City Council Work Session **Monday, April 22, 2024**
City of Belleair Beach, Florida **Community Center, 6:00 PM**

PUBLIC MEETING NOTICE
AGENDA

Call to Order
Pledge of Allegiance
Roll Call

1. Code Review – Chapters 70, 74, 78, 82, 86, 90
2. Discussion of Stormwater Study – Engineer Larry Fluty
3. 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

Chapter 70 CONCURRENCY MANAGEMENT[1]

Sec. 70-1. Definitions.

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

Acceptance of or accepted application for development means that an application for development contains sufficient information, pursuant to existing regulations, to allow continuing review under this division or other regulatory ordinances.

Application for development means any documentation which contains a specific plan for development, including the densities and intensities of development, where applicable, that is presented by any person for the purpose of obtaining a development order or development permit.

Approved final site plan means any site development plan that has been accepted, reviewed, and approved by the city.

Backlogged roadways means roads not designated as constrained that are operating at peak hour level of service E or F and/or a volume-to-capacity of 0.9 or higher and that are not programmed for construction in the first three years of either the city, county or state's adopted work program or the six-year schedule of improvements within the city or county capital improvements element.

Certificate of concurrency means that document issued by the county administrator, or his designee, that is a prerequisite for the issuance of any development order or development permit, except that certificates of concurrency for rezonings shall only be issued such that further development in the rezoned parcel is conditioned upon the availability of sufficient capacity of those public facilities and services required for any project which may be subsequently proposed for that rezoned parcel, or any portion thereof. At a minimum, the certificate of concurrency shall provide information on the following:

(1) Type of proposal;

(2) Effective date of the concurrency test statement utilized in the comparison;

(3) Date of issuance of the certificate of concurrency;

(4) Status of each public facility and service after comparison with the current concurrency test statement; and

(5) Whether or not the development proposal is subject to development limitations, pursuant to application of the transportation management plan for properties located in service protection, constrained or deferral areas and any other limitations that may be identified in an adopted concurrency test statement.

Comprehensive plan means the comprehensive land use plan and future land use map approved and enacted by the city council pursuant to F.S. ch. 163, and as amended from time to time.

Concurrency means that the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

[1]Cross reference(s)—Administration, ch. 2.

Concurrency management corridor means road corridors designated in this section as constrained, congestion containment, or long-term concurrency management.

Concurrency management monitoring system means the data collection, processing and analysis performed by the city to determine levels of service for public facilities and services. Data maintained by the concurrency management monitoring system shall be the most current information available to the city.

Concurrency management system means the procedure and process that the city utilizes to ensure that development orders and permits issued by the city shall not result in an unacceptable degradation of the adopted level of service adopted in the city comprehensive plan.

Concurrency test statement means a public facility and service status report, approved and adopted by ordinance, which, at a minimum, establishes for each public facility and service the following:

(1) The existing and committed development in each service area;

(2) The existing levels of service for each public facility and service;

(3) Congestion containment areas for roads;

(4) Long-term concurrency management areas for roads;

(5) Constrained areas for roads;

(6) Provisions and measures that shall apply within concurrency management corridors to prevent unacceptable degradation of levels of service for any corridor;

(7) Updates of items (1)—(5), above, based upon the most recently adopted six-year schedule of capital improvements from the capital improvements element; and

(8) The methods used in determining the nature of projected development impacts on public facilities and services.

Congestion containment corridor means roads that operate with deficient levels of service where improvements may be planned or scheduled, beyond the next three years, to alleviate the substandard LOS conditions.

Constrained roadway means a roadway, regardless of transportation needs, which is constrained from adding additional capacity. A roadway may be physically constrained or policy constrained. Physical barriers occur when intensive land use development is immediately adjacent to highways making roadway expansion cost prohibitive, or when a facility has reached the maximum through-lane standards. Policy barriers are based on concerns about the impacts of roadway expansion on the environment, neighborhoods and/or local communities. Constrained facilities may be more specifically defined through subsequent amendments to this division or the concurrency test statement.

Corridor means the area within one-half mile of the centerline and within a one-half mile arc radius beyond the terminus of the road segment centerline, and includes properties that are subject to at least one of the following conditions:

(1) *Sole direct access.* A condition where the only means of site ingress/egress is directly onto the road facility, regardless of the distance of that site from the facility.

(2) *Direct access.* A condition in which one or more existing or potential site ingress/egress points makes a direct connection to the road facility and the site is within one-half mile of the road facility.

(3) *Sole indirect access.* A condition where the only point of site ingress/egress is onto a public nonarterial roadway which makes its first and shortest arterial level connection onto a road facility regardless of the distance of that site from the facility. This definition is subject to change by amendment of this

division upon review of anticipated traffic analysis consistent with the comprehensive plan and procedures of this division.

Currently available revenue sources mean an existing source and amount of revenue available to the county.

Deficient facility means a road operating below the adopted level of service standard. Deficient facilities operate at level of service E and F and/or a volume-to-capacity (v/c) ratio of 0.9 or higher.

De minimis means an impact that would not affect more than one percent of the maximum volume at the adopted level of service of the affected transportation facility.

Development has the definition provided in F.S. § 380.04.

Development order means any order granting, denying, or granting with conditions, an application for development.

Development permit means any approved final site plan, building permit, zoning clearance, rezoning, special exception, variance, conditional use, or any other official action of the city having the effect of permitting the development of land.

Final local development order means, for the purposes of this chapter, that last approval necessary to carry out the development requested.

Financial Feasibility means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten years to fully mitigate impacts on the transportation facilities. The requirement that level of service standards be achieved and maintained shall not apply if the proportionate-share process set forth in F.S. § 163.3180(12) and (16), is used.

Level of service (LOS) means a measure of performance and/or of demand versus available capacity of public services and facilities. Regarding roadways, LOS is based primarily on travel speeds on a scale of A through F. Roads operating at LOS A are at optimum efficiency with the lower grade roads reflecting travel conditions that are progressively worse. For the purposes of this chapter and the city concurrency management system, LOS reported for roadways is based on peak hour conditions. Level of service E and F roads and/or roads with a volume-to-capacity (v/c) ratio of 0.9 or more are operating below the adopted level of service standard established in the comprehensive plan and the concurrency test statement.

Long-term concurrency management corridor means a road designated for application of long-term concurrency management provisions which are designed to correct existing level of service deficiencies over a planning period of up to 15 years through the establishment of priorities, implementation of a long-term schedule of capital improvements and through commitment of local resources, such as earmarked impact fee revenues, intended to reduce backlogged conditions.

Proportionate fair share is a provision that allows for development projects to mitigate their impacts through "fair-share" contributions to facilities identified for capacity improvements in the Capital Improvements Element.

Public facilities and services mean those necessary public facilities and services covered by a comprehensive plan element for which level of service standards have been adopted by the city. The necessary public facilities and services are: roads, sanitary sewer, solid waste, drainage, potable water, recreation, and mass transit.

Transportation concurrency means "transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation" [F.S. § 163.3180(2)(c)].

Transportation concurrency management area means a compact geographic area with existing or proposed multiple viable alternative travel paths or modes for common trips. An area-wide level of service standard may be established for specified facilities, and must be maintained, as a basis for the issuance of development orders and permits within one or more designated concurrency management areas.

Transportation management plan, as developed by an applicant representing a proposed development, is submitted in conjunction with individual site plans seeking to utilize transportation management strategies to mitigate development impacts, protect roadway capacity and to increase mobility. These strategies include, but are not limited to, density/intensity reductions, project phasing, access controls, capital improvements and/or incentives encouraging mass transit, bicycle or pedestrian travel, ride-sharing or roadway improvements.

Transportation Regional Incentive Program (TRIP) is a funding program created to improve regionally significant transportation facilities in "regional transportation areas". State funds are available throughout Florida to provide incentives for local governments and the private sector to help pay for critically needed projects that benefit regional travel and commerce.

Volume-to-capacity (v/c) ratio means the rate of traffic flow of an intersection approach or group of lanes during a specific time interval divided by the capacity of the approach or group of lanes. Volume-to-capacity ratios provide a measure of traffic congestion and are utilized in the concurrency management system to identify congested road segments and to minimize the transportation impacts of development projects that affect them.

(Ord. No. 94-14, § 1(27-22(a)), 9-7-1994; Ord. No. 06-13, §§ 1, 2, 1-8-2007)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 70-2. Concurrency review.

A certificate of concurrency shall be required prior to the issuance of a building permit within the city. A certificate of concurrency shall automatically expire simultaneously with the expiration of the building permit to which it applies. If a time extension is granted prior to the expiration of a building permit, the accompanying certificate of concurrency shall be automatically renewed for the length of the time of the extension.

(Ord. No. 94-14, § 1(27-22(b)), 9-7-1994)

Sec. 70-3. Level of service standards.

Level of service (LOS) standards within the city shall be as follows:

Potable water	LOS 145 gals./day/capita (including nonresidential)
	Number of gallons required shall be determined by multiplying the LOS (persons/unit) by the total number of units
	Maximum demand: 42,125.4 gals./day (the county has committed to provide service)
Solid waste	LOS 7.1 lbs./day/capita (including nonresidential)
	Number of pounds produced shall be determined by multiplying the LOS (persons/unit) by the total number of units
Sanitary sewers	LOS 104 gpcd (including nonresidential)
	Number of gallons required shall be determined by multiplying the LOS (persons/unit) by the total number of units
	Maximum demand: 30,214 gals./day, (the county has committed to provide service)
Parks and recreation	LOS 3 acres/1,000 persons
	1 tennis court/2,000 persons, 1 boat ramp/1,000 persons
	Ultimate demand: 2,168 persons at 3 acres per 1,000 persons = 3 × (2,168/1,000) = 6.504 acres (9.45 acres are available)
Stormwater	100-year, 24-hour storm event (on a permit-by-permit basis)

Transportation	LOS A

(Ord. No. 94-14, § 1(27-22(c)), 9-7-1994)

Sec. 70-4. Exempt development.

If a proposed development within the city relates to land use of such a low intensity as to have minimal effect, if any, upon the level of service standards set forth in the comprehensive plan, the development shall be exempt from concurrency review, as well as all developments not exceeding the established threshold of 150 trips (ADT).

(Ord. No. 94-14, § 1(27-22(d)), 9-7-1994)

Sec. 70-5. Concurrency evaluation.

Because of the limited development potential of the city and the ability to meet projected demand for both parks and recreation and stormwater management, a concurrency management system for the city will be limited to a yearly monitoring of capacity drawdown and an update of facility consumption with the five-year evaluation and appraisal report.

(Ord. No. 94-14, § 1(27-22(e)), 9-7-1994; Ord. No. 14-06, § 1, 9-8-2014)

Sec. 70-6. Concurrency requirements.

(a) The City of Belleair Beach shall not issue development permits which result in a reduction in the level of service (LOS) for affected public facilities, infrastructure, or services below the LOS standards set forth in the adopted comprehensive plan.

