



City of Indian Rocks Beach

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Administrative Offices
(727) 595-2517

City Clerk's Office
(727) 517-0204

Public Services
(727) 595-6889

Community Development
(727) 517-0404

April 4, 2005

REC'D APR 11 2005

Mr. Alan Bomstein, Chairman
Pinellas County Charter Review Commission
315 Court Street, 6th Floor
Clearwater FL 33756

Dear Chairman Bomstein:

As you are aware, Pinellas County is a vibrant suburban community in which many differing areas offer citizens a choice of lifestyles and environments in which to choose home. Such differences take the form of municipal incorporation, proximity to natural resources, land uses, etc. Citizens of the City of Indian Rocks Beach, while living responsible lives, seek to safeguard the natural and manmade beauty and harmony of their community. Specifically, within recent years, through citizen initiative and City Commission action, two charter amendments have been placed on the ballot and were approved overwhelmingly to safeguard the citizens from negative impacts of continued runaway growth and associated externalities. First, in 2003 the citizens approved, by 71% to 29% with 41% of registered voters voting, a requirement of a favorable vote of 4 or more members of the City Commission (super majority) to approve any amendment to the Comprehensive Plan or Code of Ordinances, variances, special exceptions, planned unit development, development agreement, development site plan or conditional use permit authorizing or approving any increase in development density or intensity, maximum building height or floor area ratio. Additionally, in November 2004 citizens approved, by a majority of 72% to 28% with 71% of registered voters casting ballots, a referendum establishing a requirement of 4 out of 5 affirmative votes of the City Commission for an ad valorem millage rate increase greater than 6% from the rollback rate. (see attachments for specific ordinance language).

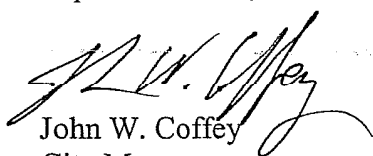
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On behalf of the Indian Rocks Beach City Commission, I urge you to strongly consider recommending similar charter amendments for Pinellas County.

Please feel free to contact my office, or any member of the City Commissioner, for further information regarding the benefits of the County enacting similar charter amendments as provided.

In public service,

A handwritten signature in black ink, appearing to read "J.W. Coffey", written over the printed name and title.

John W. Coffey
City Manager

JWC/de

Cc: Mr. Ricardo Davis, Vice Chairman
The Honorable Jim Sebesta
The Honorable James Coats
The Honorable John Bryan
The Honorable Susan Latvala
Mr. Kurt Spitzer, Consultant - KS&A

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2003-20**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, SUBMITTING TO THE CITY ELECTORS A CITIZEN INITIATIVE CHARTER AMENDMENT PETITION AMENDING ARTICLE XIII, PLANNING AND ZONING; SECTION 13.3, COMPREHENSIVE PLAN, OF THE CHARTER BY ADDING SUBSECTION (d), WHICH SECTION SHALL READ AS FOLLOWS: "THAT THE APPROVAL OF ANY AMENDMENT TO THE COMPREHENSIVE PLAN OR CODE OF ORDINANCES, VARIANCE, SPECIAL EXCEPTION, PLANNED UNIT DEVELOPMENT (PUD), DEVELOPMENT AGREEMENT, DEVELOPMENT SITE PLAN OR CONDITIONAL USE PERMIT AUTHORIZING OR APPROVING ANY INCREASE IN DEVELOPMENT DENSITY OR INTENSITY, MAXIMUM BUILDING HEIGHT, OR FLOOR AREA RATIO SHALL REQUIRE A FAVORABLE VOTE OF FOUR (4) OR MORE MEMBERS OF THE CITY COMMISSION TO BE APPROVED; ON THE BALLOT FOR THE MARCH 9, 2004 MUNICIPAL GENERAL ELECTION"; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Charter Section 15.2, Charter amendments, the charter of the city may be amended in strict adherence with the provisions of the General Laws of the State of Florida, specifically, F.S. ch. 166, but in no case may this charter be amended except by a referendum of the electors; and

WHEREAS, pursuant to Code Section 22-69, Charter amendments, proposed amendments or revisions to the charter shall be proposed and submitted to the electors in accordance with s.166.031 F.S. To the extent not inconsistent with that statute, the provisions of this article shall otherwise apply; and

WHEREAS, pursuant to s. 166.031(1), F.S., the governing body of a municipality may, by ordinance, or the electors of a municipality may, by petition signed by 10 percent of the registered electors as of the last preceding municipal general election, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries. The governing body of the municipality shall place the proposed amendment contained in the ordinance or petition to a vote of the electors at the next general election held within the municipality of at a special election called for such purpose; and

