ORDINANCE 2021-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 98 – BUILDINGS AND BUILDING REGULATION, ARTICLE IV – SEAWALLS, BULKHEADS, AND RETAINING WALLS, SECTION 98-100 – STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING WALLS NOT ON THE GULF OF MEXICO; SECTION 98-101 – STANDARDS FOR SEAWALLS, BULKHEADS AND RETAINING WALLS ON GULF OF MEXICO; PROVIDING FOR CODIFICATION; CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S ERROR; CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has determined that these amendments are a necessary update to the Code of Ordinances with respect to replacing the City's current standard for measuring the elevation of seawalls (USCGS datum sea level), which is outdated and no longer in use, with the proposed change to utilize the North American Vertical Datum 88 (NAVD 88) which is the current standard for measuring seawall height above mean sea level.

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 Code of Ordinances are amended as follows:

Sec. 98-100. - Standards for seawalls, bulkheads and retaining walls not on Gulf of Mexico.

****

(1) Concrete seawalls.

****

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.
h. The elevation for all seawalls, bulkheads and retaining walls fronting on the bay shall be equal to or greater than elevation 5.0 feet above mean sea level (North American Vertical Datum 88).

Sec. 98-101. - Standards for seawalls, bulkheads and retaining walls on Gulf of Mexico.

****

(8) The elevation for all seawalls, bulkheads and retaining walls fronting on the Gulf of Mexico shall be equal to or greater than elevation 6.0 feet above mean sea level (North American Vertical Datum 88).

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. 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 6. Scrivener's Error. The City Attorney may correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon adoption.
I, Amber LaRowe, 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 27th day of May, 2021.

Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Andrew Dickman, City Attorney
ORDINANCE 2021-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA
AMENDING THE CODE OF ORDINANCES, CHAPTER 98 – BUILDINGS
AND BUILDING REGULATION, ARTICLE IV – SEAWALLS,
BULKHEADS, AND RETAINING WALLS, SECTION 98-100 –
STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING
WALLS NOT ON THE GULF OF MEXICO; SECTION 98-101 –
STANDARDS FOR SEAWALLS, BULKHEADS AND RETAINING
WALLS ON GULF OF MEXICO; PROVIDING FOR CODIFICATION;
CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENER’S
ERROR; CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of St. Pete Beach has determined that these
amendments are a necessary update to the Code of Ordinances with respect to replacing
the City’s current standard for measuring the elevation of seawalls (USCGS datum sea
level), which is outdated and no longer in use, with the proposed change to utilize the
North American Vertical Datum 88 (NAVD 88) which is the current standard for measuring
seawall height above mean sea level.

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 Code of Ordinances
are amended as follows:

Sec. 98-100. - Standards for seawalls, bulkheads and retaining walls not on Gulf of
Mexico.

****

(1) Concrete seawalls.

****

Words stricken through shall be deleted. Words underscored constitute the amendment proposed. The symbol *** constitutes code sections not shown for purposes of brevity. Remaining provisions are now in effect and remain unchanged.
h. The elevation for all seawalls, bulkheads and retaining walls fronting on the bay shall be equal to or greater than elevation 5.0 feet above mean sea level (North American Vertical Datum 88). USCGS datum mean sea level.

Sec. 98-101. - Standards for seawalls, bulkheads and retaining walls on Gulf of Mexico.

8) The elevation for all seawalls, bulkheads and retaining walls fronting on the Gulf of Mexico shall be equal to or greater than elevation 6.0 feet above mean sea level (North American Vertical Datum 88). USCGS datum mean sea level.

SECTION 3. Codification. This Ordinance shall be codified in the Code of Ordinance of the City of St. Pete Beach.

SECTION 4. Conflicts. All ordinances or parts of ordinances, in conflict herewith are hereby repealed to the extent of any conflict with the Ordinance.

SECTION 5. 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 6. Scrivener’s Error. The City Attorney may correct scrivener’s errors found in this Ordinance by filing a corrected copy of this Ordinance with the City Clerk.

SECTION 7. Construction. This Ordinance is to be liberally construed to accomplish its objectives.

SECTION 8. Publication. This Ordinance shall be published in accordance with the requirements of law.

SECTION 9. Effective Date. This Ordinance shall take effect immediately upon adoption.
I, Amber LaRowe, 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 ________ day of ________, 2021.

________________________
Amber LaRowe, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

________________________
Andrew Dickman, City Attorney
STATE OF FLORIDA
COUNTY OF Pinellas, Hillsborough, Pasco, Hernando Citrus

Before the undersigned authority personally appeared Jill Harrison who on oath says that she is Legal Advertising Representative of the Tampa Bay Times a daily newspaper printed in St. Petersburg, in Pinellas County, Florida: that the attached copy of advertisement, being a Legal Notice in the matter RE: ORDINANCE 2021-01 was published in Tampa Bay Times: 5/12/21 in said newspaper in the issues of Tampa Bay Times Local B/Full Run.

Affiant further says that the said Tampa Bay Times is a newspaper published in Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida each day and has been entered as a second class mail matter at the post office in said Pinellas, Hillsborough, Pasco, Hernando Citrus County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that she neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

 Signature Affiant
Sworn to and subscribed before me this 05/12/2021

Signature of Notary Public
Personally known: X

Type of identification produced

CITY OF ST. PETE BEACH
NOTICE OF PUBLIC HEARING

The City of St. Pete Beach City Commission will hear final reading of the following ordinance on May 25, 2021 at 6:00 P.M. or as soon thereafter in the St. Pete Beach City Commission Chambers, 155 Corey Ave., St. Pete Beach, FL 33708:

Ordinance 2021-01

AN ORDINANCE OF THE CITY OF ST. PETE BEACH, FLORIDA AMENDING THE CODE OF ORDINANCES, CHAPTER 98 - BUILDINGS AND BUILDING REGULATION, ARTICLE IV - SEAWALLS, BULKHEADS, AND RETAINING WALLS, SECTION 98-100 - STANDARDS FOR SEAWALLS, BULKHEADS, AND RETAINING WALLS NOT ON THE GULF OF MEXICO; SECTION 98-101 - STANDARDS FOR SEAWALLS, BULKHEADS AND RETAINING WALLS ON GULF OF MEXICO; PROVIDING FOR CODIFICATION; CONFLICTS, SEVERABILITY, CORRECTION OF SCRIVENERS ERROR; CONSTRUCTION, PUBLICATION, AND AN EFFECTIVE DATE.

NOTE: The above-scheduled public hearing may be continued from time to time pending adjournment. Any written comments that are received on the subject matter will become part of the official record. Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this hearing will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. American with Disabilities Act: Florida Statutes Chapter 286.26. Accessibility of public hearings to the physically handicapped. In accordance with the Americans with Disabilities Act and Florida Statutes, persons needing special accommodations to participate in a hearing should contact City Hall at (727) 387-2735 no later than forty-eight (48) hours prior to the hearing for assistance.

A copy of this ordinance is on file in the City Clerk's Office and may be inspected by the public. Any interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

FOR MORE INFORMATION OR TO VIEW THE FILE ON THIS REQUEST, PLEASE CONTACT: City of St. Pete Beach, Community Development Department, 155 Corey Avenue, St. Pete Beach, Florida 33706 - (727) 383-9256.

5/12/2021