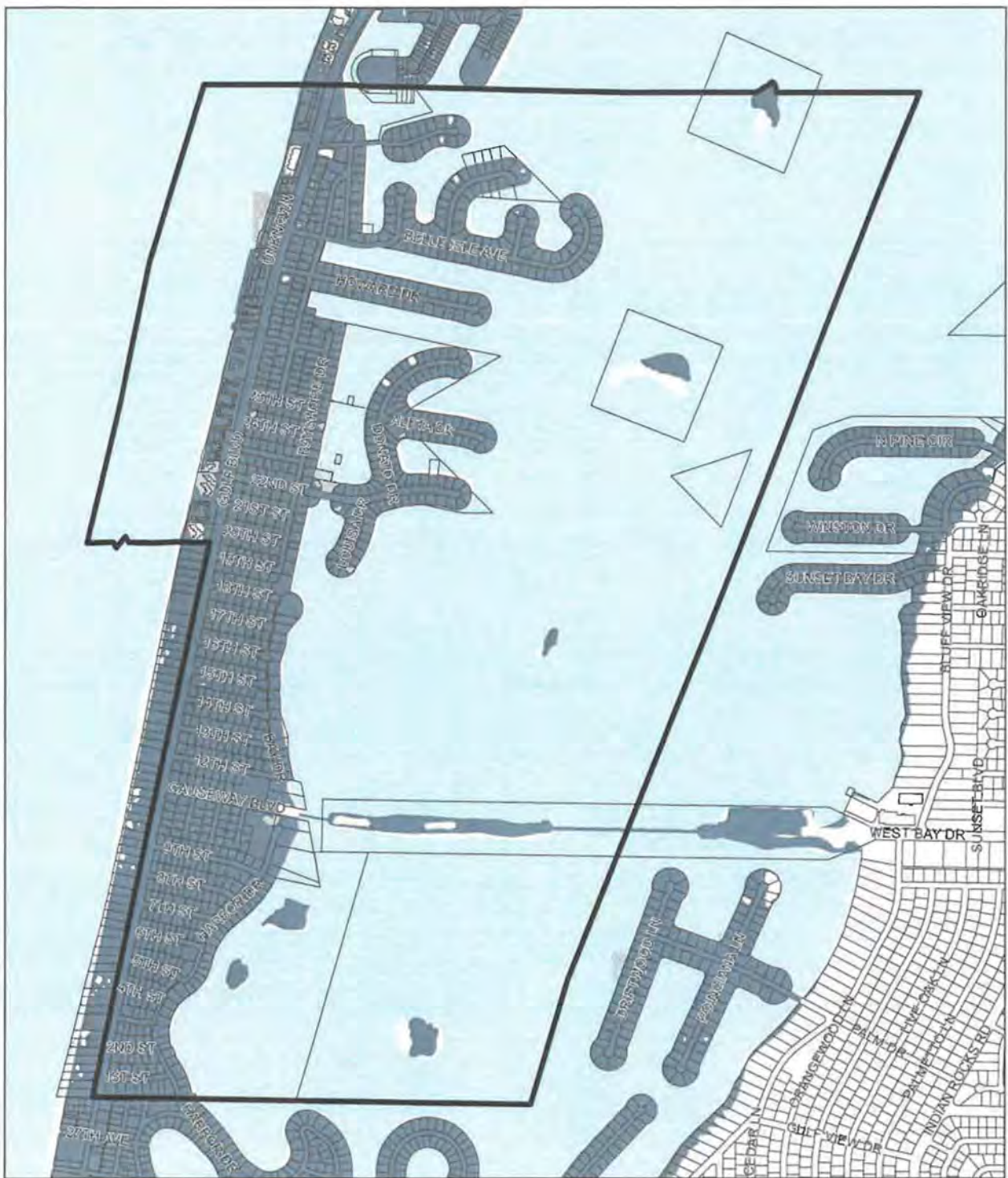
Date: December 23, 2022

Road Type

- Two Lane Divided
- Ramp/Bridge
- Local



0 500 1,000 2,000 Feet




MAP 3

Coastal High Hazard Area Map for the City of Belleair Beach, Florida



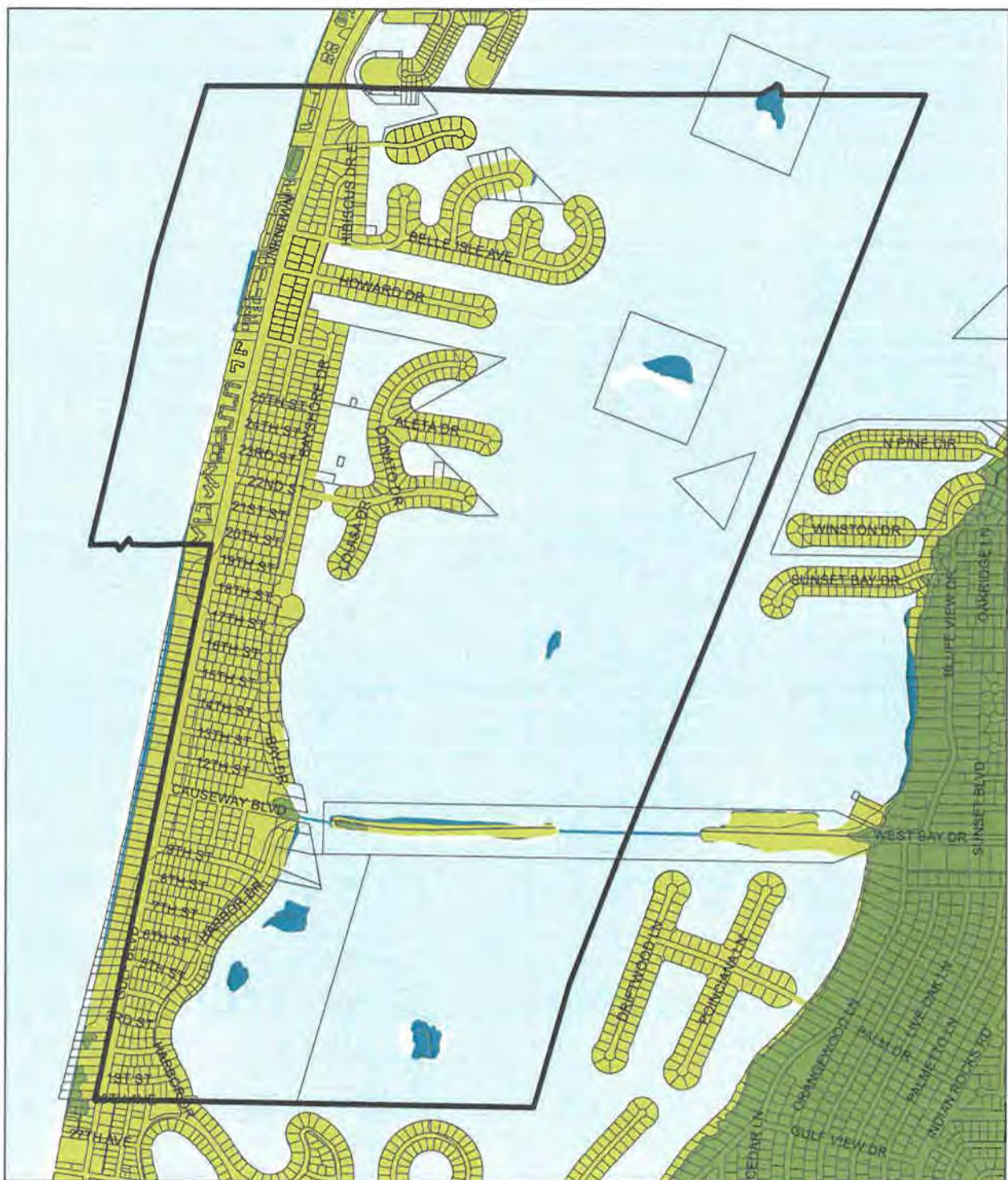
Date: February 17, 2022

 Coastal High Hazard Area

Note: The Coastal High Hazard Area (CHHA) is defined by Section 163.178(2)(h), Florida Statutes, as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. Map represents the August 4, 2021 data update.