(b) Except as provided in subsections (c), (d) and (e) of this section, development permits shall only be issued if public facilities, infrastructure, or services required to satisfy the adopted LOS standard are available at the time the development impacts occur, consistent with the following concurrency requirements:

  (1) The facilities required to meet the LOS standards as set forth in the comprehensive plan are in place or under construction at the time a development permit is issued;

  (2) A development permit is issued subject to a condition that the facilities required to meet the LOS standards as set forth in the comprehensive plan will be in place when the impacts of the development occur; or

  (3) The facilities are the subject of an enforceable development agreement that includes the provisions of subsection (b)(1) and (2) of this section.

(c) For park and recreation facilities, in addition to the provisions of subsection (b)(1)—(3) of this section, the concurrency requirement may be satisfied if:

  (1) At the time the development permit is issued the necessary facilities and services are the subject of a city contract which provides for the commencement of the actual construction of the required facilities or the provision of services within one year of the issuance of the development permit; or

  (2) The necessary facilities and services are guaranteed in an enforceable development agreement with the city which requires the commencement of the actual construction of the facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable

development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220, or an agreement or development order issued pursuant to F.S. ch. 38.

(d) For transportation, including roads and mass transit, in addition to the requirements of subsection (b) above, the concurrency requirement shall be satisfied if:

(1) A development order or building permit is issued subject to the condition that the necessary transportation facilities and services needed to serve the new development are scheduled to be in place or under actual construction not more than three years after issuance of a building permit. The required transportation facilities and services for the city's two main arterial roadways (Gulf Boulevard and Causeway Boulevard) shall be provided for in the Capital Improvement Element of Pinellas County Comprehensive Plan (CIE) which shall govern permitted levels of service.

(2) At the time a development permit is issued, the necessary transportation facilities and services are to be provided pursuant to the terms of an enforceable written agreement which requires the necessary transportation facilities and services to serve the new development to be in place or under actual construction no more than three years after issuance of a building permit; or

(3) At the time a development permit is issued, the necessary transportation facilities and services are to be provided pursuant to the terms of an enforceable written agreement entered into under the provisions of F.S. §§ 163.3220—163.3243 (the "Florida Local Government Development Agreement Act") or an agreement or development order permit issued under the provisions of F.S. ch. 380, which requires the necessary transportation facilities and services to serve the new development to be in place or under actual construction no more than three years after issuance of a building permit.

(e) If a proposed development is determined not concurrent for transportation, the applicant may choose to satisfy the transportation concurrency requirement by making a proportionate fair-share contribution pursuant to section 70-7. This section does not apply to developments of regional impact (DRIs) or developments exempted by subsection (f) from meeting transportation concurrency.

(f) For transportation, including roads and mass transit, the concurrency requirement shall not be imposed if the proposed development would have only a de minimis impact. No impact will be de minimis if the sum of the existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility. Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated hurricane evacuation routes. However, an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway.

(g) The level of service standards shall be applied to applications for development permits as follows:

(1) *Solid waste level of service standard:* All applications for development orders or development permits.

(2) *Drainage level of service standard:* All applications for development orders or development permits.

(3) *Water and sewer level of service standards:* The level of service standards shall be applied to applications for development orders or development permits as they may be specified in the comprehensive plan.

(4) *Parks:* All applications for development orders or development permits for residential projects.

(5) *Roads:* All applications for development orders or development permits.

(h) The concurrency requirement test shall be applied prior to the approval of an application for a development permit.

(Ord. No. 06-13, § 3, 1-8-2007)

Sec. 70-7. Proportionate fair-share option.

(a) The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with F.S. § 163.3180(16).

(b) The Proportionate Fair-Share Program as set forth in this section shall apply to all developments in the city that impact a road segment in the city concurrency management system and have been identified by the city's engineer or traffic consultant as falling below the LOS set for that road segment or segments. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate share under F.S. § 163.3180(12), or to developments meeting the de minimis standards under section 70-6(e).

(c) An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, if the proposed development is consistent with the following requirements:

(1) The proposed development is consistent with the comprehensive plan and applicable land development regulations.

(2) The five-year capital improvements element of the City of Belleair Beach comprehensive plan (CIE) or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes a transportation improvement(s) that, upon completion, will satisfy the requirements of the city transportation concurrency management system. The provisions of section 70-6(d) may apply if a project or projects needed to satisfy concurrency are not presently contained within the CIE or an adopted long-term schedule of capital improvements.

(d) The city may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by contributing to an improvement that, upon completion, will accommodate additional traffic generated by the proposed development but is not contained in the CIE where one of the following apply:

(1) The city adopts by resolution or ordinance, a commitment to add the improvement to the CIE or long-term schedule of capital improvements for an adopted long-term concurrency management system no later than the next regular update. To qualify for consideration under this section, the proposed improvement must be approved by the city council and after review by the city manager or his designee and must be determined to be financially feasible, consistent with the comprehensive plan, and in compliance with the provisions of this article.

(2) If the funds in the adopted CIE are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the city may require a proportionate fair-share payment for another improvement which will, in the opinion of the city, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share component must be adopted into the CIE at the next annual capital improvements element update and approved by the city council after review by the city manager or his designee.

(e) Any improvement project proposed to meet the developer's fair-share obligation must meet the design standards for the city. In addition, any such improvement project performed upon a state or Pinellas County roadway must meet the design standards of the State of Florida or Pinellas County, respectively.

(f) An applicant desiring to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution shall:

(1) Upon notification of a failure to satisfy transportation concurrency, submit a proposed proportionate fair-share calculation to the city for review.

(2) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the Strategic Intermodal System requires the concurrence of the Florida Department of Transportation (FDOT); and

(3) Enter into a binding written agreement providing for the fair-share contribution as provided for in section 70-6(d).

(g) When a proportionate fair-share calculation is deemed sufficient and eligible, a development order will be prepared between the city and the applicant. The stipulations of the development order shall include but not be limited to the amount of payment, description of work and timing of payment.

(h) In determining the proportionate fair-share obligation the following shall apply:

(1) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

(2) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

(3) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

a. The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build-out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted LOS, multiplied by the anticipated construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS. For purposes of this subsection, "construction costs" includes all associated costs of the improvement or

b. Proportionate Fair-Share = σ[(Development Trips(;subsub;)/(SV Increase(;sub .....

Where:

Development Trips(i) = Those trips from the development that are assigned to roadway segment (i) and have triggered a deficiency per the concurrency management system;

SV Increase(i) = Service volume increase provided by the eligible improvement per section 70-7(c) to roadway segment (i);

Cost(i) = Adjusted costs of the improvement to segment (i). Such costs shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, permitting, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

(i) For the purposes of determining proportionate share obligations, the city shall determine improvement costs based upon the anticipated cost of the improvement as obtained from the CIE, the MPO/TIP or the FDOT Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods:

(1) An analysis by the city of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the city council. Such costs shall include, but are not limited to, all improvements and associated costs, such as design, right-of-way acquisition, planning, permitting, engineering, inspection, and physical development costs directly associated with construction. In order to accommodate increases in construction material costs, project costs shall be adjusted by inflation factors; or

(2) The most recent issue of FDOT "Transportation Costs", as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT work program shall be determined using this method in coordination with the FDOT district.

(3) In order to conduct an analysis of cost and related issues, the city may retain the services of a transportation planner or engineering consultant to assist the city in analyzing a development proposal for its proportionate fair-share obligations, the cost of which is paid by the developer to the city prior to the city processing and review of a development application and issuance of the development order or permit.

(j) If the city has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in subsection (i) above.

(k) If the city has accepted right-of-way dedication for all or a portion of the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of dedication by appropriate city staff or, at the option of the applicant, by fair market value established by an independent appraisal approved and hired by the city and paid for by the applicant at no expense to the city. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the city at no expense to the city. If the estimated value of the right-of-way dedication proposed by the applicant is less than the city estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference.

(l) An applicant desiring to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution shall receive an impact fee credit as follows:

(1) Proportionate fair-share contributions shall be applied as a credit against impact fees to the extent that all or a portion of the proportionate fair-share mitigation is used to address the same capital infrastructure improvements contemplated by the city's impact fee ordinance.

(2) Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced as they become due per the city's impact fee ordinance. If the applicant's proportionate fair-share obligation is less than the development's anticipated road impact fee for the specific stage or phase of development under review, then the applicant or its successor must pay the remaining impact fee amount to the city pursuant to the requirements of the impact fee ordinance.

(3) Any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other parcel or parcels of real property within the city.

(m) Revenues received from an applicant desiring to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution shall be apportioned as follows:

(1) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the city capital improvements program or the long-term concurrency management system.

(2) In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor that would mitigate the impacts of development pursuant to the requirements of section 70-7(d)(2).

(n) Any such transportation improvements authorized under this section and which are to be completed by the developer in order to meet a proportionate fair share contribution must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security

instrument that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed before issuance of building permits or certificates of occupancy.

(o) Dedication of necessary right-of-way for transportation facility improvements in order to meet a proportionate fair share contribution must be completed prior to issuance of the final development order or recording of the final plat.

(p) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

(Ord. No. 06-13, § 4, 1-8-2007)

Sec. 70-8. Conflict with other instruments.

In case of conflict between Ordinance No. 06-13 or any part thereof and the whole or part of any existing or future Ordinances of the City of Belleair Beach, Florida, or the whole or part of any existing or future private covenants or deeds, the most restrictive regulations in each case shall apply.

(Ord. No. 06-13, § 5, 1-8-2007)

Chapter 74 FLOODPLAIN MANAGEMENT ORDINANCE[1]

ARTICLE I. IN GENERAL

Secs. 74-1—74-30. Reserved.

Sec. 74-31. Title.

These regulations shall be known as the floodplain management ordinance of the City of Belleair Beach,

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-32. Scope.

The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-33. Intent.

The purposes of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

[1]Editor's note(s)—Ord. No. 12-04A, § 1, adopted June 3, 2013, repealed the former chapter 74, §§ 74-31—74-41, 74-61—74-64 and 74-91—74-96, and § 2 of Ord. No. 12-04A enacted a new chapter 74 as set out herein. The former chapter 74 pertained to flood protection. See the Code Comparative Table for the chapter's ordinance history.

Cross reference(s)—Buildings and building regulations, ch. 10; environment, ch. 22; marine structures, activities and facilities, ch. 30; streets, sidewalks and other public ways, ch. 50; utilities, ch. 62; planning, ch. 78; subdivisions, ch. 90; zoning, ch. 94.

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-34. Coordination with the Florida Building Code.

This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-35. Warning.

The degree of flood protection required by this chapter and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-36. Disclaimer of liability.

This chapter shall not create liability on the part of City Council of the City of Belleair Beach or by any elected or appointed officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-37—74-60. Reserved.

ARTICLE II. APPLICABILITY

Sec. 74-61. General.

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-62. Areas to which this chapter applies.

This chapter shall apply to all flood hazard areas within the city, as established in section 74-63 of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-63. Basis for establishing flood hazard areas.

