



**Planning and Zoning Board Meeting
City of Belleair Beach, Florida**

**Wednesday, April 10, 2024
Community Center, 2:00pm**

**Public Meeting Notice
Agenda**

Call to Order.
Roll Call.

1. Approval of the Agenda.
2. Approval of the June 14, 2023, Planning and Zoning Board Meeting Minutes.
3. Appoint Chairperson
4. Review of DRAFT Ordinance for City Code Chapter 94
5. 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.

Renee Rose, CMC
City Clerk

**City of Belleair Beach
Planning and Zoning Board
Sign Ordinance Review
Wednesday, June 14, 2023 at 1:00pm**

Minutes

Call to Order

Chair J.C. Imfeld called the meeting to order.

Roll Call

Chair J.C. Imfeld

Vice Chair Hart McIntyre

Board Members:

Angela Berry

Brenda Buonasera was unable to attend

Kim Shaw Elliott

Hart McIntyre

City Staff:

City Manager Kyle Riefler

City Clerk Patricia Gentry

City Attorney Randy Mora

For continuity, items are listed in agenda order although not necessarily discussed in that order.

1. Approval of the Agenda.

MOTION was made by Hart McIntyre and seconded by Angela Berry for approval of the Agenda.

Motion passed unanimously.

2. Approval of the May 9, 2023, Planning and Zoning Board Meeting Minutes.

MOTION was made by Hart McIntyre and seconded by Angela Berry for approval of the May 9, 2023, Planning and Zoning Board Meeting Minutes.

Motion passed unanimously.

**Planning and Zoning Board Sign Ordinance Review
June 14, 2023**

3. Review of DRAFT Ordinance for City Code Chapter 86 Regarding Sign Regulations.

City Attorney Mora gave an overview of the sign ordinance.

MOTION was made by Hart McIntyre to recommend approval subject to the input given by the Board today and documented by City Attorney Mora.

The Board began further discussion.

Point of Order was called by Chair J.C. Imfeld, asking for a second to the Motion.

MOTION died for lack of a second.

MOTION was made by Hart McIntyre and restated by City Attorney Mora to approve the ordinance subject to their general input and to the ordinance being reformatted in a manner that is more easily understood.

The **MOTION** was seconded by Kim Shaw Elliott.

The Board began further discussion.

City Attorney Mora recommended that the ordinance be brought back for a second hearing, and in the interim he offered to meet individually with any Board Member to discuss.

Chair Imfeld called for a vote and asked "All those in favor of the motion on the floor signify by saying 'Aye'"

There were no 'Ayes' from the Board.

Motion failed.

MOTION to TABLE the decision was made by Hart McIntyre and seconded by Kim Shaw Elliott until the Board has more time to study it, look at alternative presentations, and discuss with the City Attorney.

Motion passed unanimously.

**Planning and Zoning Board Sign Ordinance Review
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4. General Business.

City Manager Riefler stated that he would like the Board to review the ordinance regarding the height a swimming pool can be built relative to the crown of the road, and he would have it on the next agenda.

ADJOURN

MOTION was made by Kim Shaw Elliott and seconded by Hart McIntyre to adjourn the meeting at 2:27pm.

Motion passed unanimously.

Date Approved

APPROVED: _____
J.C. Imfeld, Chair

ATTEST: _____
Patricia A. Gentry, City Clerk

**CITY OF BELLEAIR BEACH
ORDINANCE NO. 24-__**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, AMENDING THE BELLEAIR BEACH CODE OF ORDINANCES, SPECIFICALLY THE LAND DEVELOPMENT CODE AMENDING SECTION 94-2, DEFINITIONS TO REDUCE THE LOOK BACK PERIOD FOR SUBSTANTIAL IMPROVEMENT CALCULATIONS DOWN TO ONE YEAR; AMENDING SECTION 94-172, FENCES TO AMEND THE PERMISSIBLE LOCATION OF FENCES ON WATERFRONT PROPERTIES; SECTION 94-220, MINIMUM LIVING AREA AND SETBACKS TO REDUCE THE SIDE SETBACK FOR SPECIFIED LOTS; AMENDING SECTION 94-251, FENCES, WALLS, AND HEDGES FOR CONSISTENCY WITH PERMISSIBLE FENCING ON WATERFRONT PROPERTIES; AMENDING SECTION 94-255, ALTERATIONS, IMPROVEMENTS AND REPAIRS; PROVIDING FOR APPLICABILITY TO AMEND THE APPLICABLE VALUES FOR REMODELING CALCULATIONS FOR FEMA PURPOSES; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City of Belleair Beach is authorized by the Florida Constitution, Florida Statutes, and the City Charter to regulate the use of lands within its corporate boundaries; and

