

**CITY OF ST. PETE BEACH, FLORIDA  
ORDINANCE NO. 2009-17**

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROVIDING FOR AMENDMENT TO SECTION 3.18 OF THE CITY CHARTER TO PROVIDE THAT SUBMITTAL TO A VOTE OF THE ELECTORS SHALL NOT BE REQUIRED FOR ENACTMENT OF A LAND DEVELOPMENT REGULATION WHICH HAS BEEN PREVIOUSLY VOTED ON IN AN APPROVED COMPREHENSIVE PLAN OR COMPREHENSIVE PLAN AMENDMENT; 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, the current charter creates the possibility of inconsistent referenda results for comprehensive plan amendments and land development regulations;

WHEREAS, the City Commission finds that it is appropriate to limit such elector approval of land development regulations changing height of structures so that such elector approval is not required for the adoption of land development regulations which are required to be adopted in order to conform to previously adopted and voter approved comprehensive plan provisions so as to eliminate the possibility of inconsistent votes on comprehensive plan amendments and land development regulations.

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

**Section 1.** Section 3.18 of the City Charter is amended to read: Sec. 3.18. Voter approval required for change in allowable height of structure.

No amendment to the City's Land Development Code providing for change in the allowable height (as defined by the Land Development Code) of any structure (as defined by the Land Development Code) shall be adopted by the City Commission until such amendment is submitted to a vote of the electors by referendum as provided by Florida Statutes Section 166.031 or by the City Charter, unless the amendment has been previously voted on in an approved Comprehensive Plan or Comprehensive Plan Amendment.

**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 AMENDMENTS TO THE CITY LAND  
DEVELOPMENT CODE  
QUESTION NO. 2**

Ordinance 2009-17, amends Section 3.18 of the City Charter to require submission to a vote of the electors of amendment to the City Land Development Code which changes the allowable height of any structure (as defined by the Land

Development Code), unless the amendment has been previously voted upon in an approved Comprehensive Plan or Comprehensive Plan Amendment.

Should Ordinance 2009-17 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 adoption as required by law and 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.

*Mike Finnerty*

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 11<sup>th</sup> day of August, 2009.

*Theresa McMaster*

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: 1328

NO Votes: 1,134

*Theresa McMaster*

Theresa B. McMaster, City Clerk