



CITY OF ST. PETERSBURG

CITY OF ST. PETERSBURG, FLORIDA

**BILL FOSTER**, Mayor

Office of the Mayor

September 7, 2011

Randy Wedding, Chair, and Members of the  
Pinellas County Local Planning Agency (LPA)

Re: Proposed Ordinance amending the Pinellas County Land Development Code  
pertaining to Properties of Countywide Importance

Dear Chair and Members:

It has come to our attention that Item LPA 18-9-11, which is a proposed ordinance for amending the Pinellas County Land Development Code regarding county owned properties deemed to be of "Countywide Importance," will be before you on September 8, 2011 for consideration. This ordinance proposes to preempt all cities' ordinances as they apply to county owned property.

The City of St. Petersburg has a number of concerns with the proposed ordinance and the impact it will have on activities and development within the City. Of note is the fact that while the ordinance purports to apply only to certain county owned properties, if adopted it would likely eventually apply to all county owned properties, including those that are leased to for profit entities which compete for business with other for profit entities within each city.

Of initial concern is that the City has been provided with very little time to consider and study this proposal. The City only learned of this ordinance when it went before the Board of County Commissioners for the purpose of setting a public hearing, on August 23, 2011. The cities were provided no notice and no opportunity to provide feedback prior to the ordinance appearing on the agenda before the Board of County Commissioners and being transmitted to the LPA for action.

Second, from our initial review, exemption from all City ordinances including land development regulations would result in inconsistent or undesirable impacts within the City on those County owned properties. For example, properties, including the Pinellas Trail, would no longer be subject to City ordinances that govern sleeping in public or panhandling. Therefore, individuals who were prohibited from sleeping or panhandling in public in every other area of the City could now do so on the Pinellas Trail itself, adjacent to homes and businesses. The ordinance proposes to exempt certain county roads from municipal ordinances. In St. Petersburg this would mean that the highly successful prohibition against street solicitations to vehicles would not be enforceable on county roads. The St. Petersburg City Council has recently decided not to pass an ordinance allowing digital billboards within the City. However, the County allows digital billboards, so these could be placed on county properties in the City, for example on top of the

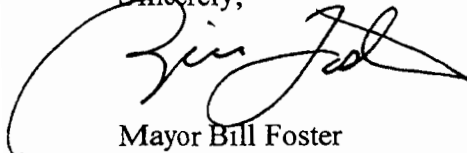
Suwanee Hotel. This is contrary to the direction that the City Council determined to be appropriate development in St. Petersburg. We have not yet been able to quantify the impact on many county owned properties in St. Petersburg, including properties such as Tropicana Field, the old Toytown landfill east of I-275, and height limitations for the incinerator landfill west of I-275.

Third, since the City and County land development regulations are not identical, we have concerns that the use of County land development regulations will result in incompatible development or fail to place appropriate restrictions on development, which would be inconsistent with the land use and zoning of surrounding, impacted properties in the City. This ordinance would also exempt county owned properties from vital redevelopment plans and strategies in St. Petersburg, including the City's Intown Redevelopment Plan, the Comprehensive Plan, Gateway Areawide Development of Regional Impact Development Order, and the Intown Development of Regional Impact Development Order. These Plans, and the Development Orders, are enacted pursuant to State law, therefore exemptions from any of these may create State law issues.

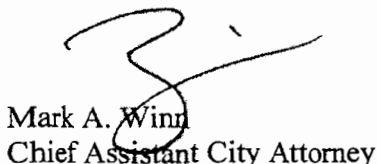
The City is requesting that this item, which has great significance to the City and other municipalities, be denied or delayed to give local governments enough time to review the proposed ordinance, provide comments to, and have a dialogue concerning this issue with the County. Of great importance is the question of whether the County Charter even provides the authority for this preemption of all municipal ordinances. As noted in the materials provide to the LPA, the Charter was approved in 1980 and there is no deadline within the Charter itself to consider such a proposed ordinance. Quite frankly, there is serious concern as to the impacts and unintended consequences that this ordinance may create for all municipalities.

We respectfully request that this ordinance be denied or delayed until the City of St. Petersburg and all other cities have the opportunity to provide comments to, and enter into discussions with, the County on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Foster", with a large, sweeping flourish extending to the left.

Mayor Bill Foster

A handwritten signature in black ink, appearing to read "Mark A. Winn", with a large, sweeping flourish extending to the left.

Mark A. Winn  
Chief Assistant City Attorney

Cc: Brian Smith