

CITY OF ST. PETE BEACH, FLORIDA

ORDINANCE NO. 2009-20

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, PINELLAS COUNTY FLORIDA PROVIDING FOR AMENDMENT OF CHAPTER 74 OF THE CITY OF ST. PETE BEACH MUNICIPAL CODE OF ORDINANCES; PROVIDING FOR AMENDMENT OF ARTICLE I OF CHAPTER 74; PROVIDING FOR THE ALLOWANCE OF LANDSCAPING IN SPECIFIED RIGHTS-OF-WAY WITH APPROVAL; PROVIDING FOR THE REPEAL OF ORDINANCES, OR PARTS OF ORDINANCES, IN CONFLICT HEREWITH, TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission, in consideration of the character of Pass-a-Grille, wishes to allow for landscaping within certain city rights-of-way; and

WHEREAS, the City Commission has found this ordinance to be consistent with the City's adopted comprehensive plan; and

WHEREAS, the City Commission has found this ordinance to be in the best interest of the health, safety and welfare of the citizens of the city; and

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

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

Section 1. Article I of Chapter 74 of the City of St. Pete Beach Municipal Code of Ordinances is hereby amended as follows:

ARTICLE I Chapter 74 STEETS AND SIDEWALKS

Sec. 74-31. Unlawful Conduct It shall be unlawful for any person to in any way obstruct the streets, alleys, sidewalks or other public passageways of the city except as authorized by the building code, as adopted in section 98-26 and amended by the city, or by ordinance; provided, however, that alleyways in Pass-a-Grille south of 32nd Avenue that have a platted width of 15 feet or greater may have planted landscaping that reduces the width of the clear travel path to no less than 12 feet, with equal portions of landscaping on each side of the alley, with an approved right-of-way use permit issued by the City Manager. Such landscaping shall not block access to any driveway and shall not reduce the visibility triangles required by Division 6 of the Land Development Regulations. The City reserves the right to trim or remove any such landscaping at its discretion, with or without notice, for any reason related to the health, safety or welfare of the community without compensation to any adjacent property owner.

Section 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with this Ordinance.

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

Section 4. This Ordinance shall become effective immediately upon adoption.

Michael Finnerly
Michael Finnerly, MAYOR

FIRST READING :	<u>08-25-2009</u>
PUBLISHED :	<u>09/09/2009</u>
SECOND READING :	<u>09/21/2009</u>
PUBLIC HEARING :	<u>09/21/2009</u>

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 21st day of September 2009.

Theresa B. McMaster
Theresa B. McMaster, City Clerk