0 500 1,000 2,000 Feet



MAP 4

Floodplain Map for the City of Belleair Beach, Florida



Date: March 3, 2022



Legend FEMA Flood Zone

- Flood Zone AE
- Flood Zone VE
- Flood Zone X

0 500 1,000 2,000 Feet



MAP 5

Existing Land Use Map for the City of Belleair Beach, Florida

Land Use

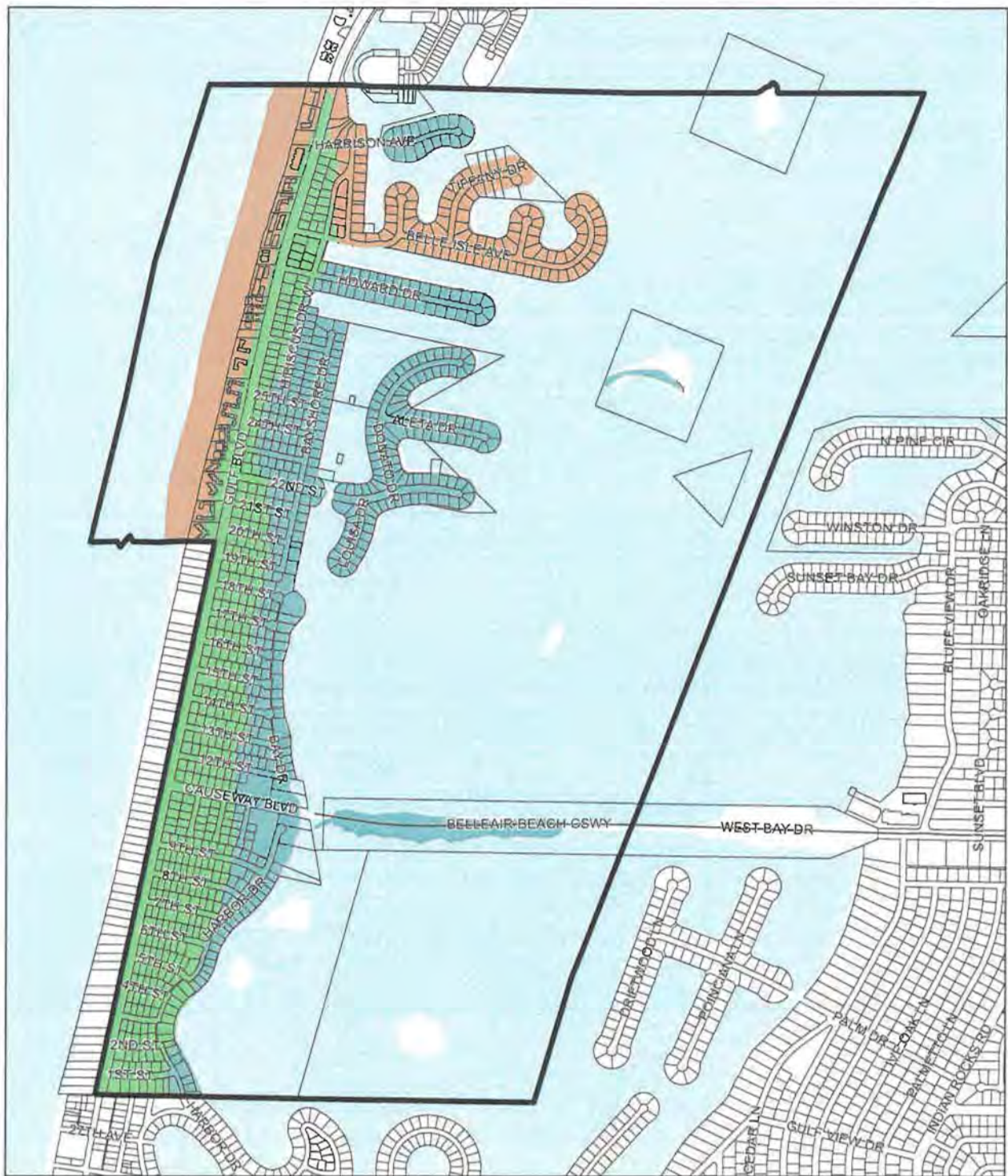
	Single-Family		Preservation
	Multifamily		Marina
	Public/Semi-Public		Vacant
	Recreation/Open Space		Water