WHEREAS, the Pinellas County Supervisor of Elections advised that there were 3,120 registered electors as of the last preceding municipal general election; and

WHEREAS, on April 16, 2003, a citizen initiative petition for a charter amendment containing 324 electors signatures was submitted to the city clerk of which 289 were validated by the Pinellas County Supervisor of Elections; and

WHEREAS, on June 10, 2003, an additional 57 signatures were submitted to the city clerk of which 23 signatures were validated by the Pinellas County Supervisor of Elections

Office; thereby bringing the total number of valid signatures to 312, which is 10% of the registered electors at the last preceding municipal general election.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Indian Rocks Beach, Florida, that:

Section 1. Article XIII, Planning and Zoning, of the Indian Rocks Beach City Charter, Section 13.3, Comprehensive Plan, is hereby amended by adding a subsection, to be numbered (d), which subsection reads as follows:

Sec. 13.3. Comprehensive plan.

(a) *Division of city into districts by ordinance, uniformity of regulations within districts, difference between districts.* For any and all of said purposes, the city commission may by ordinance divide the city into districts of such manner, shape and area as may be deemed best suited to carry out the purpose of this article and within such districts may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, land or water. All such regulations shall be uniform for each class or kind of buildings throughout each district but the regulations in one (1) district may differ from those in other districts.

(b) *Amendments.* Regulations, restrictions and boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty (20) percent or more, either of the area or number of lots or tracts included in such proposed change, or of those immediately adjacent thereto extending five hundred (500) feet therefrom, or of those directly opposite thereto extending five hundred (500) feet from the street frontage of such opposite lots, or any objection of ten (10) percent or more of the electors of the city, such amendment shall not become effective except by favorable vote of four (4) or more members of the city commission.

(c) *Appeals to the city commission.* An appeal to the city commission may be taken by any person aggrieved by the decision of any administrative officer designated or appointed to carry out the rules and regulations prescribed by the city commission. However, such appeals shall be taken within thirty (30) days from the date of the decision of filing with the commission a notice of appeals specifying the grounds thereof. The officers from whose decision the appeal is taken shall forthwith transmit to the city commission copies of all papers constituting the record upon which the action of appeal was taken. The city commission shall fix a time and place for the hearing of appeal giving public notice thereof as well as due notice to the party of interest and decide the same within ninety (90) days. At the time of hearing, any party may appear in person or by attorney.

(d) The approval of any amendment to the comprehensive plan or code of ordinances, variance, special exception, planned unit development (PUD), development

agreement, development site plan or conditional use permit authorizing or approving any increase in development density or intensity, maximum building height, or floor area ratio shall require a favorable vote of four (4) or more members of the city commission to be approved.

Section 2. A charter amendment petition will be placed on the March 9, 2004, Municipal General Election for the consideration of the voters of the City of Indian Rocks Beach. The referendum question to appear on the ballot reflecting the charter amendment petition shall be as follows:

CHARTER AMENDMENT PETITION

Sec. 13.3. Comprehensive Plan.

(d) The approval of any amendment to the comprehensive plan or code of ordinances, variance, special exception, planned unit development (PUD), development agreement, development site plan or conditional use permit authorizing or approving any increase in development density or intensity, maximum building height, or floor area ratio shall require a favorable vote of four (4) or more members of the city commission to be approved.

**YES for Approval
NO for Rejection**

Section 3. The city clerk is hereby directed to notify the Pinellas County Supervisor of Elections that a referendum question provided above shall be considered at the March 9, 2004 General Municipal Election.

Section 4. The amendments to the city charter provided herein shall take effect only upon approval of the majority of the city electors voting at the March 9, 2004, Municipal General Election and upon the filing of the amended charter with the Florida Secretary of State.

PASSED AND ADOPTED this 25th of November, 2003, by the City Commission of the City of Indian Rocks Beach, Florida.

PASSED ON FIRST READING:

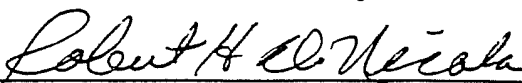
October 28, 2003


OFFICIAL PUBLICATION DATE:

November 12, 2003

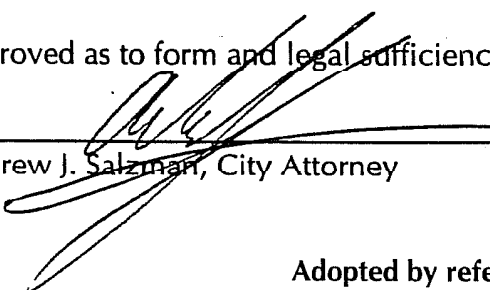
PASSED AND ADOPTED ON
SECOND AND FINAL READING:

November 25, 2003


Robert H. DiNicola, Mayor/Commissioner

Attest: 
Deanne Bulino O'Reilly, CMC, City Clerk

Approved as to form and legal sufficiency:


Andrew J. Salzman, City Attorney

Adopted by referendum held on March 9, 2004

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2004-13**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, SUBMITTING TO THE CITY ELECTORS, A REFERENDUM QUESTION ON AN AMENDMENT TO THE CITY OF INDIAN ROCKS BEACH CHARTER, ARTICLE VIII, MUNICIPAL TAXATION, SECTION 8.2, AD VALOREM TAXES, BY ESTABLISHING THE REQUIREMENT OF FOUR OUT OF FIVE AFFIRMATIVE VOTES OF THE CITY COMMISSION FOR AN AD VALOREM MILLAGE RATE INCREASE GREATER THAN 6%; TO BE ADDED TO THE GENERAL ELECTION BALLOT ON NOVEMBER 2, 2004; ESTABLISHING THE QUESTION TO APPEAR ON SAID BALLOT; PROVIDING FOR PUBLICATION IN ACCORDANCE WITH THE LAW; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Indian Rocks Beach Charter Review Committee has reviewed the City Charter pursuant to the Charter Review Committee's provisions thereof and the direction of the City Commission; and

WHEREAS, the Charter Review Committee has made an unfavorable recommendation by a vote of 4 to 1 to the City Commission for a Charter Amendment to Article VIII, Municipal Taxation, Article 8.2, Ad valorem tax, to provide for any ad valorem tax increase which is equal to or greater than 5% of the current year rollback rate, as established by the Pinellas County Property Appraiser's on Form DR-420-Certificate of Taxable Value Section II, shall require four affirmative votes of the City Commission; and

WHEREAS, on February 24, 2004, Ordinance No. 2003-28, submitting to the City electors a referendum question on an amendment to the City Charter, Article VIII, Municipal Taxation, Section 8.2, Ad Valorem Taxes, by establishing the requirement of four out of five affirmative votes of the City Commission for an ad valorem millage rate increase greater than 7% for the General Election Ballot of November 2, 2004, failed by a vote of 2 to 2, with Commissioner Palamara and Commissioner Johnson casting the dissenting votes; and

WHEREAS, the Indian Rocks Beach City Commission has reviewed said recommendation and has found this Ordinance, amending the City Charter, to be in the best interest of the public health, safety and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, that:

Section 1: A referendum election is hereby called and will be held on the 2nd day of November, 2004, at the General Election, for the consideration by the voters of the City of Indian Rocks Beach of the proposed Charter Amendment to Article VIII, Municipal Taxation, Section 8.2, Ad Valorem Taxes, by establishing the requirement of four out of five affirmative

votes of the City Commission for an ad valorem millage rate increase, which is equal to or greater than 7% of the current year rollback rate. The question to appear on the referendum ballot reflecting the proposed Charter Amendment scheduled for November 2, 2004 shall be as follows:

CHARTER AMENDMENT NO. 3
REFERENDUM ESTABLISHING A REQUIREMENT FOR FOUR AFFIRMATIVE VOTES OF THE CITY COMMISSION FOR ANY AD VALOREM MILLAGE RATE INCREASE GREATER THAN 6%.

Shall the Charter for the City of Indian Rocks Beach, Article VIII, Municipal Taxation, Section 8.2, Ad Valorem Taxes, be amended to establish the requirement of four affirmative votes of the City Commission for any ad valorem millage rate increase which is equal to or greater than 6% of the current year rollback rate.

YES ☐ for the amendment to the City Charter Section 8.2
NO ☐ against the amendment of the City Charter Section 8.2

Section 2. The Charter language shall read as follows:

Sec. 8.2. Ad valorem taxes.

The city commission shall have the right by ordinance to levy ad valorem taxes on real and tangible personal property within the municipality pursuant to F.S. ch. 166.

Any and all ad valorem mileage rate increase which is equal to or greater than 6% of the current year rollback rate shall require four out of five affirmative votes of the city commission. The percentage rate increase shall be calculated by determining the difference between: (1) the millage rate proposed to be adopted at the second and final reading of the ordinance establishing the millage tax rate for the City of Indian Rocks Beach and (2) the rollback rate provided in the annual certificate of taxable value by the Pinellas County Property Appraiser's Office pursuant to state law; and dividing that difference by said rollback rate.

Section 3: The City Clerk is directed to notify the Pinellas County Supervisor of Elections that the referendum item provided above shall be considered at the General Election to be held on November 2, 2004.

Section 4: This Ordinance shall be published in accordance with the law.