

ORDINANCE NO. 2019-21

**AN ORDINANCE OF THE CITY OF ST. PETE BEACH,
AMENDING THE LAND DEVELOPMENT CODE, SECTION 3.14 –
APPEALS; PROVIDING FOR CODIFICATION, PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES
IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City Commission of the City of St. Pete Beach periodically finds sections in its Land Development Code which require clarification, updating and/or amending; and

WHEREAS, the City's Land Development Code also serves to maintain an environment conducive to the health, safety, welfare of the City's residents, and preserves and enhances property values within the City; and

WHEREAS, on October 21, 2019 and November 18, 2019, the City's Planning Board sitting as the Local Planning Agency held a public hearing to consider the proposed Land Development Code changes and provided recommendations to the City Commission; and

WHEREAS, the City Commission has found this ordinance to be in the best interest, 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. Recitals. The above recitals ("Whereas" clauses) are hereby adopted as legislative findings, purpose and intent of the City Commission.

SECTION 2. The provisions in this Section pertaining to the City's Land Development Code are amended as follows:

Division 3, Sec. 3.14 (Appeals) shall be amended as follows:

- (a) An appeal to a hearing officer designated by the city commission may be taken by any person aggrieved by any final decision of the City Manager of the city where it is alleged there is an error in an order, zoning permit, condition, requirement, decision or determination by the City Manager in enforcing the Land Development Code. An appeal shall be filed in writing on or before 30 days from the day of the administrative decision. This section does not apply to building permits.

- (b) Any person aggrieved by a final order of the city commission or any appointed board may appeal the order to the circuit court. The appeal shall be filed with the circuit court on or before 30 days following the issuance of the final development order.
- (c) When an appeal is filed, all proceedings in furtherance of the action affected by the decision being appealed from shall be stayed, unless city manager certifies, after the notice of appeal has been filed with the city, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.
- (d) If the hearing officer finds that said conditions exists, the hearing officer may deny the stay and allow the administrative order to be executed.
- (e) The city commission may appoint one or more hearing officers to hear appeals as provided in this section. Such hearing officers shall be attorneys licensed to practice law in all state courts of the State of Florida, and shall have been so licensed for a continuous period of at least five years up to the date of such appointment.

SECTION 3. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 4. Severability. The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 5. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 6. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

FIRST READING: 11/12/2019

PUBLISHED: 11/29/2019

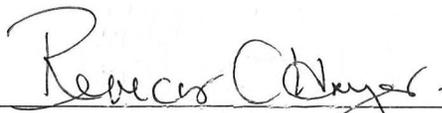
SECOND READING: 12/10/2019

PUBLIC HEARING: 12/10/2019



Alan Johnson, Mayor

I, Rebecca C. Haynes, 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 10th day of December, 2019.



Rebecca C. Haynes, City Clerk

APPROVED AS TO LEGAL FORM AND CORRECTNESS:



City Attorney

Andrew Dickman, Esq.