Date: December 23, 2022



0 500 1,000 2,000 Feet



MAP 6

Soils Map for the City of Belleair Beach, Florida



Date: December 23, 2022

Soil Type

- Beaches
- Matlacha
- Palm Beach






0 500 1,000 2,000 Feet



MAP 7

Structure Condition Map for the City of Belleair Beach, Florida

Legend

	Fair		Superior
	Average		Mansion
	Above Average		Mansion Superior
	Excellent		No Data Available



Date: February 15, 2023



0 500 1,000 2,000 Feet

A. INTRODUCTION

The City of Belleair Beach adopted its first Comprehensive Plan in 1989, and updated it through the evaluation and appraisal review process in 2008 and 2016. The City transmitted its most recent *Evaluation and Appraisal Notification Letter* to the Department of Economic Opportunity on January 7, 2022. The issues and recommendations in that letter are the basis for the changes to this document from the previous adopted version, adopted on April 4, 2016.

Unless specifically provided and updated herein, the City will rely on the definitions provided in Section 163, Part II, Florida Statutes, and the data and analysis from the 1989, 2008, and 2016 comprehensive plans.

The comprehensive plan covers two planning horizons, a five-year period for capital improvement planning purposes (ending in Fiscal Year 2027) and a 22-year period for longer-term planning (ending in 2045). Coordination of the various elements is a major objective of the City's comprehensive planning process. While the findings below are organized by element for convenience, implementation of the goals, objectives and policies of all elements will be guided by the data and analysis as a whole.

In addition to meeting the requirements of Chapter 163, Florida Statutes, the City coordinates future land use planning with Forward Pinellas, the planning council for Pinellas County. The comprehensive plan is consistent with the *Countywide Plan for Pinellas County* pursuant to Chapter 2012-245, Laws of Florida.

The data and analysis for the Future Land Use Element contains updated population projections through the new long-range planning horizon of 2045, and an analysis of existing and future land uses to ensure that they are sufficient to meet the needs of future populations. Data and analysis on coastal high hazard areas and hazard mitigation planning are provided in more detail in the Coastal Management and Conservation Element.

The U.S. Census Bureau population count for Belleair Beach in 2020 was 1,633 permanent residents. This represents an increase of 73 people from the 2010 census count of 1,560. The population is expected to remain largely stable during the planning horizon due to the built-out character of the city, minimal amounts of vacant land available for development, and the lack of lands to annex. An increase of only 52 residents is anticipated by 2045.

Estimates and projections for the seasonal and tourist population were also developed. Seasonal residents are those who reside in the City for only a portion of the year, and claim their permanent residences elsewhere, such as "snowbirds" who mainly live in the City during the fall and winter months, and those who own vacation homes. Tourists include visitors who

stay in traditional hotel/motel accommodations, rent residential property on a temporary basis, or stay with friends or relatives in their homes. Seasonal and tourist population projections were developed in conjunction with the adopted 2045 Long Range Transportation Plan for Pinellas County, and are expected to remain stable through 2045, with a projected increase of only 16 visitors. Population projections for the 2045 planning horizon are shown in Table 1.

Table 1: Population Projections

	Census 2020	Projections				
		2025	2030	2035	2040	2045
Permanent	1,633	1,643	1,654	1,664	1,674	1,685
Seasonal & Tourist	507	510	513	516	519	523
Total	2,140	2,153	2,167	2,180	2,194	2,207

Source: U.S. Census Bureau, 2020; Forward Pinellas, 2022

B. FUTURE LAND USE

The predominant land use pattern in the city is single-family detached housing, with some multifamily uses, parks, recreational uses and preservation areas. There are few time-share properties that are designated as multifamily. The City has no designated commercial uses. The acreage distribution of existing land uses is shown in Table 2, and their location is depicted on *Map 5: Existing Land Use*.