The Flood Insurance Study for Pinellas County, Florida and Incorporated Areas dated August 18, 2009, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (firm), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the office of the Belleair Beach City Manager located at 444 Causeway Boulevard, City of Belleair Beach, Florida 33786.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-64. Submission of additional data to establish flood hazard areas.

To establish flood hazard areas and base flood elevations, pursuant to section 74-92 of this chapter the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-65. Other laws.

The provisions of this chapter shall not be deemed to nullify any provisions of local state or federal law.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-66. Abrogation and greater restrictions.

This chapter supersedes any provision in the City Code in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing chapters including but not limited to land development regulations, zoning ordinances, or stormwater management regulations or Florida Building Code. In the event of a conflict between this chapter and any other chapter, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-67. Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-68—74-70. Reserved.

ARTICLE III. DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

Sec. 74-71. Designation.

The Belleair Beach City Manager is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-72. General.

The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to article VI of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-73. Applications and permits.

The floodplain administrator, in coordination with the city manager and the building official, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-74. Substantial improvement and substantial damage determinations.

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this chapter is required.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-75. Modifications of the strict application of the requirements of the Florida Building Code.

The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to article VII of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-76. Notices and orders.

The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-77. Inspections.

The floodplain administrator shall make the required inspections as specified in article VI of this chapter for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-78. Other duties of the floodplain administrator.

The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 74-74 of this chapter;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code and this chapter to determine that such certifications and documentations are complete;

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Belleair Beach are modified; and

(6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier

Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-79. Floodplain management records.

Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the Belleair Beach Community Center.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-80. Reserved.

ARTICLE IV. PERMITS

Sec. 74-81. Permits required.

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-82. Floodplain development permits or approvals.

Floodplain development permits or approvals shall be issued pursuant to this chapter for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-83. Buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter and in accordance with permitted uses in the City of Belleair Beach, but only to the extent that they are not inconsistent with permitted uses in the Belleair Beach Building and Zoning Code.

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-84. Application for a permit or approval.

To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in article V of this chapter.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the floodplain administrator.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-85. Validity of permit or approval.

The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other chapter of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-86. Expiration.

A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-87. Suspension or revocation.

The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other chapter, regulation or requirement of this community.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-88. Other permits required.

Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Southwest Florida Water Management District; F.S. § 373.036.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.

(3) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.

(4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

(5) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(6) Federal permits and approvals.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-89, 74-90. Reserved.

ARTICLE V. SITE PLANS AND CONSTRUCTION DOCUMENTS

Sec. 74-91. Information for development in flood hazard areas.

The site plan or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with section 74-92(a) of this chapter.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with section 74-92(a) of this chapter.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

(8) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

(9) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-92. Information in flood hazard areas without base flood elevations (approximate zone A).

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or, require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions or where the available data are known to be scientifically or technically incorrect or otherwise inadequate.

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-93. Additional analyses and certifications.

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in section 74-94 of this chapter and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 74-94 of this chapter.

(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-94. Submission of additional data.

When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-95—74-100. Reserved.

ARTICLE VI. INSPECTIONS

Sec. 74-101. General.

Development for which a floodplain development permit or approval is required shall be subject to inspection.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-102. Development other than buildings and structures.

The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-103. Buildings, structures and facilities exempt from the Florida Building Code.

The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-104. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 74-92(b)(2) of this chapter, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-105. Buildings, structures and facilities exempt from the Florida Building Code, final inspection.

As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 74-104 of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-106—74-110. Reserved.

ARTICLE VII. VARIANCES AND APPEALS

Sec. 74-111. General.

The Belleair Beach Board of Adjustment or any successor body or individual (hereinafter referred to as BOA) shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the BOA shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-112. Appeals.

Any person aggrieved by the decision of the BOA may appeal such decision to the Circuit Court, as provided by Florida Statutes which shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-113. Limitations on authority to grant variances.

The BOA shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 74-117 of this chapter, the conditions of issuance set forth in section 74-118 of this chapter, and the comments and recommendations of the floodplain administrator and the building official. The BOA has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-114. Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in section 74-93 of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-115. Historic buildings.

A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 11, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-116. Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of section 74-114, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-117. Considerations for issuance of variances.

In reviewing requests for variances, the BOA shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-118. Conditions for issuance of variances.

Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

(2) Determination by the BOA that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and chapters; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-119, 74-120. Reserved.

ARTICLE VIII. VIOLATIONS

Sec. 74-121. Violations.

Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of this chapter. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of

compliance required by this chapter or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-122. Authority.

For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-123. Unlawful continuance.

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law in section 2-248 of the City Code.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-124—74-130. Reserved.

ARTICLE IX. DEFINITIONS

DIVISION 1. GENERAL

Sec. 74-131. Scope.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this section.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-132. Terms defined in the Florida Building Code.

Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-133. Terms not defined.

Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 12-04A, § 2, 6-3-2013)

DIVISION 2. DEFINITIONS

Sec. 74-134. Definitions.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

ASCE 24 means a standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 1612.2.]

Basement means the portion of a building having its floor sub-grade (below ground level) on all sides. [Also defined in FBC, B, Section 1612.2.]

Coastal construction control line means the line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Design flood means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

(1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not

specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 1612.2.]

Development means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before May 14, 1971. [Also defined in FBC, B, Section 1612.2.]

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 1612.2.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 1612.2.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 1612.2.]

(1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 1612.2.]

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 1612.2.]

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 11, Historic Buildings.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(1) *Letter of map amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) *Letter of map revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) *Letter of map revision based on fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) *Conditional letter of map revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck means as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 1612.2.]

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual

cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction means for the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 14, 1971 and includes any subsequent improvements to such structures.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 1612.2.]

Start of construction means the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 1612.2.]

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 1612.2.]

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 1612.2.]

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

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

Variance means a grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 12-04A, § 2, 6-3-2013)

Cross reference(s)—Definitions generally, § 1-2.

Secs. 74-135—74-140. Reserved.

ARTICLE X. FLOOD RESISTANT DEVELOPMENT

DIVISION 1. BUILDINGS AND STRUCTURES

Sec. 74-141. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.

Pursuant to section 74-83 of this chapter, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of division 5 et seq. of this article.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-142 Buildings and structures seaward of the coastal construction control line.

If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, Building Section 3109 and Section 1612 or Florida Building Code, Residential Section R322.

(2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-143—74-150. Reserved.

DIVISION 2. SUBDIVISIONS

Sec. 74-151. Minimum requirements.

Subdivision proposals shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in zones AH and AO adequate drainage paths shall be provided to guide floodwaters around and away from proposed structure.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-152. Subdivision plats.

Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;

(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 74-92(a) of this chapter; and

(3) Compliance with the site improvement and utilities requirements of division 3 of this article.

(Ord. No. 12-04A, § 2, 6-3-2013)

Secs. 74-153—74-160. Reserved.

DIVISION 3. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

Sec. 74-161. Minimum requirements.

All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards in zones AH and AO adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(4) Stormwater drainage and discharge prohibitions shall comply to the requirements in city ordinance chapter 62 utilities, section 62-73.

(Ord. No. 12-04A, § 2, 6-3-2013; Ord. No. 14-07, § 1, 9-8-2014)

Sec. 74-162. Sanitary sewage facilities.

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-163. Water supply facilities.

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-164. Limitations on sites in regulatory floodways.

No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 74-93(a) of this chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-165. Limitations on placement of fill.

Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-166. Limitations on sites in coastal high hazard areas (zone V).

In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 74-93(d) of this chapter demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with section 74-178 of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

DIVISION 4. TANKS

Sec. 74-167. Underground tanks.

Underground liquid propane tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(Ord. No. 12-04A, § 2, 6-3-2013; Ord. No. 17-01 , § 1, 3-6-2017)

Sec. 74-168. Above-ground liquid propane tanks, not elevated.

Above-ground liquid propane tanks that do not meet the elevation requirements of section 74-169 of this division shall:

(1) Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(2) Not be permitted in coastal high hazard areas (zone V).

(Ord. No. 12-04A, § 2, 6-3-2013; Ord. No. 17-01 , § 1, 3-6-2017)

Sec. 74-169. Above-ground liquid propane tanks, elevated.

Above-ground liquid propane tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(Ord. No. 12-04A, § 2, 6-3-2013; Ord. No. 17-01 , § 1, 3-6-2017)

Sec. 74-170. Liquid propane tank inlets and vents.

Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood;

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(3) The setback and concealment provisions set forth in section 10-174 of this code as they pertain to swimming pools shall be applicable to below ground and above ground liquid propane tanks; and

(4) All tanks, whether above ground or below ground, shall be installed in such manner and in such place on the property as to allow reasonable access by propane delivery vehicles.

(Ord. No. 12-04A, § 2, 6-3-2013; Ord. No. 17-01 , § 1, 3-6-2017)

DIVISION 5. OTHER DEVELOPMENT

Sec. 74-171. General requirements for other development.

All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of 74-164 of this chapter if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-172. Fences in regulated floodways.

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 74-164 of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-173. Retaining walls, sidewalks and driveways in regulated floodways.

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 74-164 of this chapter and shall also comply to the requirements in city ordinance chapter 62 utilities, section 62-73.

(Ord. No. 12-04A, § 2, 6-3-2013; Ord. No. 14-07, § 2, 9-8-2014)

Sec. 74-174. Roads and watercourse crossings in regulated floodways.

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 74-164 of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 74-93(c) of this chapter.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-175. Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).

In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

(1) Structurally independent of the foundation system of the building or structure;

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

(3) Have a maximum slab thickness of not more than four inches.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-176. Decks and patios in coastal high hazard areas (zone V).

In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-177. Other development in coastal high hazard areas (zone V).

In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(Ord. No. 12-04A, § 2, 6-3-2013)

Sec. 74-178. Nonstructural fill in coastal high hazard areas (zone V).

In coastal high hazard areas:

(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 12-04A, § 2, 6-3-2013)

Chapter 78 PLANNING[1]

ARTICLE I. IN GENERAL

Secs. 78-1—78-30. Reserved.

ARTICLE II. LOCAL PLANNING AGENCY

Sec. 78-31. Purpose.

(a) The purpose of this article is for the city, a municipal corporation, empowered by its Charter to plan for and zone the land lying within its geographical boundaries, to designate its city planning board created under authority of the Charter, as the local planning agency for the preparation of the comprehensive land use plan required by the Local Government Comprehensive Planning Act of 1975.

(b) The city recognizes the need for coordination of planning activities as outlined in the planning act, and wishes to continue its cooperation with the county planning council, but desires to retain for itself the responsibilities of the planning and zoning within its municipal boundaries.

(Ord. No. 86-15, § 2(18-16), 9-8-1986)

Sec. 78-32. Designated.

Under the provisions of F.S. § 163.3171, the city planning board is designated as the local planning agency for the preparation of recommendations for the comprehensive land use plan for the city and for the preparation of materials and documents required by the Local Government Comprehensive Planning Act of 1975.