WHEREAS, the Planning and Zoning Board has held a hearing on this matter and has made a recommendation to the City Council; and

WHEREAS, the City Council has determined that the amendments to the land development code are in the best interest of the public health, safety and welfare; and

WHEREAS, the City Council of the City of Belleair Beach hereby determines that this ordinance is consistent with and in accordance with the Comprehensive Plan of the City of Belleair Beach.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Belleair Beach that the following Land Development Code regulations are hereby adopted.

SECTION ONE. Findings of Fact The above “whereas” clauses are deemed findings of fact.

SECTION TWO. Amend Section 94-2. Definitions

The Code of Ordinances of the City of Belleair Beach, is hereby amended by removing all language that is shown stricken and adding all language shown as underscored, so as to read in its entirety as follows:

Sec. 94-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

....

Substantial improvement means any repair, reconstruction, alteration, improvement, or combination thereof, made to a structure, which takes place within a ~~five~~one-year period beginning on the date upon which an application for a building permit is filed with the county building department, for which the cumulative cost of the improvement equals or exceeds 50 percent of the fair market value of the structure. The fair market value of the structure shall be the appraised value of the structure at the time the initial application for a building permit is made. The fair market value shall be used during the ~~five~~one -year period to determine whether the cumulative improvements during such ~~five~~one years equals or exceeds 50 percent of the fair market value. In the case of damage, the fair market value shall be the appraised value of the structure prior to the damage occurring. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. This term does not, however, include any:

- (1) Project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions; or
- (2) Alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

....

SECTION THREE. Amend Section 94-172. Fences

The Code of Ordinances of the City of Belleair Beach, is hereby amended by removing all language that is shown stricken and adding all language shown as underscored, so as to read in its entirety as follows:

Sec. 94-172. Fences.

- (a) Within the RM district I, fences shall be permitted along the street and side lot lines to a maximum height of six feet. Manmade fences shall be permitted to incorporate ornamental entrance posts or pillars and ornamental structural posts or pillars between sections of the fence. Such posts or pillars shall be permitted to rise a maximum of 18 inches above the top level of the fence proper; however, such posts or pillars shall not be closer than six feet apart, except for gate posts or pillars, if necessary.
- (b) Living fences shall be permitted within the RM district I to incorporate plants commonly known as "ornamentals" or "specimen plants" and such plantings shall be permitted to grow to their normal heights; however, a grouping of such plants constituting a fence above the maximum allowed heights shall be permitted. Ornamentals and specimen plants are commonly plants that are considered more decorative due to their flowers, foliage, bark or form. A fence shall also be permitted inside on, but not ~~on or overgrowing~~ beyond, the waterfront facing side of the seawall cap, to a height of 48 inches. Living fences shall be

maintained so as to not exceed the specified heights by more than six inches. Heights of fences shall be measured from the existing grade at the fence location.

SECTION FOUR. Amend Section 94-220. Minimum living areas and setbacks.

The Code of Ordinances of the City of Belleair Beach, is hereby amended by removing all language that is shown stricken and adding all language shown as underscored, so as to read in its entirety as follows:

Sec. 94-220. Minimum living areas and setbacks.