Table 2: Existing Land Use

Existing Land Use	Acres	Percent
Single-Family	180.9	78.7%
Multifamily	19.3	8.4%
Recreation/Open Space	17.6	7.7%
Preservation	5.1	2.2%
Vacant	4.0	1.8%
Public/Semi-Public	1.7	0.7%
Transportation/Utility	1.0	0.4%
Total	229.7	100.0%

Source: Pinellas County Property Appraiser's Office, 2022;
Forward Pinellas, 2022

The city contains approximately 230 acres of upland parcel acreage, a large majority of which (nearly 81%) is designated with a future land use category of Residential Low, with a maximum

density of four units per acre. Residential Medium, with a maximum density of 15 units per acre, is the next most common designation, comprising another 9% of parcel acreage. Recreation/Open Space, which designates city parks, beach accesses, spoil islands, and land adjacent to the Belleair Beach Causeway, comprises another 7% of parcel acreage. The Belleair Beach Causeway is also designated with a Scenic/Noncommercial Corridor (SNCC) overlay, part of a countywide network of such corridors. Belleair Beach does not have any areas designated for commercial or industrial development on its Future Land Use Map.

The acreage distribution of future land use designations is shown in Table 3, and their location is depicted on the City's adopted *Map 1: Future Land Use Map*. There are no proposed amendments to the Future Land Use Map or future land use designations. In addition to the upland parcel acreage, the city limits include another 79 acres used for right-of-way, and 910 acres of water in Boca Ciega Bay and the Gulf of Mexico.

Table 3: Future Land Use Designations

Future Land Use	Acres	Percent
Residential Low	185.9	80.9%
Residential Medium	20.5	8.9%
Recreation/Open Space		
Without SNCC Overlay	8.9	3.9%
With SNCC Overlay	7.5	3.3%
Preservation	5.1	2.2%
Institutional	1.7	0.7%
Total	229.7	100.0%

Source: Forward Pinellas, 2022

As shown in Table 4, all of the vacant parcels in the city are designated Residential Low. If all were developed up to the allowable density, they could accommodate 16 housing units, which is consistent with the projected population growth of 38 persons.

Table 4: Vacant Parcels by Future Land Use Designation

Future Land Use	Units Per Acre	Acres	Maximum Potential Units
Residential Low	4.0	4.0	16

*Source: Pinellas County Property Appraiser's Office, 2022;
Forward Pinellas, 2022*

C. TRANSPORTATION

A primary objective of the City's transportation planning efforts is to ensure that the safety and mobility needs of pedestrians, bicyclists and transit users as well as motorists are accommodated. This applies to the design and construction of capital improvements, and the application of the Land Development Code through the site plan review process and decisions affecting the amendment of the Future Land Use Map. Through these activities, the City seeks to provide its citizens with a safe, multimodal, and energy efficient transportation system.

There are two major roadways impacting the city, Gulf Boulevard is an arterial north-south roadway, and Belleair Beach Causeway is an east-west arterial bridge spanning the Intracoastal Waterway, which also includes bicycle lanes and a boat ramp. Both are owned and maintained by Pinellas County. Table 5 contains an inventory of the major roadways and their current level of service (LOS).

Table 5: Major Roadway Inventory and Level of Service

Road Segment	Road Class	Lanes	Divided	Signalized	Operating LOS
Belleair Beach Causeway	Bridge/ramp	2	Yes	N/A	F
Gulf Blvd. (south of causeway)	Minor arterial	2	Yes	Yes	F
Gulf Blvd. (north of causeway)	Minor arterial	2	Yes	No	E

Source: Forward Pinellas, 2022

The LOS classification system is a standard means of evaluating traffic flow used by the U.S. Department of Transportation and its state counterparts. Classifications are based on a comparison of traffic volume (the number of cars using the roadway at A.M./P.M. peak hours, or "rush hours") with roadway capacity (the maximum number of cars the roadway is designed to handle at once). This volume-to-capacity ratio is also known as v/c .

Roadway LOS is classified as follows:

- LOS A: Traffic flows at or above the posted speed limit and motorists have complete mobility between lanes ($v/c = 0.00$ to 0.60)
- LOS B: Speeds are maintained, but maneuverability within the traffic stream is slightly restricted ($v/c = 0.61$ to 0.70)
- LOS C: The ability to maneuver through lanes is noticeably restricted and lane changes require more driver awareness ($v/c = 0.71$ to 0.80)

- LOS D: Speeds slightly decrease as traffic volume slightly increases. Freedom to maneuver within the traffic stream is much more limited and driver comfort levels decrease ($v/c = 0.81$ to 0.90)
- LOS E: Flow becomes irregular and speed varies rapidly because there are virtually no usable gaps to maneuver in the traffic stream, and speeds rarely reach the posted limit ($v/c = 0.91$ to 1.00)
- LOS F: Every vehicle moves in lockstep with the vehicle in front of it, with frequent slowing required. Posted speeds cannot be maintained as demand more the roadway exceeds capacity ($v/c =$ greater than 1.00)

LOS ratings for major roadways in Pinellas County are calculated by Forward Pinellas, the metropolitan planning organization for the county. The City has adopted the countywide standard that roadways operating at LOS E and F are considered deficient. To address this deficiency, new development or redevelopment may be restricted or required to pay into a mitigation fund for roadway improvements.

