

CITY OF ST. PETE BEACH, FLORIDA
ORDINANCE NO. 2009-12

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT TO SECTION 3.15 OF THE CITY CHARTER TO LIMIT THE REQUIREMENT OF VOTER APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS TO PLAN AMENDMENTS ADDING OR CHANGING A LAND USE CATEGORY AND THOSE CHANGING DENSITY OR INTENSITY OF USES OR HEIGHT OF STRUCTURES; PROVIDING FOR A REFERENDUM ELECTION IN THE CITY; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT SAID REFERENDUM ELECTION TO BE HELD ON NOVEMBER 3, 2009; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith, TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, notice of this ordinance has been provided in accordance with applicable law;

WHEREAS, Section 3.15 of the City Charter requires elector approval of all comprehensive plan amendments even though in many cases such amendments are either required by law or are not sufficiently fundamental in nature as to necessitate such elector approval; and

WHEREAS, the City Commission finds that it is appropriate to limit such elector approval to those major decisions where the additional expense and time required is warranted.

NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF ST. PETE BEACH, FLORIDA, HEREBY ORDAINS:

Section 1. Section 3.15 of the City Charter is amended to read:

Sec. 3.15 Voter approval required for approval of comprehensive plans and certain comprehensive plan amendments.

A comprehensive plan ("Plan") or comprehensive plan amendment ("Plan Amendment") (both as defined in Florida Statutes Chapter 163) changing density or intensity of uses or height of structures, or which add or change a land use category shall not become effective in the City until such proposed Plan or Plan Amendment is approved by the electors in a referendum as provided by Florida Statute Section 166.031 or by amendment of the City Charter or as otherwise provided by law. Elector approval shall not be required for any Plan or Plan Amendment that affects five or fewer parcels of land or as otherwise prohibited by law.

Section 2 A special city referendum election is called for November 3, 2009 in the City of St Pete Beach. The following ballot question shall be placed on the ballot in said referendum election to be held on November 3, 2009.

**ST. PETE BEACH
CHARTER AMENDMENT
VOTER APPROVAL OF CERTAIN COMPREHENSIVE PLAN AMENDMENTS
QUESTION NO. 1**

Ordinance 2009-12, amends Section 3.15 of the City Charter to require voter approval only of those comprehensive plan amendments which change density or intensity of uses or height of structures, or which add or change a land use category.

The existing charter requires voter approval of all comprehensive plan amendments

except for those affecting five or fewer parcels of land or as otherwise prohibited by law.

Should Ordinance 2009-12 be approved?

Yes _____

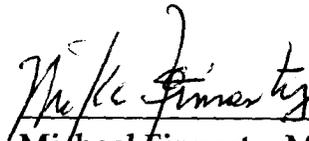
No _____

Section 3 If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

Section 4 All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

Section 5 Section 1 of this Ordinance shall become effective immediately upon approval by a majority of the electors of the City voting in the election provided for herein.

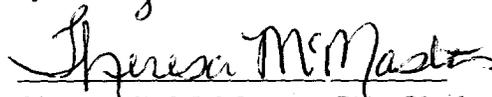
Section 6 The remaining provisions of this Ordinance shall become effective immediately upon adoption.



Michael Finnerty, MAYOR

FIRST READING : 7-28-09
PUBLISHED : 8-01-09
SECOND READING : 8-11-09
PUBLIC HEARING : 8-11-09

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of applicable law this 11th day of August, 2009.

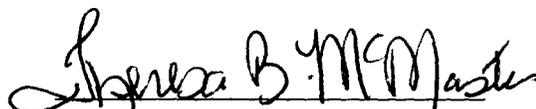

Theresa B. McMaster, City Clerk

ELECTION CERTIFICATION

I, Theresa B. McMaster, City Clerk of the City of St. Pete Beach, Florida, do hereby certify the following election results for the foregoing ordinance at the City general election conducted on November 3, 2009, and said ordinance was adopted by a majority of the electors:

YES Votes: 1,473

NO Votes: 982


Theresa B. McMaster, City Clerk