(Ord. No. 86-15, § 2(18-17), 9-8-1986)

Sec. 78-33. Retention of planning rights, duties and responsibilities.

The city and city council retains for itself and the city planning board all rights, duties and responsibilities allowed under the Charter concerning a comprehensive land use plan and the implementation thereof, and the planning, land use, zoning or rezoning of land within the boundaries of the city, and recognizes the coordinative function of the county planning council.

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[1]Charter reference(s)—Planning, art. VI.

Cross reference(s)—Administration, ch. 2; buildings and building regulations, ch. 10; environment, ch. 22; marine structures, activities and facilities, ch. 30; streets, sidewalks and other public ways, ch. 50; utilities, ch. 62; vegetation, ch. 66; flood protection, ch. 74; signs, ch. 86; subdivisions, ch. 90; zoning, ch. 94.

State law reference(s)—State comprehensive planning, F.S. § 23.11 et seq.; local government comprehensive planning and land development regulation act, F.S. § 163.3161 et seq.

(Ord. No. 86-15, § 2(18-18), 9-8-1986)

Chapter 82 SATELLITE ANTENNAS[1]

Sec. 82-1. Intent.

The intent of this chapter is to ensure the safe and aesthetically pleasing installation of satellite antennas within the city.

(Ord. No. 86-16, § 2(19.5.1), 9-8-1986; Ord. No. 00-06, § 1, 1-8-2001)

Sec. 82-2. 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:

Satellite antenna means any parabolic or spherical antenna which receives signals from orbiting satellites. A satellite antenna shall be considered an accessory structure.

(Ord. No. 86-16, § 2(19.5.2), 9-8-1986; Ord. No. 00-06, § 2, 1-8-2001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 82-3. Standards.

(a) All satellite antennas, regardless of land use designation, shall meet the following requirements:

(1) Any satellite antennas shall be installed and maintained in compliance with the Florida Building and Electric Codes. A construction permit shall be required prior to construction.

(2) The satellite antenna and any part thereof shall maintain vertical and horizontal clearances from any electric lines, conforming to the latest edition of the National Electric Safety Code.

(3) Any satellite antenna installation shall meet all FCC and manufacturer rules and requirements.

(4) Satellite antennas shall be nonreflective.

(5) No advertising or signage of any type is allowed on a satellite antenna.

(b) The following requirements shall apply to all residential land uses:

(1) One satellite antenna per technical function is allowed per single-family residential lot to a maximum of three such antennas. Multiple antennas required to meet each technical function required may be mounted on a fixed tripod or device not to exceed four feet in height adjacent to the side or rear of the dwelling. In case of a multifamily building, a permit for a satellite antenna must be requested by the authorized representative of the multifamily complex.

(2) The satellite antenna must be mounted at a fixed point and it shall not be portable.

(3) The maximum satellite antenna diameter is 24 inches.

[1]Cross reference(s)—Telecommunication towers and antennas, § 94-291 et seq.; franchises, app. B.

(c) The following additional requirements shall apply to all single-family land use:

(1) A satellite antenna shall be mounted to the side and rear roof line. The antenna shall not be placed in area to the front of a residential building, unless the property owner can demonstrate to the satisfaction of the building official that technical requirements on the use of the satellite antenna mandate installation in the front of the residential property for adequate reception. The antenna shall be placed so that the integrity of the side lot setbacks shall be maintained at all times.

(2) On waterfront lots, a satellite antenna is permitted to be mounted on the side of the dwelling, unless technical specification for reception of a signal require mounting the antenna at some other location on the dwelling.

(3) The maximum satellite antenna height shall be no higher than 12 inches above the highest point of the peak of the main roof excluding chimneys, cupolas, or any other accessory structure.

(d) The following additional requirements shall apply to all multifamily buildings:

(1) A satellite antenna shall be permitted only on the roof of the building. Exception: Condominium units on the west side of the structure may install small satellite antennae on the wall within the confines of the unit balcony.

(2) The antennas shall be placed so that the integrity of the side lot setbacks shall be maintained at all times.

(Ord. No. 86-16, § 2(19.5-3), 9-8-1986; Ord. No. 95-14, § 1(19.5-3), 11-6-1995; Ord. No. 00-06, § 3, 1-8-2001; Ord. No. 04-04, § 1, 3-15-2004)

Sec. 82-4. Preexisting antennas.

Any satellite antenna legally permitted prior to the adoption of the ordinance from which this chapter is derived shall be allowed to remain unless it is relocated or replaced. If such preexisting satellite antenna is relocated or replaced, it shall be brought into compliance with the requirements of this chapter.

(Ord. No. 86-16, § 2(19.5-4), 9-8-1986)

Chapter 86 SIGNS[1]

ARTICLE I. IN GENERAL

Sec. 86-1. Scope.

It shall be unlawful to erect or maintain billboards, posters or other advertising signs or similar structures within the city, except as provided in this chapter.

(Ord. No. 86-17, § 2(20-1), 9-8-1986)

Sec. 86-2. Exemptions.

This chapter shall not apply to administrative or safety signs such as office, entrance, exit or fire signs; nor does it apply to private property, no trespassing, traffic or other signs for the benefit of the citizens as authorized by the mayor or other government authority having jurisdiction in the state. In addition, small signs indicating streets, number of houses or family names may be attached to or placed immediately in front of an owner's house.

(Ord. No. 86-17, § 2(20-2), 9-8-1986)

Secs. 86-3—86-30. Reserved.

ARTICLE II. PERMIT

Sec. 86-31. Required.

All persons erecting signs pursuant to section 86-62 shall obtain a permit as set forth in this article.

(Ord. No. 86-17, § 2(20-16), 9-8-1986; Ord. No. 00-07, § 3, 1-8-2001)

Sec. 86-32. Application.

An application for the erection of a sign within the city shall be submitted in writing together with a detailed drawing of the proposed sign showing the width, height, length, total content, color scheme, proposed method of erection and location of the sign on the property. Upon submission of the application to the city, the county building department shall verify that all of the required information is found in the application, and if the application is in order, the county building department shall accept the application.

(Ord. No. 86-17, § 2(20-17), 9-8-1986; Ord. No. 00-07, § 3, 1-8-2001)

[1]Cross reference(s)—Buildings and building regulations, ch. 10; planning, ch. 78.

Sec. 86-33. Review by county building department.

(a) After receipt of an application for the erection of a sign within the city, the county building department shall have reasonable time within which to approve or deny the application, and upon denial of such application shall state the reasons in writing for such denial to the applicant.

(b) In reviewing an application for the erection of a sign within the city, the county building department shall ascertain that the proposed sign meets all of the general provisions set forth in section 86-61 as well as the specific requirements set forth in section 86-62.

(Ord. No. 86-17, § 2(20-18), 9-8-1986; Ord. No. 00-07, § 4, 1-8-2001)

Secs. 86-34—86-60. Reserved.

ARTICLE III. STANDARDS

Sec. 86-61. General provisions.

All signs within the city, either permanent or temporary, shall be subject to the following general provisions:

(1) Flashing activated signs shall be prohibited. Floodlighting of signs shall be authorized, provided:

a. All wiring is located underground;

b. The floodlights are installed at or below ground level; and

c. All lights face at least 45 degrees from the nearest public roadway.

(2) Signs shall be erected upon their own foundation, either as an individual sign or as grouping.

(3) Signs shall be located upon the owner's property between the front building line and the front property line, and not less than 15 feet from the side property lines. Signs shall be erected in such a manner that there will be no encroachment upon or overhang over any county right-of-way, except as otherwise provided in this article.

(4) Signs may be multicolored.

(5) Any sign, including its base, which is broken or damaged, or which becomes unsightly, shall be repaired by the property owner or agent of the owner who is responsible for the sign.

(6) Streamers, ribbons, etc., are not permitted, except for city functions such as garage sales, etc.

(7) All permanent signs shall be required to obtain a building permit issued according to the standard code fee; however, a minimum fee set by the county building department shall be charged. If the sign is to be built by a contractor, such contractor shall be registered in the city. If the sign is to be illuminated, a separate electrical permit shall be required and shall only be obtained by a certified electrical contractor.

(8) Any sign placed on public property, except as otherwise provided for in this Code, may be removed by the city.

(Ord. No. 86-17, § 2(20-30), 9-8-1986; Ord. No. 00-07, § 6, 1-8-2001)

Sec. 86-62. Permanent signs.

In district I, as defined in section 94-135(a), which district is zoned for motels, motel apartments, apartment houses and condominiums, owner identification signs may be erected, subject to the following additional restrictions:

(1) Signs shall be permanently and firmly erected.

(2) Signs, or groups of signs, inclusive of bases, shall not exceed 120 square feet in area or three feet in thickness.

(3) Only one sign, or grouping of signs, containing the name of the business shall be allowed. The sign can be an "A" frame or other similar type double-faced sign.

(4) Signs, or groups thereof, shall not exceed 17 feet in height from the ground, and shall not be more than 15 feet in length.

(Ord. No. 86-17, § 2(20-31), 9-8-1986; Ord. No. 00-07, § 7, 1-8-2001)

Sec. 86-63. Temporary signs.

(a) *Subdivisions, motels, motel apartments and condominiums.*

(1) One construction or trade sign, excluding real estate sales signs, may be erected on a masonry, metal or wood base, or any combination thereof. The sign shall be erected so that the bottom edge of the sign is not less than two feet or no more than three feet above the ground.

(2) Signs shall not exceed 32 square feet in area.

(3) Signs may contain the name of the development, motel or condominium; name, address and telephone number of the owner or developer, architect, sale or rental agency or prime contractor, not to exceed two; and the financing agency.

(4) Signs may not be erected prior to commencement of construction.

(5) Signs shall be removed immediately upon completion of construction, or in the case of a subdivision, the sign shall be removed upon completion of the sale of 70 percent of the developed lots.

(b) *Single-family construction.*

(1) One construction or trade sign, excluding real estate sales signs, may be erected upon a masonry, metal or wood base, or any combination thereof. The sign shall be erected so that the bottom edge of the sign is not less than two feet or more than three feet above the ground.

(2) Signs shall not exceed 12 square feet in area, and shall also include a copy of the construction permit.

(3) The sign may include the name, address and telephone number of the property owner or general contractor.

(4) The sign may not be erected prior to commencement of construction.

(5) The sign shall be removed immediately upon completion of construction, or in the case of a subdivision, the sign shall be removed upon completion of the sale of 70 percent of the developed lots.

(Ord. No. 86-17, § 2(20-32), 9-8-1986; Ord. No. 92-03, § 1, 6-1-1992; Ord. No. 00-07, § 8, 1-8-2001)

Sec. 86-64. Other temporary signs.