One issue that has been noted is that the barrier island communities, whose traffic is significantly comprised of tourists, tend not have the same peak hours as the majority of the county, which are largely determined by weekday commuters. While the same A.M./P.M. peak hours are used countywide for standardization purposes, a local government can request that Forward Pinellas conduct a special traffic study tailored to an individual roadway.

One such study was conducted in Belleair Beach in 2015, and was used by Pinellas County as basis for transportation investments in the area, including reconfiguring turn lanes at the intersection of Belleair Causeway and Gulf Blvd., and adjustment of traffic signal timing on both roadways. In addition to traffic studies, Forward Pinellas provides for intergovernmental coordination in circumstances where transportation or land use issues affect more than one jurisdiction.

Due to the built-out condition of the city, the majority of recent impacts to the roadway system have come from growth in neighboring communities, and it is unlikely that there will be additional transportation impacts to either facility caused by Belleair Beach. The City is a participant in the countywide proportionate fair share program, and any redevelopment projects would be subject to mitigation payments through that program.

Pinellas County maintains the Pinellas County Mobility Plan, which provides local governments with an alternative approach to managing the impacts of development projects through their site plan review processes while furthering their mobility goals. This approach was intended as a replacement for local transportation concurrency management programs. While Belleair Beach's development impacts are limited, in its 2015 comprehensive plan, the City adopted a mobility management system in support of the Pinellas County Mobility Plan.

D. HOUSING

Since the 2015 Comprehensive Plan update, there has been very little change in the number and distribution of housing units throughout the city. The majority of housing units in the City, about 70%, are single-family, and the remaining 30% are multifamily. There are no mobile home units, residential group homes, or historically significant housing units within Belleair Beach.

As shown in Table 6, an increase of only 35 total housing units is projected by 2045. Additional housing units are anticipated primarily through tear-downs and reconstruction on existing residential lots.

Table 6: Housing Estimates and Projections by Type

Housing Type	Estimates 2020	Projections				
		2025	2030	2035	2040	2045
Single-Family	765	770	775	779	784	789
Multifamily	329	331	333	335	338	340
Total	1,094	1,101	1,108	1,115	1,122	1,129

Source: Pinellas County Property Appraiser's Office, 2022; Forward Pinellas, 2022

According to an assessment by the Pinellas County Property Appraiser's Office, Belleair Beach has no housing units in below average condition. As shown in Table 7, about 74% are in average condition, 18% in above average condition, and the remainder are in excellent or better condition. *Map 7: Structure Condition Map* shows the assessed condition for all buildings, both residential and nonresidential.

Table 7: Housing Estimates by Condition

Housing Condition	Number	Percent
Average	808	73.9%
Above Average	193	17.6%
Excellent	71	6.5%
Superior	20	1.8%
Mansion	1	0.1%
Mansion Superior	1	0.1%
Total	1,094	100.0%

Source: Pinellas County Property Appraiser's Office, 2022; Forward Pinellas, 2022

About 55% percent of the housing units in Belleair Beach are owner-occupied, and 8% are renter-occupied, with an average of 2.37 persons per household. Another 28% of units are held for seasonal, recreational, or occasional use, and 9% are vacant. These percentages are anticipated to remain stable through the 2045 planning horizon, as shown in Table 8.

Table 8: Housing Estimates and Projections by Tenure

Housing Type	Estimates 2020	Projections				
		2025	2030	2035	2040	2045
Owner-Occupied	606	610	614	618	621	625
Renter-Occupied	83	84	84	85	85	86
Seasonal Units	307	309	311	313	315	317
Vacant Units	98	99	99	100	100	101
Total	1,094	1,101	1,108	1,115	1,122	1,129

Source: American Community Survey, 2022; Pinellas County Property Appraiser's Office, 2021; Forward Pinellas, 2022

Cost-burdened households are those who spend at least 30% of their income on mortgage or rent payments. As shown in Table 9, about 30% of households in the city are cost-burdened, consistent with Pinellas County as a whole. There are no subsidized housing units in the city.

Table 9: Estimates and Projections of Cost-Burdened Households

Households Spending At Least 30% of Gross Income on Housing Costs	Estimates 2020	Projections				
		2025	2030	2035	2040	2045
Owner-Occupied	156	249	251	252	254	256
Renter-Occupied	49	78	79	79	80	80
Not Cost-Burdened	484	366	368	370	373	375
Total	689	693	698	702	706	711

Source: American Community Survey, 2022; Forward Pinellas, 2022

Due to the city's location on a barrier island, opportunities to add affordable housing are constrained by high land costs and limitations on densities in the Coastal High Hazard Area. Through a cooperative agreement, Belleair Beach participates with the Pinellas County Community Development Department in the Community Development Block Grant Program, and with the Housing Finance Authority of Pinellas County, which helps residents with housing down payment and mortgage assistance.

E. INFRASTRUCTURE

Potable Water

Belleair Beach receives all potable water supplies, treatment, and distribution from Pinellas County Utilities. Tampa Bay Water is the regional water supply authority that supplies all of the wholesale potable water for Pinellas County.

Through an interlocal agreement and master water supply contract, Tampa Bay Water is obligated to meet the current and future water needs of its member governments, and is the owner and operator of water supply facilities including wellfields, surface water withdrawals, a seawater desalination facility, treatment facilities, storage facilities, pumping stations, and transmission mains.

