

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE TOWN OF BELLEAIR SHORE, FLORIDA, AMENDING THE TOWN OF BELLEAIR SHORE'S COMPREHENSIVE PLAN PURSUANT TO THE EVALUATION AND APPRAISAL PROCESS OF SECTION 163.3191, FLORIDA STATUTES, AND THE AMENDMENT PROCESS OF SECTION 163.3184, FLORIDA STATUTES, BY ADOPTING A PROPERTY RIGHTS ELEMENT, TO INCORPORATE THE REGIONAL WATER SUPPLY PLAN OF THE SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT, AMENDING THE FUTURE LAND USE ELEMENT UPDATING TERMINOLOGY AND REFERENCES TO REFLECT CHANGES IN FLORIDA STATUTES, CHAPTER 163, SINCE 2018 DELETING OBSOLETE DATA AND ANALYSIS, REMOVING OUTDATED REFERENCES, UPDATING DEFINITIONS AND TERMINOLOGY THROUGHOUT THE COMPREHENSIVE PLAN AS HEREINAFTER PROVIDED; ESTABLISHING THE LEGAL STATUS OF THE COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Statute § 163.3161, et. seq., establishes the *State of Florida Comprehensive Planning Act*; and

WHEREAS, the Town of Belleair Shore is required to adopt a Comprehensive Plan and Plan Amendments pursuant to the provisions of Florida Statute § 163.3184; and

WHEREAS, the Town Commission of the Town of Belleair Shore adopted a Comprehensive Plan in 1989, which met the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the Town Commission of the Town of Belleair Shore has amended the Comprehensive Plan from time to time, including most recently in March 2018, March 2008, and January 1993; and

WHEREAS, the Town Commission of the Town of Belleair Shore desires to implement the recommendations of the adopted Evaluation and Appraisal Report, pursuant to Florida Statute § 163.3191; and

WHEREAS, the Town of Belleair Shore Local Planning Agency, after due notice, held a public hearing on July 16, 2024, to consider the proposed amendments and transmit the proposed amendments to the Town Commission together with its recommendation to adopt said amendments; and

WHEREAS, after due notice, and after holding a public hearing on July 16, 2024, the Town Commission passed on first reading the proposed amendments and authorized their transmittal to the State Land Planning Agency for review; and

WHEREAS, the Town Commission has considered the Florida Department of Economic Opportunity (State Land Planning Agency) “Objectives, Recommendations, and Comments Report” dated September 20, 2024, and made necessary revisions to the proposed amendments; and

WHEREAS, after due notice, on October 15, 2024, the Town Commission adopted the amendments on second and final reading; and

WHEREAS, the Town Commission affirmatively declares that said adopted amendments are consistent with the *Countywide Plan for Pinellas County*, pursuant to Chapter 2012-245, Laws of Florida; and

WHEREAS, the Town Commission of the Town of Belleair Shore desires to adopt a revised Comprehensive Plan and finds the amendments to be in the best interests of the health, safety and welfare of the community;

NOW THEREFORE, BE IT ORDAINED BY the Town Commission of the Town of Belleair Shore, Florida, as follows:

Section 1. : All of the foregoing findings are true and correct, and this Ordinance is adopted in compliance with and pursuant to the *Florida Community Planning Act*, Florida Statutes § 163.3161, et. seq.

Section 2.: The “Town of Belleair Shore 2018 Comprehensive Plan” is repealed, and the “Town of Belleair Shore 2024 Comprehensive Plan” is adopted as set forth in the attachment, Exhibit A:

- a. The Goals, Objectives, and Policies and Maps 1 through 3 comprise the adopted 2024 Comprehensive Plan.
- b. The Data and Analysis and Map 4 are supporting documentation and are not adopted as part of the plan.

Section 3.: All other ordinances or resolutions which conflict wholly or in part with the provisions of this ordinance, are hereby repealed effective the date this ordinance becomes effective.

Section 4.: Pursuant to Florida Statute § 163.3184, the Town Commission does adopt the “Town of Belleair Shore 2023 Comprehensive Plan,” as set forth in the attached Exhibit A, as the Goals, Objectives, Policies, and the Future Land Use Map Series in the adopted Comprehensive Plan.

Section 5.: If any section, subsection, sentence, clause or phrase of the Ordinance is determine for any reason to be illegal, invalid, or unconstitutional by a court or regulatory body of competent jurisdiction, then the offending provision shall be deemed severable, shall not affect the validity of the remaining portions hereof, and the remainder shall continue in full force and effect.

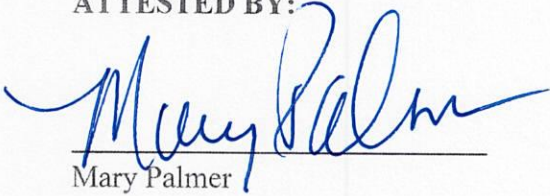
Section 6.: The effective date of this plan amendment shall be thirty-one (31) days after the Town is notified of its compliance with statutory requirements by the state land planning agency, or the date a final order is issued by the Department of Economic Opportunity or Administration Commission finding the amendment in compliance in accordance with Florida Statute § 163.3184(3)(c)4., whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of non-compliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effect status, a copy of which resolution shall be sent to the Department of Economic Opportunity, Division of Community Affairs, Plan Processing Team.

UPON MOTION DULY MADE AND CARRIED, the foregoing ordinance was approved upon the first reading on the 16th day of July, 2024.

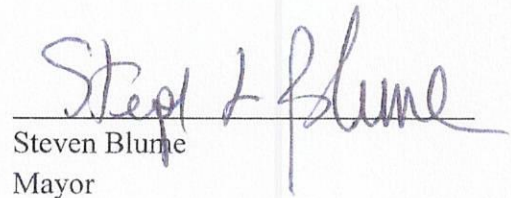
UPON MOTION DULY MADE AND CARRIED, the foregoing ordinance was approved upon the second reading on the 15th day of October, 2024.

TOWN OF BELLEAIR SHORE

ATTESTED BY:




Mary Palmer
Town Clerk



Steven Blume
Mayor

APPROVED AS TO FORM AND CORRECTNESS:



Daniel P. Lewis, Esq.
Town Attorney