(a) *Advertising signs.* It shall be unlawful for any person to place or exhibit any form of advertisement whatsoever upon any property in the city which is zoned for single-family residential use, other than in the following manner:

(1) One double-faced sign may be erected on a vacant lot. The wording of such sign shall not exceed the words "for sale," the name of the owner or broker, the telephone number of the owner or broker and other designations regulated by the state real estate commission, such as "realtor," "broker," "MLS," "exclusive" or "by appointment." Such sign shall not exceed six square feet in area, and may not exceed 60 inches in height at the top of either the sign or its supporting member. On corner lots and waterfront lots, two signs meeting the requirements of this subsection shall be permitted. Placement of signs on corner lots shall not exceed one sign on each street bordering the property. Placement of signs on waterfront lots shall not exceed one sign on the portion of the property facing the street and one sign on the portion of the property facing the water.

(2) A sign bearing the words "no trespassing," and no other language or printed matter whatsoever, may be erected on a vacant lot. If the vacant lot is a waterfront lot, one such sign may be placed on the street side and one sign may be erected facing the water. Such sign shall not exceed six inches in height, 24 inches in width and not more than 48 inches above the ground. Signs shall not be erected on any vacant lot, except as provided in this subsection and subsection (a)(1) of this section.

(3) On buildings offered for sale or rent, one double-faced sign may be erected. The wording of such sign shall not exceed the words "for sale" or "for rent," the name, address and telephone number of the owner or broker and other designations regulated by the state real estate commission, such as "realtor," "broker," "MLS," "exclusive" or "by appointment," or sale related information. Such sign shall not exceed six square feet in area and 60 inches in height at the top of either the sign or its supporting member. On corner and waterfront lots, two signs meeting the requirements set forth in this subsection shall be permitted. Placement of signs on corner lots shall not exceed one sign on each street bordering the property. Placement of signs on waterfront lots shall not exceed one sign on the portion of the property facing the street and one sign on the portion of the property facing the water.

(4) One portable double-faced sign carrying the language "open," "open house" or "open for inspection" may additionally be placed on the property during the time the property is open for inspection. Such sign shall not exceed two square feet in area, including pointing symbols. The sign may be placed on the front of the subject property facing the street. A second sign which duplicates the requirements of this subsection may be placed on adjacent or other area property, other than public property for directional purposes, provided the placement of the sign shall have full cognizance and approval of the affected property owner.

(5) All signs shall be set back a minimum of 15 feet from the edge of the roadway pavement, and may not obstruct the view of vehicular traffic in any way. Other advertising paraphernalia, whether streamers, banners or other attention attracting devices, may not be displayed on the property offered for sale or rent. Such signs shall be removed immediately upon the consummation of the rental or sale transaction.

(6) Not more than two warning signs (i.e., beware of dog, no trespassing, etc.) may be located on a property. Such signs shall not exceed six inches in height, 24 inches in width and not more than 48 inches above the ground.

(7) During construction of a structure, one sign may be erected which shall not exceed 32 square feet in area. Such sign shall contain only the name, address, telephone number and other requirement and/or regulated information, as necessary, of the builder, contractor and/or architect performing such

construction. Any subcontractors' names, addresses and telephone numbers may be displayed as a part of the sign. Supplemental or incidental signs of any person, other than as described in this subsection, shall not be placed upon the subject property, except as required by the city.

(8) With the exception of the "open" signs as set forth in subsection (a)(4) of this section, the additional signs permitted for corner and waterfront lots, and the warning signs set forth in subsection (a)(6) of this section, there shall be no more than one sign placed or exhibited in, on or about any premises at any time.

(9) Signs permitted by this section shall not specify a sales price or terms or rental price or terms.

(b) *Multifamily, business and commercial district signs.* A sign, advertisement or attention-attracting device or material shall not be placed or located on any property located within the city which is zoned for multifamily, business or commercial use, other than in strict compliance and conformity with the applicable provisions of this article.

(c) *Application of existing uses.* Any sign, advertisement or attention-attracting material or device in multifamily, business and commercial districts which was erected or in existence prior to the enactment of the ordinance from which this article is derived, shall be exempt from the provisions of this article. If such sign, advertisement or attention-attracting material or device is the subject of replacement, substantial structural repair or modification, such replacement, repair or modification shall be in conformity with the provisions of this article.

(d) *Open house and garage sale signs.*

(1) *Generally.* One open house or garage sale sign, subject to the same configurations and limitations imposed on "for sale" and "for rent" signs, may be installed upon the property being sold or rented, or where a garage sale is to take place, during the daylight hours of the day when the house is open for inspection or the garage sale is in progress, and such signs shall be removed by sunset of that day.

(2) *Location.* Persons who live on streets other than Gulf Boulevard and Causeway Boulevard may place one temporary open house sign or garage sale sign on the right-of-way of Gulf Boulevard at the end of the street on which their property is located. Such temporary sign shall not be located closer than nine feet to the paved roadway, and shall be placed only on the public property and shall be subject to the provisions of subsection (d)(1) of this section.

(e) *Deviations.* Any deviation from the requirements of this section shall be approved by the county building department upon an application being submitted pursuant to section 86-32.

(Ord. No. 86-17, § 2(20-33), 9-8-1986; Ord. No. 00-07, § 9, 1-8-2001)

Sec. 86-65. Political signs.

(a) First Amendment rights are recognized by the city and the restrictions to political signage as set forth in this section are added to this article only in deference to the aesthetic standards of the city without any attempt to curtail, abridge or amend, in any way, the constitutionally guaranteed right of free expression.

(b) Temporary political signs shall be allowed without payment of any fee, or the requirement of any permit, subject only to the following conditions:

(1) Ballot issues and qualified candidates may display temporary political signs on private property with the consent of the property owner or occupant. One such sign per candidate or issue shall be allowed per property.

(2) Temporary political signs shall not exceed 24 inches by 36 inches (two feet by three feet) in size. Such signs, including the support, shall not exceed 48 inches in height. All setbacks, as set forth in this

article, shall be applicable to political signs, and may not be less than seven and one-half feet from the edge of any road surface, or not less than two feet from any existing sidewalk within the residential property.

(3) Temporary political signs may be displayed 45 days preceding the election or referendum day, up to a maximum of three days following the voting. Failure to remove such signs after the stipulated time limit set forth in this subsection shall result in a civil penalty of $2.00 per day, per sign, which shall be assessed against the candidate for office, referendum committee or person placing the sign in violation of this section.

(Ord. No. 00-07, § 10, 1-8-2001; Ord. No. 10-05, § 1, 11-1-2010)

State law reference(s)—Political signs, F.S. § 106.1435.

Sec. 86-66. Removal and impounding of signs.

All city employees designated by the city manager shall remove and impound any and all signs place or erected on any public right-of-way, utility pole or structure or on any city owned property within the corporate limits of the city after sunset on the day the sign has been installed. All signs removed and impounded will be retained by the city's code enforcement officer for a period not to exceed seven days and, may, thereafter, be destroyed. Any person seeking the return of any impounded sign shall pay a storage and impound fee of $25.00 per sign. The city's code enforcement officer shall make a reasonable effort to identify and notify the owner or agent of the signs before they are subject to destruction.

(Ord. No. 03-10, § 1, 9-8-2003; Ord. No. 15-04, § 1, 7-6-2015)

Sec. 86-67. Penalty for violation.

Any person who violate any provision of this article shall be subject to a civil fine and cost punishable as a class IV violation, as set forth in section 2-317 of this Code, in addition to any other administrative fees that may be imposed by any section of this article.

(Ord. No. 03-10, § 2, 9-8-2003)

ORDINANCE NO. 2023-01

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~~ residential community and its 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. For purposes of this chapter, a sign not bearing a commercial message which is carried by a person (whether worn or held by hand) shall not be considered a portable sign, and such signs shall be permitted to be carried in any location such person is otherwise lawfully allowed to be present, including on the City's sidewalks and parks.

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~~60-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 § 1.02 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 Florida Statutes § 810.011(5)(a).

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 § 94-62(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 § 94-62(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 § 94-2 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~~ 30 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 (2) flags not greater than ~~fifteen~~ forty (~~15~~40) 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~~ 35 feet in height.

2. For each parcel in the RM district, ~~three~~ four ~~-~~flags not greater than ~~twenty-four~~forty ~~(24~~ (40) 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. Nothing in this provision shall be construed to prevent a property owner from affixing the street address in paint to their driveway apron or curb, subject to any requisite.

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 two~~four (4~~(2) 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 § 810.011(13), 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~~ 24 square feet aggregate per street frontage per site.

3. All signs shall be set back ~~a minimum of ten feet from all property lines~~within the boundaries of the property, but must remain outside of the City's right of way.

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 as of right, the following sign types and sizes are allowed in the RM district but shall (unless they are located on a parcel with a hotel or motel, an apartment building or condominium complex), require a permit:

~~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.

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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

Chapter 90 SUBDIVISIONS[1]

ARTICLE I. IN GENERAL

Sec. 90-1. Zoning or other regulations.

(a) Final plats of subdivisions within an area controlled by chapter 94 of this Code shall be approved unless the area requirements of such provisions are met or a variation is approved by the city council.

(b) The city council shall be authorized and empowered to make such additional rules and regulations regarding the amount, kind, type and specifications of public improvements in proposed subdivisions, or extensions or revisions thereof, and in regard to all other prerequisites to the approval of plats of proposed subdivisions, or extensions or revisions thereof, as are reasonable, fit and proper, from time to time. The city council shall be authorized to promulgate such forms and other documents, and to require the execution thereof, as are necessary and proper in the execution of the provisions of this chapter and its responsibility under this chapter.

(Ord. No. 86-18, § 2(22-10), 9-8-1986)

Sec. 90-2. Enforcement.

(a) A plat of a subdivision of land located within the area of jurisdiction of the city council shall not be admitted to the records of the county, or received or recorded by the county clerk, until the plat has received the final approval of the city council.

(b) It shall be unlawful for any person to transfer, or attempt to transfer, title to any lot or parcel of land in a subdivision by metes and bounds description as a means of circumventing the requirements of this chapter.

(c) A board, public officer or authority shall not light any street, lay or authorize the laying of water or sewer lines or pipes, or the construction of any other public utility or facility in any road or street located within the area of jurisdiction of the city council, unless such road shall have been accepted, opened or has otherwise received legal status as a public road prior to the adoption of the ordinance from which this chapter is derived, or unless the location and lines of such road corresponds to a road shown on a subdivision plat approved by the city council, or on a major street plan adopted by the city council.

(d) The county clerk or other officer or individual responsible for entering records of land deeds in the county shall not receive, file or record any plat of any subdivision located within the area of jurisdiction of the city council, unless and until such subdivision plat has been approved by the city council. Any person violating the requirements of this chapter shall be deemed guilty of a misdemeanor, upon conviction, and shall be punished as provided by law.

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[1]Cross reference(s)—Any ordinance dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-8(7); buildings and building regulations, ch. 10; environment, ch. 22; marine structures, activities and facilities, ch. 30; streets, sidewalks and other public ways, ch. 50; utilities, ch. 62; vegetation, ch. 66; flood protection, ch. 74; planning, ch. 78; zoning, ch. 94.

State law reference(s)—Subdivision of land, F.S. ch. 177.