Within the residential low (RL) district II, the following minimum living areas and minimum house setbacks are established to be:

TABLE I

SUBDIVISION TITLE	MINIMUM LIVING AREA* (square feet)		MINIMUM HOUSE SETBACK** (feet)			
	1st Floor	2nd Floor	Front	Side	Rear	Water
BELLEAIR BEACH 1st Addition:						
Lots 1, 2, and 3	1,000	200	25	15 <u>7</u>	—	30
Lot 4	1,000	200	25	10	25	30
Units A, C, E and D	1,000	200	25	7	7	30
MCLAUGHLIN	1,000	200	25	7	7	30
BB YACHT CLUB ESTATES:						
Units A and B	1,500	250	25	7	7	30
Unit C	1,250	500	25	7	7	30
Units D, F and G	1,000	200	25	7	7	—
BELLEVUE ESTATES:						
Lots 1 and 2	1,200	200	25	10	15	—
1st Addition:						
Lots 13—24	1,200	200	25	10	15	—
Lots 25 and 27	1,500	200	25	10	—	30
(Lot 26 is a public park)						
2nd Addition:						
Lot 29	1,500	200	25	10	—	30
Lots 30 and 31	1,200	200	25	10	15	—

Lots 1—18	1,000	200	25	7	7	—		
Lots 19—53	1,500	200	25	7.5	—	30		
Water Lot A	1,000	200	25	7	—	25		
BILTMORE ISLES								
Single-story	1,350	—	25	7.5	—	30		
Two-story	1,100	250	25	7.5	—	30		
BELLE ISLE								
Single-story	1,500	—	25	10	—	25		
Two-story	1,500	—	25	10	—	25		
Except the following lots in Belle Isle which may have 7.5 foot side setbacks			Lots 1, 2, 6, 7, 8, 11—15, 37, 38, 42—44, 46—48, 51-53, 55, 59, 61—63					

* The term "living area" is defined as all enclosed areas of a dwelling, except garages, porches, facades and patios.

** House setback may be subject to modifications under certain circumstances (see division 3 of this article).

SECTION FIVE. Amend Section 94-251. Fences, walls and hedges.

The Code of Ordinances of the City of Belleair Beach, is hereby amended by removing all language that is shown stricken and adding all language shown as underscored, so as to read in its entirety as follows:

The following regulations shall apply to all fences, walls and hedges within the city:

- (1) All hedges on residential property not bounded, in whole or part, by any waterway shall not exceed a height of eight feet in the required side or rear setback area. A fence or wall is not permitted in the required front setback area. A hedge may be grown in the front setback area of residential property but shall not exceed three feet in height. Fences and walls on residential property not bounded, in whole or part, by any waterway shall not exceed six feet in height.
- (2) On property bounded in whole or part by any body of water, a hedge shall not exceed a height of eight feet in the required side setback area. A hedge or fence shall not exceed a height of four feet in the required rear (water) setback area within twelve feet of the sea wall, but a fence may rise to a height of six feet and a hedge may rise to a height eight feet otherwise. A hedge may be grown in the front setback area of residential property but shall not exceed three feet in height. Fences and walls on residential property bounded, in whole or part, by any waterway shall not exceed six feet in height, except along the seawall which shall not exceed four feet. Fences and walls on residential projects adjacent to public property (i.e., a city-owned park), in whole or part, by any waterway shall not exceed six feet in height. Fences, walls, and hedges shall be permitted on but not placed beyond or overgrowing the waterfront facing side of the seawall cap.
- (3) Height shall be measured from the grade as measured at any point along either side of the fence, wall or hedge.