The City coordinates its level-of-service standard for potable water with the level-of-service standard adopted by Pinellas County for its retail customers. This standard is 115 gallons per capita per day. However, the actual water use is projected to be lower at 79 gallons per capita per day. Based on the maximum permanent and seasonal population of 2,207 projected for the planning horizon multiplied by that projected water use, the city's demand equates to 0.174 million gallons per day (MGD), or about 0.08% of the current Pinellas County Utilities yield of 224.6 MGD.

The *Regional Water Supply Plan* contains hundreds of water supply options. Because the wholesale potable water supply is provided by Tampa Bay Water, the required water supply projects are selected and implemented by that agency.

The capital costs for water supply development projects are the responsibility of Tampa Bay Water. Such costs are recaptured through the sale of water to the water service provider, and through them, by the retail customers. Funding mechanisms are identified in its *Special District Public Facilities Report*. In addition, the *Pinellas County Water Supply Work Plan* includes costs for distribution, transmission, treatment, and associated facilities.

The City actively participates in water conservation efforts led by Pinellas County. County regulations are enforced for water conservation measures including low flow plumbing fixtures and water shortage emergency regulations. The City began receiving reclaimed water from Pinellas County Utilities in 2006. Pinellas County is the responsible jurisdiction for treatment and allocating the reclaimed water resource. There are no prime or high natural groundwater aquifer recharge areas affecting reclaimed water in Pinellas County.

Table 10
Potable Water Supply and Demand Analysis

DEMAND ANALYSIS									
UTILITY NAME	2020	2025	2030	2035	2040	2045	WUP (MGD)	PER CAPITA WATER USE	
PINELLAS COUNTY UTILITIES	(SUPPLIED THROUGH TAMPA BAY WATER)								
Municipal Population Served	2,138	2,151	2,165	2,178	2,192	2,206			
Demand (MGD)	0.168	0.169	0.170	0.171	0.172	0.173	0.000	79	
Total Utility Service Area Population	504,863	514,010	526,816	539,181	543,701	548,259			
Demand (MGD)	39.670	40.388	41.395	42.366	42.721	43.080			
DOMESTIC SELF SUPPLY									
Population Served	2	2	2	2	2	2			
Demand (MGD)	0.000	0.000	0.000	0.000	0.000	0.000		54	
MUNICIPAL POPULATION	2,140	2,153	2,167	2,180	2,194	2,207		79	
TOTAL DEMAND (MUNICIPAL)	0.168	0.169	0.170	0.171	0.172	0.173			
TOTAL DEMAND (UTILITIES)	39.670	40.388	41.395	42.366	42.721	43.080			
SUPPLY ANALYSIS									
EXISTING SOURCES									
	CURRENT YIELD (MGD)								
Total Permitted Quantities	0.000								
Water Supply Authority Quantities	224.620								
Total Current Yield	0.000								
FUTURE SOURCE OPTIONS									
	2045 POTENTIAL YIELD (MGD)			RESPONSIBLE ENTITY					
Conservation	0.020			All					

Source: Southwest Florida Water Management District, 2022; Forward Pinellas, 2022

Sanitary Sewer

The City is a wholesale customer of Pinellas County Utilities for wastewater service. The County operates and maintains sewer lines within the city, and collects and transmits domestic wastewater to the South Cross Bayou Advanced Water Reclamation Facility. The City relies on the data and analysis contained in the *Pinellas County Comprehensive Plan* Potable Water Supply, Wastewater, and Reuse Element to project sanitary sewer demand. Consistent with that element, its adopted sanitary sewer level of service is 115 gallons per capita per day throughout the 2045 planning horizon.

Stormwater Drainage

The City of Belleair Beach is responsible for a municipal separate storm sewer system and implementation and enforcement of NPDES regulations. A municipal separate storm sewer system (MS4) is a publicly-owned conveyance or system of conveyances (i.e., ditches, curbs, catch basins, and underground pipes, etc.) that is designed or used for collecting or conveying stormwater and the discharges to surface waters of the State. Belleair Beach is regulated as a Co-Permittee under Phase I, regulations set forth in NPDES permit# FLS 000005. The City relies on the data and analysis contained in the *Pinellas County Comprehensive Plan* Surface Water Management Element and Chapter 62-25, Florida Administrative Code, to guide its stormwater level-of-service for quantity and quality based on a 25-year, 24-hour storm event.

Solid Waste

Belleair Beach provides for solid waste and recycling collection services through a private contract with Waste Management of Pinellas. Through an interlocal agreement with Pinellas County, collected garbage is taken to the Pinellas County Resource Recovery Facility, which can burn nearly one million tons per year in its Waste-to-Energy Plant while producing up to 75 megawatts per hour of electricity.

The City relies on the data and analysis contained in the *Pinellas County Comprehensive Plan* Potable Solid Waste and Resource Recovery Element to project solid waste demand, and has adopted the County's level-of-service standard of 1.3 tons per capita per year. Projected demand through the 2045 planning horizon was calculated using that level-of-service standard multiplied by the City's population projections, as shown in Table 10.