(e) The city attorney, upon being instructed by the mayor, shall take action to enjoin any person from making any unapproved transfer or sale of property by any action, as provided by law, in a court of competent jurisdiction.

(f) Any building or structure erected, or to be erected, in violation of the provisions of this chapter shall be deemed an unlawful act, and the mayor shall instruct the city attorney to bring appropriate action against the owner of such property and the builder or contractor to enjoin such erection, or cause such erection to be vacated, removed or altered.

(Ord. No. 86-18, § 2(22-11), 9-8-1986)

Secs. 90-3—90-30. Reserved.

ARTICLE II. ADMINISTRATION[2]

Sec. 90-31. Approval required by city council.

The city council is designated as the agency of the city that shall be responsible for approval of all new subdivisions. Approval by the city council shall be duly voted at a public meeting of the city council. Written approval of the presiding officer of the city council shall be endorsed on the plats of all new subdivisions, extensions and revisions of existing subdivisions within the corporate limits of the city before such plats shall be entitled to be recorded in the office of the county clerk of the circuit court and before any sales of lots or parcels in such subdivisions, extensions or revisions may be made, and before any building whatsoever may be constructed or occupied on any lot or parcel of land in any such subdivisions, extensions or revisions thereof.

(Ord. No. 86-18, § 2(22-1), 9-8-1986)

Sec. 90-32. Suitability of land.

(a) The city council shall not approve the subdivision of land within the city, if an investigation conducted under authority of the city council determines that, in the best interest of the public, the site is not suitable for platting and developing purposes.

(b) Land which is subject to flooding conditions and is deemed by the city council 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.

(Ord. No. 86-18, § 2(22-4), 9-8-1986)

Sec. 90-33. Variances.

When an applicant can show that the provisions of this chapter would cause him unnecessary hardship by reason of causes not of the applicant's making, and because of the peculiar shape or topography of the site, the city council may grant a variance, provided that in granting such variance the intent and standards of this chapter shall not be violated. Any such granted variance shall be stated in writing both on the recorded plat and in the minutes of the city council with the reasons therefor.

[2]Cross reference(s)—Administration, ch. 2.

(Ord. No. 86-18, § 2(22-9), 9-8-1986)

Secs. 90-34—90-60. Reserved.

ARTICLE III. PLATS AND PLANS

Sec. 90-61. Submission of proposal.

The subdivision developer, who, for the purposes of this chapter, shall be know as the "applicant," prior to seeking final approval by the city, shall submit a proposed plat and plan of improvements in accordance with the following:

(1) The applicant shall prepare, or cause to be prepared by an engineer registered and licensed by the state, on linen tracing cloth, in ink, to a scale of not less than one inch equals 100 feet, and in conformance with the land platting requirements of the county commissioners and applicable statutes of the state, a plat or plan of the proposed subdivision.

(2) The plat shall meet the minimum standards of design, and show proposed provisions for the construction of the public improvements required by sections 90-101 and 90-131.

(Ord. No. 86-18, § 2(22-2), 9-8-1986)

Sec. 90-62. Contents.

A subdivision plat shall include the following information:

(1) The name and location of the proposed subdivision, and the name and address of the owner;

(2) Alignments and dimensions of proposed rights-of-way, alleys, parks, public lands and utility easements (water, sewer, sidewalks, electric wiring and implements, fire hydrants and storm drainage), lot and building lines and lot numbers and block designations;

(3) The location of the proposed subdivision with relation to the range and township, and a full and detailed legal description of the lands embraced within the plat;

(4) The names and right-of-way locations and lines of all proposed and existing streets, alleys and roads in, through or adjoining the subdivision; reservations of public or private lands and easements; and deed restrictions, if any;

(5) All engineering data necessary to permit the ready location on the ground, the alignment, bearing and length of each street, lot, boundary, block and building line, whether curved or straight, and including the true north point. This shall include the radius, central angle and tangent distance for the centerline of the curved streets and property lines;

(6) All dimensions to the nearest one-hundredth of a foot, and angles or bearings to the nearest second;

(7) Location and description of all monuments in or adjoining the subdivision, and an accurate description of the location of such monuments with relation to the range and township;

(8) Certification of ownership and dedication of all streets, rights-of-way and any land dedicated to public use;

(9) Certification by a duly state licensed surveyor or engineer as to the accuracy of the survey and placement of monuments;

(10) A certificate of approval for the city, signed by the presiding officer of the city council and the mayor.

(Ord. No. 86-13, § 2, 9-8-1986)

Sec. 90-63. Applicant's responsibility.

The applicant for plat approval shall:

(1) Supply a topographical map showing the proposed plat as it will exist after the completion of the subdivision, the drainage plan within the subdivision as well as the method of ultimate disposal of stormwater and surface water falling on the subdivision. The topographical map shall be submitted with the proposed plat of the subdivision. The following information shall be shown on the topographical map or proposed plan of improvements:

a. The location of existing and proposed property lines, streets, sidewalks, streetlighting, buildings, watercourses, sewers, bridges, culverts, drain pipes, water mains and any public or private easements that are within the proposed subdivision, and the lot numbers of all adjoining properties;

b. A topographical map shall be furnished showing the elevation of the land at 100-foot intervals;

c. The total acreage of land in the proposed subdivision, and the number, dimension and area of each proposed lot;

d. Existing and proposed street pavement types, widths, alignments, curb types and alignments, sidewalk alignments, utility location alignments, sizes and connections, including sanitary sewers, catch basins, stormwater ponds, surface drainage features, water lines, fire hydrants, underground electric lines, underground telephone lines, streetlights, landscaping, and street name markers;

e. Profiles of all proposed streets and sanitary and storm sewer lines; the street profiles shall be at the centerlines of streets.

(2) Comply with all laws of the state regarding plats and subdivisions. Submit copies of approved Southwest Florida Water Management (SWFWMD) Environmental Resource Permit (ERP), Army Corps of Engineers permit, Florida Department of Environmental Regulation permit and any other required permit authoring construction of the drainage and stormwater system or letters of exemption or no permit required letter from the authorizing agency.

(3) Submit a reproducible copy of the original ink drawing of the plat, on linen tracing cloth, plus three prints to the presiding officer of the city council not less than 60 days prior to the meeting of the city council at which such plat is to be considered for city council approval.

(4) Furnish evidence to obtain certification by the presiding officer of the city council and the city consulting engineer that the developer has posted a performance bond in a sufficient amount to ensure completion of all required improvements and to conform to the requirements of this chapter.

(Ord. No. 86-13, § 2, 9-8-1986; Ord. No. 14-08, § 1, 9-8-2014)

Sec. 90-64. City actions.

Actions by the city regarding plats submitted for approval shall be as follows:

(1) Upon receipt of a plat for approval, the city council shall make a study of the submitted plat and determine whether or not the plat conforms to the requirements of this chapter. The site and drainage

features are to be shown on the plat and shall comply with chapter 62 utilities, section 62-73 of the city ordinance. The plat shall then be submitted to the city planning board for appropriate comments and recommendations. After review by the city planning board, the plat shall be returned to the city council.

(2) If the submitted plat is approved by the city council, the mayor and presiding officer of the city council shall affix their signatures to the tracing, and three copies thereof, as evidence of approval by the city. The tracing and two copies shall be transmitted to the applicant, and one signed copy shall be retained in the files of the city. The city council shall complete such action within 60 days of submission of the plat unless a delay is unavoidable.

(3) If the plat is disapproved, the tracing and two copies shall be returned to the applicant with the reasons for such disapproval in writing. The third copy shall be marked "disapproved," with the date and reasons for such disapproval, and such copy shall be retained in the files of the city.

(4) Approval of a plat by the city council shall constitute acceptance by the city of the dedication of any streets or other public ways or grounds shown on the plat.

(Ord. No. 86-13, § 2, 9-8-1986; Ord. No. 14-08, § 2, 9-8-2014)

Secs. 90-65—90-100. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 90-101. Specifications and requirements.

The following specifications and requirements shall be met in all subdivisions within the city, and are conditions precedent to the approval of any plan or plat:

(1) *Streets and alleys.*

a. *Conformance with major street plan.* After the adoption of a major street plan, all streets, roadways and public rights-of-way shall conform to the alignment and specification requirements of such major street plan.

b. *Relation to existing street system.* The proposed streets in any subdivision shall, insofar as may be practicable, conform to the alignment of existing streets, so as to extend or project the adjacent or similarly aligned existing streets in the general area; except in a subdivision bounded in whole or in part by a seawall, no street shall be lower than four feet above mean sea level.

c. *Street right-of-way width.* The minimum width of subdivision rights-of-way measured between lot lines shall be specified by the major street plan, or if not shown on the major street plan, such widths shall be as follows:

1. Arterial streets and highways shall be 80—150 feet, as required. The words "arterial streets and highways" mean the streets and highways which are used, or designated to be used, primarily for fast or heavy traffic, and as designated on the major street plan. Developers shall not be required to dedicate to the public use without compensation rights-of-way of greater width than those required for collector streets.

2. Collector streets shall be 80 feet.

3. Alleys shall be 20 feet.

4. All other streets shall be 60 feet.

d. *Additional width on existing streets.* Subdivisions which abut or adjoin existing streets shall dedicate additional rights-of-way as required to meet the minimum street widths as set forth in subsection (1)c. of this section when and where the subdivision is located on one side of an existing street.

e. *Street grades.* Street grades shall not be less than 0.40 percent.

f. *Horizontal curves.* The centerline radius of street curvature shall not be less than 300 feet.

g. *Intersections.* Street intersections shall be as nearly at right angles as is practicable, and shall not be at an angle of less than 60 degrees. Street curbs at intersections of streets shall be connected by a curb with a horizontal radius of not less than 20 feet.

h. *Dead-end streets.* Minor streets or courts designed to have one end permanently closed shall not be more than 1,200 feet in length. Such streets shall be provided at the closed end with a turnaround having an outside right-of-way radius of not less than 50 feet, and an outside paved area radius of not less than 35 feet.

i. *Private streets.* Private streets shall not be platted in any subdivision. Every lot shall be served by a public dedicated street.

j. *Street names.*

1. Proposed streets which are in alignment with other streets, either existing or proposed, shall bear the same names as such existing or proposed streets unless otherwise authorized by the city council upon recommendation of the city planning board.

2. The names of proposed streets shall not duplicate existing street names or bear names which may be confused with existing streets. All street names shall be approved by the city council.

k. *Blocks.* A "block" means a parcel of land consisting of one or more lots, and entirely surrounded by public streets, watercourses, public rights-of-way, parks, etc., or a combination thereof; provided, however, that if a seawall shall surround a portion of any block, the seawall shall serve the purpose and intent of this chapter.

1. *Length.* Blocks shall not be shorter than 400 feet, nor longer than 1,200 feet, except as the city council agrees is necessary to secure a more efficient use of land or desired features of street patterns.

2. *Width.* Blocks shall be wide enough to permit two tiers of lots with a minimum depth of 100 feet, except when fronting on arterial streets or highways, and the rear of such lots abut the arterial way. In no other case shall conditions be approved which permit a single tier of lots to be served by two streets.

