

ORDINANCE NO. 464

**AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA;
AMENDING THE CODE OF ORDINANCES BY CREATING
SECTION 1-16 ESTABLISHING AUTOMATIC STAYS OF QUASI-
JUDICIAL DECISIONS ON APPEAL; PROVIDING FOR
LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY;
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Town Commission of the Town of Belleair enacted Emergency Ordinance No. 462 at its regular meeting on June 16, 2009 creating Section 1-16 of the Code of Ordinances of the Town of Belleair establishing automatic stays of the effective date of quasi-judicial decisions on appeal; and

WHEREAS, Ordinance No. 462 was enacted on an emergency basis as provided under State Law and the Town Charter in order to prevent the expiration of certain pending variances which variances were the subject of an appeal; and

WHEREAS, Section 2.11(a)(3) of the Town Charter provides that emergency ordinances remain effective for sixty (60) days; and

WHEREAS, based on the following findings, the Town Commission desires for the provisions of Emergency Ordinance No. 462 to apply to all future quasi-judicial decisions of the Town and so now desires to adopt such provisions as a regularly enacted ordinance of the Town; and

WHEREAS, the Town of Belleair conducts a variety of quasi-judicial proceedings for the purpose of making a wide variety of determinations; and,

WHEREAS, under certain circumstances, the applicant, respondent, petitioner, owner, challenger, person, firm or corporation may appeal the Town Commission's decision to the appropriate judicial authority; and,

WHEREAS, to enable the Town Commission to apply concepts of fairness and equity, it is appropriate to provide for a stay of the effectiveness of the Town's decision under certain circumstances; and,

WHEREAS, given the length of time it typically takes to complete the judicial determination of appeals or certiorari proceedings relating to quasi-judicial decisions of the Town, the Code imposed requirement to obtain building permits within one year of the approval of variances is unreasonable and result in undue hardship to property owners in those instances where such appeals or certiorari proceedings are filed.

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