- (4) Hedges shall, at all times, be maintained and trimmed to a height not to exceed the maximum limits set forth in subsections (1) and (2) of this section. Maintenance of the hedge is the sole responsibility of the owner of the property on which the hedge is planted, and such owner shall take all reasonable steps to prevent the hedge from encroaching on or otherwise affecting any neighboring properties.
- (5) Setback areas adjacent to county roads (Causeway and Gulf Boulevards) right-of-way and the side of the properties adjacent to a city park or the city access ("back bay trail") easements may have fences and walls not to exceed six feet, or a hedge without a limit on its height. This subsection shall be applicable to adjacent setback areas on the side, rear or front of residential properties.
- (6) All fences and walls shall be constructed so that the finished surface faces the street and adjacent property. Post heights shall not exceed the fence heights by more than 18 inches and posts exceeding fence height limitations will be no closer than six feet apart, except when gate posts are required.
- (7) Except for completely screened enclosures commonly referred to as "bird cages," all swimming pools constructed within the city limits shall be enclosed by a fence or wall with a minimum height of four feet and shall be attached on one or more sides to a structure. On waterfront lots, the seawall side of a swimming pool may be left unprotected, but the other three sides shall be enclosed by a wall or fence with a minimum height of four feet running from the house to the sideline and then to the water's edge. All fences or walls shall have an accessible gate to the swimming pool area. [See exhibits E and F at the end of this chapter.]
- (8) A fence, wall or hedge may not be constructed in any recorded easement unless verification that all utility users have no objection to its construction and that the fence, wall or hedge will not impede the function of any drainage system. A fence, wall or hedge shall not be allowed in any easement or right-of-way recorded for ingress/egress access purposes. Maintenance of easements and replacement of any fence, wall or hedge removed by any utility shall be the responsibility of the property owner.
- (9) A construction permit is required before erecting a fence or wall.
- (10) Fence made with barbed wire, corrugated metal, or sheet aluminum or similar materials shall not be permitted on any residential property within the city.
- (11) All fences and walls shall comply with the provisions of the Florida Building Code.
- (12) Wooden fence posts shall be pressure treated or otherwise preserved to resist decay, corrosion and termite infestation.
- (13) Walls may be constructed of concrete, concrete block, stone, brick or similar masonry material commonly used in wall construction in Pinellas County. All exposed surfaces of masonry walls must be of finished materials, including brick, stone, tile, or painted or tinted stucco. Except for split block, concrete and concrete block walls shall be finished with a painted or tinted stucco finish on both sides. These finishes must be applied so as to completely conceal coursework.

If a wall is to be placed on a shared property line, consent for access must be obtained from the adjoining property owner(s) prior to finishing the opposite side of the wall. If such consent cannot be obtained, the property owner erecting the wall must present proof

that a request for access approval was mailed to every adjacent property owner, by certified mail, return receipt requested, to the mailing addresses as listed in the most current county tax roll, and the mailing was returned undeliverable or the adjacent property owner(s) failed to respond to the request within 30 days after receipt. Upon such a showing, the property owner erecting the wall shall not be required to finish the opposite side of the wall.

- (14) It is the legislative intent of this section that a fence or wall shall not be erected, constructed or maintained in the required front setback area.
- (15) Views on waterfront property. It is the policy of the city council, for purposes of this section, that the vista of the water area from a waterfront property is perpendicular to the property line along the water from grade to a plane of six feet.
- (16) Hedges and other planting material shall be maintained so as not to overhang into an abutting property. Trees shall be maintained so as to not overhang into an abutting property between ground level and eight feet.
- (17) All fences or walls shall have at least one gate or opening so as to provide access from the front yard.
- (18) Maintenance. All fences, walls and hedges shall be maintained in a safe, nonhazardous condition and good appearance; specifically:
 - a. A fence or wall shall be maintained in a vertical position, and shall not be allowed to sag or lean at more than ten degrees from vertical, unless the fence or wall is specifically designed and permitted to be maintained at such an angle.
 - b. Rotten or missing boards in a fence shall be replaced.
 - c. Each support post or footer shall be solidly attached to the ground.
 - d. Each fence stringer shall be securely fastened to the support posts and face of the fence.
 - e. Each fence shall be securely fastened to the support post and fence stringers.
 - f. Walls and fences, unless of natural materials or galvanized, shall be properly painted, stained, treated or otherwise maintained so as to present a uniform appearance; however, this section is not intended to prohibit the maintenance of fences in which a deteriorated section of the fence is replaced with new material which will take some time to "age" or "weather" to replicate the appearance of the original fence.
 - g. Fence boards may be replaced on any nonconforming fence provided the posts are not replaced.
 - h. Dead hedge material shall be removed.
- (19) All temporary fences used at a construction site for the purpose of security or protection may, at the discretion of the city manager, be exempt from the provisions of this section provided they do not obstruct the vision of motor vehicle operators or create other hazards to public safety.
- (20) Retaining wall. When a retaining wall is combined with a wall, fence, or hedge, the height of the fence, wall or hedge shall include the height of the retaining wall.