(Ord. No. 86-18, § 2(22-3(1)(a)—(r)), 9-8-1986)

Sec. 90-102. Lots.

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

Lot means a parcel of land occupied, or designed to be occupied, by a building or structure, and includes all open spaces required by law.

(b) *Arrangement.* Insofar as practical, subdivision side lot lines shall be at right angles to straight street lines and radial to curved street lines. An irregular shaped lot shall have at least a 75-foot width at the shortest building line (front and back). On curved lots, such dimension shall apply to the arc measurement.

(c) *Minimum size.* A residential lot in any development in the city after April 20, 1990, shall not be smaller in area than 10,890 square feet. This subsection shall not limit the right to rebuild on existing platted lots.

(d) *Recommendation of larger sizes.* Upon the recommendation of the city planning board, the city council may require larger lot areas and dimensions than specified for a particular district when it is deemed advisable to fit the topography, type of development or to provide safe and healthful home sites.

(e) *Grade.* All interior lots shall be graded so that the rear lot line will be at least one foot above the curb. Waterfront lots may be graded either to the street and/or the seawall, provided there is a minimum grade of at least one percent.

(f) *Change of size.* After approval of a subdivision plat, lot sizes shall not be changed without approval of the city council.

(g) *Building line.* The building line (a line that parallels the street right-of-way at a distance measured perpendicular to the street) for residential construction shall not be less than 25 feet. In no case shall such building line be closer to any street than permitted by this Code for the district in which such construction is located.

(h) *Corner lots.* Corner lots shall have sufficient additional width to permit the building line on both streets to be observed. Corner lots shall be considered to have two front yards, both of which shall be governed by all codes and ordinances pertaining to front yards.

(i) *Storm drainage* means the stormwater runoff from the lot that is drained to acceptable stormwater management conveyances such as swales, ditches, culverts, inlets, manholes, and junction boxes. Stormwater runoff shall not create adverse impacts to existing stormwater management conveyance systems, adjacent property and including upstream and downstream properties.

(Ord. No. 86-18, § 2(22-3)(l)), 9-8-1986; Ord. No. 97-08, § 1, 6-2-1997; Ord. No. 14-08, § 3, 9-8-2014)

Sec. 90-103. Easements.

(a) *Public land and service areas.* Due consideration shall be given to the allocation of land areas within a subdivision that are suitably located and of adequate size for playgrounds, parks and other public uses as may be determined by the city planning board. Such final approval shall be the responsibility of the city council.

(b) *Easements.* Except where alleys are provided for the purpose of placing utilities and access, the city council may require utility easements, not exceeding 15 feet in width, for the placement of wires, pipes, conduits, storm and sanitary sewers, gas, water or other utility lines along and centered on rear lot lines, side lot lines or at other locations, when necessary, for the extension of existing or proposed utilities.

(Ord. No. 86-18, § 2(22-3(m)), 9-8-1986)

Sec. 90-104. Clearwater Bay fill areas.

(a) When it is deemed necessary for the promotion of public safety, welfare, health and the betterment of the city, the city council may, when any proposed subdivision consists in whole, or in part, of areas created by pumping and filling in any portion of Clearwater Bay located within the city limits, require such bay area to

be separated from the upland area by an open tidal channel or culvert of a sufficient width and depth to permit the free flow of tidal waters at all times.

(b) An access bridge for two-way traffic between the bay area development and the upland area shall be provided by the applicant if the access bridge is deemed necessary by the consulting engineer of the city, or required by the city council for the promotion and protection of the public health, safety and welfare when an application is made to pump or fill any area of Clearwater Bay within the city limits.

(Ord. No. 86-18, § 2(22-3(n)), 9-8-1986)

Secs. 90-105—90-130. Reserved.

ARTICLE V. REQUIRED IMPROVEMENTS

Sec. 90-131. Generally.

Each applicant for subdivision plat approval within the city shall grade and improve all streets and alleys, install curbs, gutters, sidewalks, monuments, sewers, storm drains, water supply, seawalls, street name markers, underground electric service and streetlights within the subdivision in conformance with this article.

(Ord. No. 86-18, § 2(22-5(intro ¶)), 9-8-1986)

Sec. 90-132. Streets.

An applicant for subdivision plat approval within the city shall prepare the subgrade of all streets within the subdivision by grading to the profiles approved in the preliminary plat, compact and smooth the surface, and provide and install paved surfaces as follows:

(1) Collector streets shall be paved by the applicant. Such streets shall be paved with not less than eight-inch thick compacted shell base, primed, with 1.5 inches of type 2 plant mix asphaltic concrete surface on an adequately stabilized subgrade.

(2) Residential streets shall be paved by the applicant. Such streets shall be paved with not less than six-inch thick compacted shell base, primed, with one inch type 2 plant mix asphaltic concrete surface on an adequately stabilized subgrade.

(3) The methods of construction of streets and the materials used shall be in accordance with the state department of transportation standard specifications for road and bridge construction, dated 1966, or any revision thereof. The applicant shall furnish the city with copies of certified laboratory reports indicating full compliance with the specifications set forth in this subsection.

(4) Pavement widths (minimum curb back to back widths) shall be as follows:

a. Collector streets, in feet32

b. All other streets, in feet24

(Ord. No. 86-18, § 2(22-5(1)), 9-8-1986)

Cross reference(s)—Streets, sidewalks and other public ways, ch. 50.

Sec. 90-133. Sidewalks.

(a) If the city council determines that it is in the best interest of public safety, the applicant for subdivision plat approval shall provide sidewalks on both sides of every street within his subdivision. The tops of the sidewalks shall not be less than four inches above the top of the curb.

(b) Sidewalks, if provided, shall not be less than five feet wide, and four-inch thick concrete. Sidewalks shall be located not less than six inches from property lines and entirely in the street right-of-way, and shall meet or exceed Federal Housing Administration (FHA) neighborhood standards.

(Ord. No. 86-18, § 2(22-5(2)), 9-8-1986)

Cross reference(s)—Streets, sidewalks and other public ways, ch. 50.

Sec. 90-134. Curbs and gutters.

Curbs and gutters within a subdivision in the city shall be installed by the applicant. Concrete curbs shall be five inches wide and 16 inches high. Combination curb and gutters shall be constructed of concrete 24 inches wide and with a minimum thickness of six inches at the gutter line, and shall meet or exceed FHA neighborhood standards.

(Ord. No. 86-18, § 2(22-5(3)), 9-8-1986)

Sec. 90-135. Installation of utilities.

After grading is completed and approved and before any base is applied within a subdivision in the city, all of the underground utilities, such as water mains, gas mains, sewer lines, storm sewerage lines, electric lines, telephone lines, etc., and all service connections provided at the property lines shall be installed by the applicant.

(1) *Water supply.* Water mains properly connected with the public water supply system or other approved system shall be installed by the applicant in such a manner as to adequately serve all lots shown on the subdivision plat for both domestic use and fire protection. The size of water mains, the location and types of valves and fire hydrants, the amount of soil covering the pipes and other features of the installation shall conform with accepted standards of good practice for municipal water systems and shall be approved by the county water department. Galvanized water pipes shall not be used for any water mains or service lines on any new subdivision, extension or revision thereof.

(2) *Sanitary sewers.* The applicant shall provide an adequate sanitary sewer collection system for the entire subdivision development with physical connections to the sanitary sewer system of the city.

(3) *Storm drainage system.* The applicant shall install storm drain pipes, catchbasins and all other facilities of sizes and alignments to adequately drain the subdivision in conformity with good standards of practice for municipal storm drainage systems. The site and drainage features are to be shown on the site drainage plan and shall comply with chapter 62 utilities, section 62-73 of the city ordinance shall be approved by the consulting engineer of the city.

(4) *Electric supply.* All main line electric cables and wires and all electric service lines shall be placed underground at the applicant's expense and in accordance with the specifications of the Florida Power Company.

(5) *Streetlights.* All streetlight poles shall be made of concrete and installed without overhead wiring in accordance with specifications of the local electric power company, and at the expense of the applicant. A waiver to permit overhead wiring may be granted only by the city council.

(Ord. No. 86-18, § 2(22-5(4)), 9-8-1986; Ord. No. 14-08, § 4, 9-8-2014)

Cross reference(s)—Utilities, ch. 62.

Sec. 90-136. Street name signs.

Subdivision street name signs within the city shall conform with signs currently in use on existing streets, or another design approved by the city council, and shall be installed by the applicant.

(Ord. No. 86-18, § 2(22-5(5)), 9-8-1986)

Sec. 90-137. Monuments.

(a) Concrete monuments within a subdivision in the city shall be placed at all street corners at points where the street lines intersect exterior boundary lines of the subdivision, and at all points where the centerline of a street begins and ends at a curve. Such monuments shall have cross sections of not less than 16 square inches with a suitable center point marker, and shall not be less than three feet in length, and shall be sunk into the ground so that the top is flush with the finish grades. There shall not be less than one such marker placed at each street intersection on the right-of-way line.

(b) All other lot corners and changes in direction in lot lines shall be marked with iron pins that are three-quarter inch in diameter by 30 inches long, driven into the ground so as to be flush with the finished grade.

(c) A mean sea level benchmark shall be established every four blocks within a subdivision.

(Ord. No. 86-18, § 2(22-5(6)), 9-8-1986)

Sec. 90-138. Seawalls.

(a) Seawalls within a subdivision in the city shall be constructed where necessary, and shall conform to the seawall specifications of the city, except the elevation of seawalls on the west shore of Clearwater Harbor or Clearwater Bay shall not be less than five feet above mean sea level.

(b) The height of the seawall shall not extend higher than the lot grade elevation nor cause drainage to divert onto adjacent properties and shall comply with chapter 62 utilities, section 62-73 of the city ordinance.

(Ord. No. 86-18, § 2(22-5(7)), 9-8-1986; Ord. No. 14-08, § 5, 9-8-2014)

Cross reference(s)—Marine structures, activities and facilities, ch. 30.

Sec. 90-139. Guarantee in lieu of completed improvements.

(a) A plat shall not be approved by the city council, nor accepted for recording by the county clerk, until a performance bond in an amount equal to the estimated cost of installation of required improvements has been furnished to the city by the applicant, and the county clerk shall be notified thereof.

(b) A specified period of time during which improvements shall be made and utilities installed shall be stated by the city council and expressed in the bond as set forth in subsection (a) of this section.

(Ord. No. 86-18, § 2(22-6), 9-8-1986)

Sec. 90-140. Guarantee of street maintenance; review fees; inspector.

(a) The city council shall require the applicant to maintain the streets in the subdivision for a period of one year after completion and acceptance by the city of the streets, and to furnish a bond in a sufficient amount to guarantee the street maintenance for a period of one year following such acceptance. The city council shall accept the streets within 30 days after completion and certification of proper construction by competent authority.

(b) Fees incurred for review of layout and engineering design of plats and review of plats for compliance with this chapter shall be at the applicant's expense.

