

**CITY OF BELLEAIR BEACH  
ORDINANCE NO. 24-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, AMENDING THE BELLEAIR BEACH CODE OF ORDINANCES, SUBPART B – “LAND DEVELOPMENT CODE”, CHAPTER 94 - “ZONING”, ARTICLE IV- “DISTRICTS”, DIVISION 3 – “RESIDENTIAL LOW (RL) DISTRICT II”, SECTION 94-220 - “MINIMUM LIVING AREAS AND SETBACKS,” TO REDUCE THE SIDE SETBACK FOR SPECIFIED LOTS IN THE BELLEAIR BEACH 1ST ADDITION SUBDIVISION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

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

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

**WHEREAS**, the City Council has determined that this proposed amendment to the City’s land development regulations is not more restrictive or burdensome in nature; and

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

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, THAT THE CODE OF ORDINANCES IS AMENDED AS FOLLOWS:**

**Section 1 - Findings of Fact.** The above recitals are true and correct and are incorporated herein by reference.

**Section 2 – Amendment.** The setback provisions for the Belleair Beach 1<sup>st</sup> Addition, as set forth in Table 1, within Section 94-220, “Minimum Living Areas and Setbacks” are hereby reduced and amended to read as follows:

**TABLE 1**

SUBDIVISION TITLE	MINIMUM LIVING AREA* (square feet)		MINIMUM HOUSE SETBACK** (feet)			
	1st Floor	2nd Floor	Front	Side	Rear	Water
BELLEAIR BEACH 1st Addition:						
Lots 1, 2, and 3	1,000	200	25	<del>15</del> 7	—	30
Lot 4	1,000	200	25	10	25	30
Units A, C, E and D	1,000	200	25	7	7	30

[. . .]

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

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

**Section 3 – Implementing Administrative Actions.** The City Manager is hereby authorized and directed to take such actions he deems necessary and appropriate to implement the provisions of this Ordinance. The City Manager may, in his discretion, delegate the powers of implementation as herein set forth to such City employees as the City Manager may deem necessary, appropriate, convenience, or prudent.

**Section 4 – Severability.** If any section, sentence, phrase, word, or portion of this Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or unconstitutional.

**Section 5 – Conflicts.** Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

**Section 6 – Effective Date.** This Ordinance shall become effective immediately upon full and final adoption by the City Council.

**ADOPTED ON FIRST READING** on the \_\_\_ day of \_\_\_\_\_, 2024, by the City Council of the City of Belleair Beach, Florida.

**ADOPTED ON SECOND AND FINAL READING** on the \_\_\_ day of \_\_\_\_\_, 2024, by the City Council of the City of Belleair Beach, Florida.

**ATTEST**

\_\_\_\_\_  
Renee Rose, City Clerk

\_\_\_\_\_  
Dave Gattis  
Mayor, City of Belleair Beach

**APPROVED AS TO FORM**

\_\_\_\_\_  
Randy Mora, City Attorney

# Business Impact Estimate

Proposed ordinance's title/reference: **Ordinance No. 2024-03**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLEAIR BEACH, FLORIDA, AMENDING THE BELLEAIR BEACH CODE OF ORDINANCES, SUBPART B – “LAND DEVELOPMENT CODE”, CHAPTER 94 - “ZONING”, ARTICLE IV- “DISTRICTS”, DIVISION 3 – “RESIDENTIAL LOW (RL) DISTRICT II”, SECTION 94-220 - “MINIMUM LIVING AREAS AND SETBACKS,” TO REDUCE THE SIDE SETBACK FOR SPECIFIED LOTS IN THE BELLEAIR BEACH 1ST ADDITION SUBDIVISION; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law<sup>1</sup> for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

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

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<sup>1</sup> See Section 166.041(4)(c), Florida Statutes.

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

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

**The proposed ordinance amends the City's ordinance governing setback to reduce the side setback for specified lots in the Belleair Beach 1<sup>st</sup> Addition Subdivision.**

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

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

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

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

**None.**

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

**None.**

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

**The proposed ordinance is an ordinance of general application governing only residential lots and not applicable to the business community.**