

CITY OF ST. PETE BEACH, FLORIDA  
ORDINANCE NO. 2010-40

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA PROPOSING PURSUANT TO SECTION 8.01 OF THE CITY CHARTER AN AMENDMENT TO THE CITY CHARTER REPEALING SECTION 3.15 OF THE CITY CHARTER WHICH PROVIDES THAT EXCEPT AS OTHERWISE PROHIBITED BY LAW, VOTER APPROVAL IS REQUIRED FOR ANY COMPREHENSIVE PLAN OR PLAN AMENDMENT THAT AFFECTS MORE THAN FIVE PARCELS OF LAND AND WHICH CHANGES THE DENSITY OR INTENSITY OF USES OR THE HEIGHT OF STRUCTURES OR THAT ADDS OR CHANGES A LAND USE CATEGORY IN THE COMPREHENSIVE PLAN; PROVIDING FOR A BALLOT QUESTION TO BE SUBMITTED TO THE ELECTORS OF THE CITY AT A REFERENDUM ELECTION TO BE HELD ON MARCH 8, 2011; 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 City Charter requires voter approval of certain comprehensive plans and plan amendments; and

WHEREAS, in November, 2009, the City electors approved a ballot issue to narrow the types of comprehensive plan amendments subject to referendum approval; and

WHEREAS, the City wishes to further simplify the process for adoption of comprehensive plan amendments; and

**WHEREAS**, the voters of the State have, by a resounding margin, rejected a proposed constitutional amendment which would have required a vote of the electors to approve comprehensive land use plans or amendments; and

**WHEREAS**, that proposed amendment was also defeated in the City of St Pete Beach by a wide margin; and

**WHEREAS**, the St Pete Beach's local version of "hometown democracy" found in Sections 3.15, 3.16 and 3.18 of the City Charter have caused the city to expend a great deal of money in litigation and have hindered quality development of the City; and

**WHEREAS**, Section 8.01 of the City Charter provides that the City Commission may by ordinance, propose an amendment to the City Charter and upon passage of the initiating ordinance shall place the proposed amendment to a vote of the electors at the next general election held within the city or at a special election called for such purpose.

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

**SECTION 1:** The City Commission hereby proposes an amendment to the City Charter repealing Section 3.15 of the City Charter.

**SECTION 2:** Section 3.15 of the City Charter is repealed.

**SECTION 3:** The following measure shall be placed on the ballot for the March 8, 2011, general election ballot to be voted upon by the qualified electors of the City of St. Pete Beach, Florida:

BALLOT TITLE:

**NO. 1  
CHARTER AMENDMENT**

BALLOT SUBTITLE:

**Repeal of Charter Requirement for Voter Approval  
of Certain Comprehensive Plans and Plan Amendments**

BALLOT SUMMARY:

Charter Section 3.15 requires voter approval of any comprehensive plan or plan amendment, except one affecting five or fewer parcels of land or as otherwise prohibited by law, that changes the density or intensity of uses or height of structures or which adds or changes a land use category. Repeal of Section 3.15 will terminate this right of electors to vote on comprehensive plans and plan amendments. Shall Charter Section 3.15 be repealed?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**SECTION 4.** If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

**SECTION 5.** All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

**SECTION 6.** Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and certification of approval of the measure provided for in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

SECTION 7. The remaining provisions of this Ordinance shall become effective immediately upon adoption.

Michael Finnerty, MAYOR

Michael Finnerty, Mayor

FIRST READING : 12-13-10  
PUBLISHED : 12-26-10  
SECOND READING : 1-6-11  
PUBLIC HEARING : 1-6-11

I, Pamala Prell, Acting 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 6th day of January 2011.

Pamala A. Prell  
Pamala Prell, Acting City Clerk