(c) At the expense of the applicant, a qualified inspector shall be provided by the city to inspect all types of construction, installation and improvements in any proposed development or subdivision.

(Ord. No. 86-18, § 2(22-7), 9-8-1986)

City of Belleair Beach
Stormwater Pump Station - 7th and 9th Street
Opinion of Probable Construction Cost
Date: 4/19/2024

ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL
	Stormwater Pump Station - 9th Street Option 1				
1.0	Mobilization and Site Preparation	LS	1	$2,000.00	$2,000.00
2.0	Maintenance of Traffic	LS	1	$2,000.00	$2,000.00
3.0	Inlet Protection	EA	2	$150.00	$300.00
4.0	Erosion Control	LS	1	$2,000.00	$2,000.00
5.0	Pump Station Structure Wet Well	LS	1	$150,000.00	$150,000.00
6.0	Submersible Electric Flow Pump MWI Model SEA308	EA	1	$117,000.00	$117,000.00
7.0	Contol Panel and Associated Sensors Complete	LS	1	$125,000.00	$125,000.00
8.0	24" Class IV RCP	LF	100	$250.00	$25,000.00
9.0	SANITARY 8" DI PIPE CLASS 350	LF	50	$120.00	$6,000.00
10.0	Adjust & Furnish SS Service Lateral	EA	2	$2,300.00	$4,600.00
11.0	Water Offset- 6" DIA. PVC C-900 DR18	LS	1	$9,600.00	$9,600.00
12.0	4" Reclaim Adjustment	LS	1	$4,800.00	$4,800.00
13.0	Flowable Fill	CY	10	$260.00	$2,600.00
14.0	Remove Unsuitable Material	CY	5	$90.00	$450.00
15.0	Restoration and Sod	SY	100	$6.50	$650.00
16.0	Valley Gutter Curb (Miami)	LF	40	$23.00	$920.00
17.0	Remove Existing Inlets	EA	1	$1,000.00	$1,000.00
18.0	Remove Existing Curb	LF	25	$5.00	$125.00
19.0	Misc. Driveway Repair	SF	500	$35.00	$17,500.00
20.0	Lawn Sprinkler Restoration	LF	50	$5.00	$250.00
	Sub-Total				$471,795.00
	Contingency (25%)				$117,948.75
	Total Stormwater Pump Station - 9th Street Option 1 Costs				**$589,743.75**
	Stormwater Pump Station - 9th Street Option 2				
1.0	Mobilization and Site Preparation	LS	1	$2,000.00	$2,000.00
2.0	Maintenance of Traffic	LS	1	$2,000.00	$2,000.00
3.0	Inlet Protection	EA	1	$150.00	$150.00
4.0	Erosion Control	LS	1	$2,000.00	$2,000.00
5.0	Pump Station Structure Wet Well	LS	1	$150,000.00	$150,000.00
6.0	Submersible Electric Flow Pump MWI Model SEA308	EA	1	$117,000.00	$117,000.00
7.0	Contol Panel and Associated Sensors Complete	LS	1	$125,000.00	$125,000.00
8.0	24" Class IV RCP	LF	120	$250.00	$30,000.00
9.0	SANITARY 8" DI PIPE CLASS 350	LF	20	$120.00	$2,400.00
10.0	Adjust & Furnish SS Service Lateral	EA	1	$2,300.00	$2,300.00
11.0	Water Offset- 6" DIA. PVC C-900 DR18	LS	1	$9,600.00	$9,600.00
12.0	4" Reclaim Adjustment	LS	1	$4,800.00	$4,800.00
13.0	Flowable Fill	CY	10	$260.00	$2,600.00
14.0	Remove Unsuitable Material	CY	5	$90.00	$450.00
15.0	Restoration and Sod	SY	100	$6.50	$650.00
16.0	Valley Gutter Curb (Miami)	LF	20	$23.00	$460.00
17.0	Remove Existing Inlets	EA	1	$1,000.00	$1,000.00
18.0	Remove Existing Curb	LF	25	$5.00	$125.00
19.0	Misc. Driveway Repair	SF	180	$35.00	$6,300.00
20.0	Lawn Sprinkler Restoration	LF	25	$5.00	$125.00
	Sub-Total				$458,960.00
	Contingency (25%)				$114,740.00
	Total Stormwater Pump Station - 9th Street Option 2 Costs				**$573,700.00**

City of Belleair Beach
Stormwater Pump Station - 7th and 9th Street
Opinion of Probable Construction Cost
Date: 4/19/2024

ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL
	Stormwater Pump Station - 9th Street Option 3				
1.0	Mobilization and Site Preparation	LS	1	$2,000.00	$2,000.00
2.0	Maintenance of Traffic	LS	1	$2,000.00	$2,000.00
3.0	Inlet Protection	EA	2	$150.00	$300.00
4.0	Erosion Control	LS	1	$2,000.00	$2,000.00
5.0	Pump Station Structure Wet Well	LS	1	$150,000.00	$150,000.00
6.0	Submersible Electric Flow Pump MWI Model SEA308	EA	1	$117,000.00	$117,000.00
7.0	Contol Panel and Associated Sensors Complete	LS	1	$125,000.00	$125,000.00
8.0	24" Class IV RCP	LF	80	$250.00	$20,000.00
8.0	Storm Manhole 6 ft dia	EA	1	$10,900.00	$10,900.00
9.0	SANITARY 8" DI PIPE CLASS 350	LF	8	$120.00	$960.00
10.0	Adjust & Furnish SS Service Lateral	EA	1	$2,300.00	$2,300.00
11.0	Water Offset- 6" DIA. PVC C-900 DR18	LS	1	$9,600.00	$9,600.00
12.0	4" Reclaim Adjustment	LS	1	$4,800.00	$4,800.00
13.0	Flowable Fill	CY	10	$260.00	$2,600.00
14.0	Remove Unsuitable Material	CY	5	$90.00	$450.00
15.0	Restoration and Sod	SY	100	$6.50	$650.00
16.0	Valley Gutter Curb (Miami)	LF	25	$23.00	$575.00
17.0	Remove Existing Inlets	EA	1	$1,000.00	$1,000.00
18.0	Remove Existing Curb	LF	25	$5.00	$125.00
19.0	Misc. Driveway Repair	SF	500	$35.00	$17,500.00
20.0	Lawn Sprinkler Restoration	LF	50	$5.00	$250.00
	Sub-Total				$470,010.00
	Contingency (25%)				$117,502.50
	Total Stormwater Pump Station - 9th Street Option 3 Costs				**$587,512.50**
	Stormwater Pump Station - 9th Street Option 4				
1.0	Mobilization and Site Preparation	LS	1	$2,000.00	$2,000.00
2.0	Maintenance of Traffic	LS	1	$2,000.00	$2,000.00
3.0	Inlet Protection	EA	2	$150.00	$300.00
4.0	Erosion Control	LS	1	$2,000.00	$2,000.00
5.0	Pump Station Structure Wet Well	LS	1	$150,000.00	$150,000.00
6.0	Submersible Electric Flow Pump MWI Model SEA308	EA	1	$117,000.00	$117,000.00
7.0	Contol Panel and Associated Sensors Complete	LS	1	$125,000.00	$125,000.00
8.0	24" Class IV RCP	LF	120	$250.00	$30,000.00
8.0	Storm Manhole 6 ft dia	EA	1	$10,900.00	$10,900.00
9.0	SANITARY 8" DI PIPE CLASS 350	LF	20	$120.00	$2,400.00
10.0	Adjust & Furnish SS Service Lateral	EA	0	$2,300.00	$0.00
11.0	Water Offset- 6" DIA. PVC C-900 DR18	LS	1	$9,600.00	$9,600.00
12.0	4" Reclaim Adjustment	LS	1	$4,800.00	$4,800.00
13.0	Flowable Fill	CY	10	$260.00	$2,600.00
14.0	Remove Unsuitable Material	CY	5	$90.00	$450.00
15.0	Restoration and Sod	SY	50	$6.50	$325.00
16.0	Valley Gutter Curb (Miami)	LF	50	$23.00	$1,150.00
17.0	Remove Existing Inlets	EA	1	$1,000.00	$1,000.00
18.0	Remove Existing Curb	LF	50	$5.00	$250.00
19.0	Misc. Driveway Repair	SF	0	$35.00	$0.00
20.0	Lawn Sprinkler Restoration	LF	5	$5.00	$25.00
	Sub-Total				$461,800.00
	Contingency (25%)				$115,450.00
	Total Stormwater Pump Station - 9th Street Option 4 Costs				**$577,250.00**

City of Belleair Beach
Stormwater Pump Station - 7th and 9th Street
Opinion of Probable Construction Cost
Date: 4/19/2024

ITEM NO.	DESCRIPTION	UNIT	EST. QTY.	UNIT PRICE	TOTAL
	Stormwater Pump Station - 7th Street/Park				
1.0	Mobilization and Site Preparation	LS	1	$12,000.00	$12,000.00
2.0	Maintenance of Traffic	LS	1	$2,000.00	$2,000.00
3.0	Inlet Protection	EA	0	$150.00	$0.00
4.0	Erosion Control	LS	1	$4,000.00	$4,000.00
5.0	Pump Station Structure Wet Well	LS	1	$150,000.00	$150,000.00
6.0	Submersible Electric Flow Pump MWI Model SEA308	EA	2	$117,000.00	$234,000.00
7.0	Contol Panel and Associated Sensors Complete	LS	1	$65,000.00	$65,000.00
9.0	24" Class IV RCP	LF	25	$250.00	$6,250.00
10.0	Flowable Fill	CY	10	$260.00	$2,600.00
11.0	Remove Unsuitable Material	CY	5	$90.00	$450.00
12.0	Restoration and Sod	SY	100	$6.50	$650.00
	Subtotal				$476,950.00
	Contingency (25%)				$119,237.50
	Total Stormwater Pump Station - 7th Street/Park Costs				**$596,187.50**

NO.	DESCRIPTION	BY	DATE

City of Belleair Beach
444 Causeway Boulevard
Belleair Beach, Florida 33786
Phone: 727-595-4646

Larry L. Fluty, PE
PE # 38628
DATE

Gemini Engineering & Sciences, Inc
360 Central Avenue
St. Petersburg Florida 33701
Phone: 727-388-2515

Stormwater Pump Station
9th Street

Plan and Typical Sections

PROJECT NO: 23027
DATE: April 11, 2024
SHEET NO: C-2

NO.	DESCRIPTION	BY	DATE

City of Belleair Beach
444 Causeway Boulevard
Belleair Beach, Florida 33786
Phone: 727-595-4646

Larry L. Fluty, PE
PE # 38628
DATE

Gemini Engineering & Sciences, Inc
360 Central Avenue
St. Petersburg Florida 33701
Phone: 727-388-2515

Stormwater Pump Station
7th Street

Plan and Typical Sections

PROJECT NO: 23027
DATE: April 11, 2024
SHEET NO: **C-3**