

CITY OF ST. PETE BEACH, FLORIDA  
ORDINANCE NO. 2010-42

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 3.18 OF THE CITY CHARTER WHICH PROVIDES THAT NO AMENDMENT TO THE CITY'S LAND DEVELOPMENT REGULATIONS CHANGING THE ALLOWABLE HEIGHT OF ANY STRUCTURE SHALL BE ADOPTED UNTIL THE AMENDMENT IS SUBMITTED TO A VOTE OF THE ELECTORS BY REFERENDUM, UNLESS THE AMENDMENT HAS BEEN PREVIOUSLY VOTED ON IN AN APPROVED COMPREHENSIVE PLAN OR PLAN AMENDMENT; PROVIDING FOR REPEAL OF SAID SECTION 3.18 OF THE CITY CHARTER; 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; and

WHEREAS, the current City Charter requires voter approval of certain land development regulations; and

WHEREAS, in November, 2009, the City electors approved a ballot issue to narrow the types of land development regulations subject to referendum approval; and

WHEREAS, the City wishes to further simplify the process for adoption of land development regulations; and

WHEREAS, State law provides ample opportunity for Citizens' input into proposed land development regulations; 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 3.18 of the City Charter.

**SECTION 2:** Section 3.18 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. 3  
CHARTER AMENDMENT**

BALLOT SUBTITLE:

**Repeal of Charter Requirement  
for Voter Approval of Development  
Code Changes to Height of Structures**

BALLOT SUMMARY:

Charter Section 3.18 provides that no amendment to the City's land development code changing the allowable height of any structure shall be adopted by the City Commission until the amendment is submitted to the electors by referendum, unless it has been previously voted on in an approved comprehensive plan or plan amendment. Repeal of Section 3.18 terminates this right of electors to vote on land development code height changes. Shall Charter Section 3.18 be repealed?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

**SECTION 4:** The City Clerk shall notify the Pinellas County Supervisor of Elections of this Resolution and provide the ballot question provided hereby.

SECTION 5. If any portion, part or section of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

SECTION 6. All ordinances or parts of ordinances, in conflict herewith, are hereby repealed, to the extent of such conflict.

SECTION 7. Section 2 of this Ordinance shall become effective immediately upon adoption as required by law and certification of approval of the measure described in Section 3 by a majority of the electors of the City voting in the referendum election provided for herein.

SECTION 8. 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 Prell  
Pamala Prell, Acting City Clerk