Table 11: Projected Solid Waste Demand

	2020	2025	2030	2035	2040	2045
Tons	2,141	2,155	2,168	2,182	2,195	2,209

Source: Pinellas County, 2022; Forward Pinellas, 2022

F. COASTAL MANAGEMENT AND CONSERVATION

Map 3: Coastal High Hazard Area Map depicts the Coastal High Hazard Area (CHHA), which is defined in Section 163.3178(2)(h), Florida Statutes (F.S.) as the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The CHHA depicts the areas of the county that are most vulnerable to flooding and wind damage from hurricanes and tropical storms, and includes virtually the entire barrier island system, including all of Belleair Beach.

Consistent with Section 163.3178(8), F.S., and the *Countywide Rules*, Belleair Beach discourages increases in density or intensity in the CHHA, as well as the siting of vulnerable uses such as hospitals, assisted living facilities, and mobile homes. Any proposed future land use amendments effecting such changes will be subject to a strict set of balancing criteria outlined in Future Land Use Policy 1.1.8.

Regulatory flood zones are established by the Federal Emergency Management Agency (FEMA). New Flood Insurance Rate Maps (FIRM) were issued for Pinellas County in 2021. *Map 4: Floodplain Map* depicts the FEMA flood zones for Belleair Beach. All new construction and redevelopment in flood zones will be in accordance with FEMA regulations.

To fulfill the requirements of Section 163.3178(2)(f), Florida Statutes, the City has adopted additional policy guidance for redevelopment strategies, engineering solutions, site development techniques and other best practices into the goals, objectives and policies of the Coastal Management and Conservation Element. It will continue to monitor projected flood risk and sea level rise impacts, and adjust long-range planning to account for observed conditions and any changes or refinements to the projection over time.

The City is also a signatory to the *Pinellas County Local Mitigation Strategy*, which was updated in 2020. The plan indicates that Belleair Beach is likely to experience threat, effect, or reoccurrence of coastal erosion, coastal flooding, flooding due to rainfall, tropical storms, and minor and major hurricanes.

The City coordinates with the Pinellas County Emergency Management Department regarding voluntary and mandatory evacuations for hurricanes and tropical storms, consistent with the *Local Mitigation Strategy*, the Tampa Bay Regional Planning Council's *Tampa Bay Regional Hurricane Evacuation Study*, and countywide evacuation procedures.

G. RECREATION AND OPEN SPACE

With 13 parks and a municipal recreation complex, the City has ample recreational facilities to meet the needs of its residents and visitors through the 2045 planning horizon. Recreational facilities are inventoried in Table 11.

Table 12: Recreational Facilities Inventory

Name	Area	Facility Improvements
<i>Resource-Based Facilities</i>		
South Park	7,353 sq. ft.	Bench
2 nd Street Park	6,477 sq. ft.	Bench, dock
7 th Street Park	5,929 sq. ft.	Bench, dock
16 th Street Park	10,851 sq. ft.	Bench, dock
20 th Street Park	6,599 sq. ft.	Bench, dock
25 th Street Park	6,599 sq. ft.	2 Benches, dock
Belle Isle Park	10,881 sq. ft.	2 Benches
Hibiscus Drive Park	3,598 sq. ft.	Bench
Morgan Park	16,786 sq. ft.	Beach access, 3 benches, outdoor shower, paved parking, pavilion, 2 picnic tables, restrooms
Belleair Causeway Beach Area (County Right-of-Way)	7.41 acres	Open space
<i>Activity-Based Facilities</i>		
Municipal Complex	10,933 sq. ft.	Community room, offices
<i>Parks</i>		
Bayside Park (South side of Causeway Blvd., east of Harbor Dr.)	75,000 sq. ft.	beach access, basketball ½ court, exercise trail, gravel/paved parking, playground, shelter, tennis courts
Crossman Park (NE corner of Gulf Blvd. & Causeway Blvd.)	9,592 sq. ft.	Open space
SE corner of Causeway Blvd. & Cedar Dr.	34,000 sq. ft.	Parking for City Hall

Source: City of Belleair Beach, 2022

H. INTERGOVERNMENTAL COORDINATION

Belleair Beach coordinates its planning activities with a variety of entities within the state, region, and county. These relationships are listed in Table 12.

Table 13: Intergovernmental Coordination Relationships

Agency	Subject
Florida Department of Economic Opportunity	Comprehensive Plan amendment review
Florida Department of Business and Professional Regulation	Florida Building Code
Florida Division of Emergency Management	Community Emergency Response Team
	National Flood Insurance Program
Florida Department of Environmental Protection	Florida Coastal Management Program
	National Environmental Policy Act
	Coastal Construction Control Line
	National Pollutant Discharge Elimination System
Southwest Florida Water Management District	Environmental Resource Permits
	Water quality restoration
	Reclaimed water projects
Tampa Bay Regional Planning Council	Regional Evacuation Study
	Regional Resiliency Action Plan
Forward Pinellas	Countywide Plan
	Long-Range Transportation Plan
	Transportation Improvement Program
Pinellas County Utilities	Potable water and reclaimed water service
	Wastewater service
Pinellas County Public Works	Roadway project coordination
Pinellas County Housing and Community Development	Affordable housing programs

Source: City of Belleair Beach, 2022; Forward Pinellas, 2022

I. CAPITAL IMPROVEMENTS

The city is responsible for capital improvements related to the operation and maintenance of its stormwater system, solid waste collection, and recreation areas. There are no capital improvements needed to address deficiencies in level-of-service standards through the planning period. Analysis of infrastructure capacities as compared to the current and forecast population shows that new facilities are not needed in the next five years. Further, no facilities are proposed for replacement and no deficiencies exist within Belleair Beach.