- (21) Earth berms. Earth berms are not permitted under the city code. The creation of new earth berms on any property within the corporate limits of the city shall constitute a violation of the city's NPDES permit and chapter 62 of this Code and must be removed by the property owner.
- (22) Double frontage lots. For the purposes of fence, wall or hedge placement on double frontage lots, the front yard shall be the side of the property from which the property is addressed. The placement of any fence, wall or hedge on this side of the property shall adhere to the front setback provisions in subsections (1) and (6). The opposite side of the property shall be considered a rear yard and adhere to the provisions applicable to the rear yard.
- (23) Required setback areas. For purposes of this section, exhibits A—D illustrate the required setback areas and the maximum height of a fence, wall, or hedge on waterfront and nonwaterfront lots.

....

SECTION SIX. Amend Section 94-255. Alterations, improvements and repairs.

The Code of Ordinances of the City of Belleair Beach, is hereby amended by removing all language that is shown stricken and adding all language shown as underscored, so as to read in its entirety as follows:

Sec. 94-255. Alterations, improvements and repairs.

- (a) *Generally.* The city shall be empowered to order the owner of an existing structure within the city to repair such existing structure which, through deterioration, damage or other cause is a threat to the health and well-being of the occupants or nearby residents. Failure by the owner to honor such order shall result in the city seeking a court order to evict the occupants of such structure and, in extreme cases, to raze, or have razed, the structure.
- (b) *Conforming structures.* If the owner of a structure desires to make structural alterations to, or substantial improvement of, an existing structure, all work shall be done in conformity with the provisions of this chapter.
- (c) *Nonconforming structures.* If the owner of a structure desires to make structural alterations to, or substantial improvement of, an existing nonconforming structure, any such changes which are in conformity with the provisions of this chapter shall be permitted; however, changes which perpetuate the nonconformity shall not be permitted.
- (d) *Remodeling.* Permits for remodeling shall require certification of the total value of all labor and materials, including out-of-pocket costs as well as the contractor's contract price, in compliance with the Federal Emergency Management Agency's (FEMA) flood insurance requirements. ~~Any permit application for which the total value exceeds \$20,000.00 shall be required to have a certified appraisal of the value of the structure to be remodeled or added to.~~ The current structural value, as established by the Pinellas County Property Appraiser for FEMA substantial improvement determinations, shall be submitted with remodeling permits. The person designated as building official by the city or the building inspector shall reserve the right to obtain an independent appraisal of such structure at the applicant's expense, and shall have the right to deny any such permit.

SECTION SEVEN. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply in the City of Belleair Beach. This ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date.

SECTION EIGHT. REPEAL OF ORDINANCES IN CONFLICT.

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION NINE SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION TEN. EFFECTIVE DATE.

This Ordinance shall be effective upon adoption by the City Council and approval by the Mayor in accordance with the Charter of the City of Belleair Beach.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the City Council of the City of Belleair Beach, upon the second and final reading this ____ day of _____, 2024.

Dave Gattis, Mayor
Frank Bankard, Council Member
Lloyd Roberts, Council Member
Kim Shaw Elliott, Council Member

I hereby approve this Ordinance:

Dave Gattis, Mayor

ATTEST:

Renee Rose, City Clerk

_____, 2024

Business Impact Estimate

Proposed ordinance's title/reference: **Ordinance No. 2024-__**

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, AMENDING THE BELLEAIR BEACH CODE OF ORDINANCES, SPECIFICALLY THE LAND DEVELOPMENT CODE SO AS TO AMEND SECTION 94-2, DEFINITIONS; SECTION 94-172, FENCES; SECTION 94-220, MINIMUM LIVING AREA AND SETBACKS; SECTION 94-251, FENCES, WALLS, AND HEDGES; SECTION 94-255, ALTERATIONS, IMPROVEMENTS AND REPAIRS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law¹ for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;
 - c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
 - d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

¹ See Section 166.041(4)(c), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance proposes revisions to the Land Development Code (Ch. 94 of the Town's Code of Ordinances) that would result in improvements and efficiencies in the development process in the Town.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur;

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

None.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None.

4. Additional information the governing body deems useful (if any):

The proposed ordinance would not result in more restrictive development standards that would adversely affect private businesses.