

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ST. PETERSBURG OPPOSING
AMENDMENTS TO THE COUNTYWIDE
RULES REGARDING INCLUSION OF A
COASTAL STORM AREA; AND PROVIDING
FOR AN EFFECTIVE DATE.

WHEREAS, the Pinellas Planning Council (PPC) has proposed adoption of an amendment to the Countywide Rules to create a Coastal Storm Area (CSA) which will encompass a broader land area than the existing Coastal High Hazard Area (CHHA) designation contained in Chapter 163, Florida Statutes; and

WHEREAS, the State Legislature has defined the CHHA to consist of the area below the elevation of the Category 1 storm surge lines as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model; and

WHEREAS, all local governments in the state must adopt the CHHA in their comprehensive plans, specifically their coastal management element; and

WHEREAS, the PPC has proposed adoption of the CSA, which is defined to include all of the CHHA, all land connected to the mainland of Pinellas County by bridges or causeways, those isolated areas that are defined by a SLOSH model to be inundated by a Category 2 hurricane or above and surrounded by the CHHA or by the CHHA and a body of water, and all land located within the Velocity Zone as designated by the Federal Emergency Management Agency; and

WHEREAS, if the CSA is adopted, a proposed amendment to the Countywide Future Land Use Plan Map for a property located within the CSA, that would result in a potential increase in density or intensity, would be denied unless the PPC makes an affirmative determination that the amendment is in the public interest after accounting for the nature of the proposed use, the size and location of the property in question, and its particular relationship to the CSA based on the balancing of eleven criteria; and

WHEREAS, there is no provision contained in Chapter 163, Florida Statutes which would require a local government to adopt or implement stricter restrictions such as the CSA and the adoption of the CSA could be preempted by state law; and

WHEREAS, ten municipalities in Pinellas County have not adopted the CSA concept, including the City of St. Petersburg; and

WHEREAS, the land area which comprises the City of St. Petersburg exceeds the land areas that comprise the unincorporated area and other municipalities located in Pinellas County and therefore, would be most negatively affected by adoption of the CSA; and

WHEREAS, pursuant to Chapter 88-464, Laws of Florida, as amended, the Special Act creating the PPC only provides the PPC limited authority to develop rules, standards, policies and objectives which would implement the Countywide Future Land Use Plan and does not provide for the imposition or adoption of stricter restrictions such as the CSA, by either the PPC or the Countywide Planning Authority (CPA), which could be preempted by existing state law; and

WHEREAS, there is no notice provision contained in the proposed amendment to the Countywide Rules to inform a current owner or potential buyer of property, which may not be located within the CHHA but is located within the CSA, that when the current owner or potential buyer requests a Map amendment resulting in an increase of density or intensity, such request is potentially subject to an additional review process by the PPC and CPA; and

WHEREAS, a current owner or potential buyer of property, which may be located within an area that is located in the CSA, could be approved by the City and DCA but denied by the PPC resulting in inconsistent findings making compliance with both State law and the Countywide Rules impossible; and

WHEREAS, it has not been definitively determined by the State Office of Insurance Regulation that a property, whether located in the proposed CSA or CHHA, could never be affected from an insurance standpoint, including the availability of coverage and the increase in cost of such coverage because of such designation; and

WHEREAS, adoption of a Countywide CSA is premature as it is anticipated that in April 2009, the National Hurricane Center will re-run the SLOSH model for the Tampa Bay region with reworked topographical data, which may result in a revised CHHA map for Pinellas County; and

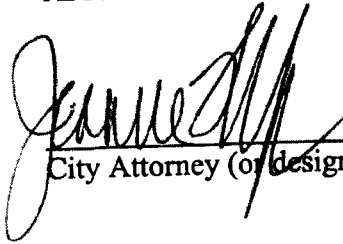
WHEREAS, the proposed amendment to the Countywide Rules, if adopted, would erode the authority of municipalities by usurping their determination of whether to adopt the CSA or continue to utilize the CHHA designation provided by Chapter 163, Florida Statutes; and

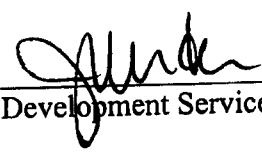
WHEREAS, the proposed amendment to the Countywide Rules would also erode the authority of municipalities which have decided not to adopt the CSA, by encroaching on those municipalities' ability to review a proposed plan amendment in conjunction with the CHHA criteria which has been adopted in their comprehensive plans as required by Chapter 163, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of St. Petersburg, Florida, that this Council hereby expresses its opposition to the proposed amendment to the Countywide Rules that would allow for the Pinellas Planning Council and Countywide Planning Authority to establish rules related to the establishment of the Coastal Storm Area.

This resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND SUBSTANCE:

 4/1/09
City Attorney (or designee)

 4/1/09
Development Services Department