Belleair Beach amends its plan on an annual basis to identify capital improvements, and those amendments are supported by adequate revenue sources and funding mechanisms. A policy is included in the Capital Improvements Element to require the provisions of the revenue sources and funding mechanism in the event of an amendment to add capital improvements.

The City's revenues are reported with its annual budget. This information is updated each fiscal year.

J. PRIVATE PROPERTY RIGHTS

In 2021, the Florida Statutes were amended to create Section 163.3177(6), establishing a Private Property Rights Element that all local governments are required to adopt into their comprehensive plans, ensuring that private property rights are considered as part of land regulation. The statute provides a model statement of property rights a local government may adopt to satisfy this requirement. In accordance with the new law, the City has adopted a new Private Property Rights Element using the model language.

K. PUBLIC SCHOOL FACILITIES

The Pinellas County School District has determined that the City of Belleair Beach is exempt from adopting school concurrency or a Public Schools Facilities Element. A letter of exemption was filed with the Florida Department of Community Affairs together with the City's comprehensive plan update on February 13, 2008.

Patti Gentry

From: Kyle Riefler
Sent: Thursday, February 16, 2023 8:42 AM
To: Patti Gentry
Subject: FW: ATTN: Kyle RE: 111 19th Street

Patti,

Please put "Discussion of right-angle turn located at 19th Street and Bayside Drive" on the work session agenda and provide this email chain for documentation. Thanks Kyle.

From: cajun man <bourbonstpete@gmail.com>
Sent: Wednesday, February 15, 2023 10:29 AM
To: Kyle Riefler <Kyle.Riefler@CityofBelleairbeach.com>
Subject: Re: ATTN: Kyle RE: 111 19th Street

[EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kyle, yet again someone took the turn wide two days ago and I had to move fast out of the way. This corner needs a STOP sign in both directions. It does not matter if it is not a full intersection , it is a matter of safety. Yield signs plus speed bumps might work too, but not just yield signs. Let me know as soon as possible what you will do. Thanks again, Rich Egolf 111 19th St. Belleair Beach , FL 33786

On Thu, Feb 9, 2023 at 10:45 AM Kyle Riefler <Kyle.Riefler@cityofbelleairbeach.com> wrote:

I drove it yester with no pedestrians at about 10 mph. At that speed, I felt safe that if I saw a pedestrian, I could slow to minimal speed to avoid. Do you agree that 10 mph or under is safe for the turn?

From: cajun man <bourbonstpete@gmail.com>
Sent: Wednesday, February 8, 2023 12:23 PM
To: Kyle Riefler <Kyle.Riefler@CityofBelleairbeach.com>
Subject: Re: ATTN: Kyle RE: 111 19th Street

[EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kyle, I believe STOP signs in both directions would be much safer. This is not a just a sharp curve , but an actual right angle. What speed limit would be put below the sign ? Would the DOT or Sheriff's Department be willing to video a test taking the turn at that speed with pedestrians walking in both directions? The council and Sheriff need to be asked these questions and the citizens need that answer on the record at the next city council meeting. Thank you for your

work on this issue thus far.
Street Belleair Beach , Florida 33786

Sincerely, Rich Egolf 111 19th

On Tue, Feb 7, 2023 at 2:58 PM Kyle Riefler <Kyle.Riefler@cityofbelleairbeach.com> wrote:

Rich,

I consulted with a PCSO, neighboring cities, and traffic engineer. The most appropriate sign will be a yellow warning right angel turn with a speed sign below. We can do this going both ways. It was recommended that we do not use a stop sign because the Manual on Uniform Traffic Control Devices states "YIELD or STOP signs should not be used for speed control." Please let me know your thoughts. Thanks, Kyle.

From: Kyle Riefler
Sent: Tuesday, December 6, 2022 1:59 PM
To: 'bourbonstpete@gmail.com' <bourbonstpete@gmail.com>
Subject: RE: ATTN: Kyle RE: 111 19th Street

Rich,

Thanks for sending the pics. I plan on putting some drainage holes in the curb to mitigate the pooling until the curb are redone. Can you please notify me when you have standing water present? It will be easier to test our efforts when the wet weather occurring.

I'm also looking into the process of adding stop signs to that turn. Thanks, Kyle.

From: Laura Mataluni <Laura.Mataluni@CityofBelleairBeach.com>
Sent: Monday, December 5, 2022 10:49 AM
To: Kyle Riefler <Kyle.Riefler@CityofBelleairbeach.com>
Subject: FW: ATTN: Kyle RE: 111 19th Street

Laura Mataluni

Executive Assistant

727-229-8443

From: cajun man <bourbonstpete@gmail.com>

Sent: Monday, December 5, 2022 10:44 AM

To: Info <Info@CityofBelleairBeach.com>

Subject: ATTN: Kyle RE: 111 19th Street

[EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kyle,

Thanks for stopping at the house the other day. Attached are 2 photos of the incredible water build up in front of the house after it rains. As you can see the water stops in front of my house and does not continue down the street. This has resulted in the dramatic deterioration of the gutter area in front of my home as you saw, as well as my driveway. I really need something done about this, I look forward to hearing back from you.

Thanks,

Rich

Richard Egolf

111 19th St Belleair Beach

727-798-4120