



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING AGENDA
Hybrid Meeting
Wednesday, February 3, 2021
6:30 P.M.**

Town Hall

Assembly Hall

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**
- 5. PUBLIC FORUM: Non-Agenda Items Only NOTE:** A three minute time limit applies to all comments from the public on non-agenda items only. If a person wishes to address the Board of Commissioners, please fill out a "Speakers Card" and give it to the Town Clerk prior to the start of the meeting.
- 6. REPORTS**

Public Safety	Commissioner Kornijtschuk
Building/Code	Commissioner Will
Public Works/Parks	Commissioner Steiermann
Finance	Vice Mayor Dorgan
Mayor	
Town Clerk	
Attorney Daigneault	
Boards & Committees	
- 7. CONSENT AGENDA**
 - A. Board Regular Meeting Minutes, January 6, 2020**
 - B. Bill List for Day Ending January 29, 2021**
- 8. UNFINISHED BUSINESS**
 - A. Final Reading: Ordinance 2020-09: An Ordinance of the Town of Redington Beach, Florida Amending Chapter 9 (Elections) of the Town Code to Remove Outdated, Preempted, or Unenforceable Provisions and to Incorporate Current State and Federal Law Requirements; making Related Findings; providing for Codification, Severability, and an Effective Date.**
 - B. Final Reading: Ordinance 2020-11: An Ordinance of the Town of Redington Beach, Florida, Amending Chapter 11 (Miscellaneous Offenses) of the Town Code to Remove Outdated, Preempted, or Unenforceable Provisions and to Incorporate Current State and Federal Law Requirements; making Related Findings; Providing for Codification, Severability, and an Effective Date.**



- C. Final Reading: Ordinance 2020-12: An Ordinance of the Town of Redington Beach, Pinellas County, Florida, Amending Town Code Chapter 6, Building and Building Regulations, Article III, Division 3, Site Plans, by Amending the Guidelines for the Preparation of Site Plans, Making Related Findings; Providing for Severability; and Establishing an Effective Date.**

9. NEW BUSINESS

10. OTHER BUSINESS

11. ADJOURNMENT

Note: The Town of Redington Beach Board of Commissioners meet the First and Third Wednesday of each month beginning at 6:30 p.m.

The Town of Redington Beach Board of Commissioners may take action on any matter during this meeting, including items that are not set forth within this agenda.

Minutes of the Board of Commissioners meeting may be obtained from the Town Clerk's office. The meetings may be recorded. The Minutes are not transcribed verbatim. It is the policy of the Board of Commissioners to make "action minutes" of all meetings

Persons requiring a verbatim transcript of any Town meeting (for purposes of appeal or otherwise) should make arrangements to have a certified Court Reporter, at their own cost and expense, present at the meeting.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose 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. (F.S 286.0105) **Notice Regarding Special Accommodations: (F.S. 286.26)**



Missy Clarke is inviting you to a scheduled Zoom meeting.

Topic: BOC Regular Meeting

Time: Feb 3, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/85830010290?pwd=YVU3eEpVdFJtNlFhRzFpQ1FQQjBUQT09>

Meeting ID: 858 3001 0290

Passcode: 432128

One tap mobile

+13017158592,,85830010290#,,,,*432128# US (Washington DC)

+13126266799,,85830010290#,,,,*432128# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 858 3001 0290

Passcode: 432128

Find your local number: <https://us02web.zoom.us/j/kicJ0oMej>



TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Wednesday, January 20, 2021
6:30 p.m.

Having been duly advertised as required by law, the **Regular Meeting** of the Board of Commissioners of the Town of Redington Beach, Florida, was held on **Wednesday, January 20, 2021, 6:30 p.m.**, in Redington Beach Town Hall at 105 164th Avenue, Redington Beach Florida.

Mayor Simons called the **Regular Meeting** to order and led the pledge of allegiance.

Roll Call

	Present	Absent
Commissioner Kornijtschuk	X	
Commissioner Steiermann	X	
Commissioner Will	X	
Vice Mayor Dorgan	X	
Mayor Simons	X	
Town Attorney Eschenfelder	X	
Town Clerk Clarke	X	

Agenda: A motion by Commissioner Steiermann and seconded by Commissioner Kornijtschuk to accept the agenda as presented. Motion passed with all ayes.

Public Forum: None

Public Safety

- Nothing to Report

Building

- Nothing to Report

Public Works

- Was contacted by an event planner and they have requested a permit for a bonfire on the beach at sunset to film by CBS Sports. This would be a backdrop of the players introduced at the super bowl. There would only be five to ten people and would be from 4:00 p.m. to 8:00 p.m. They have also stated that they would make a donation to the Redington Beach Scholarship Fund. The consensus of the commission was to move forward with this.

Finance

- Nothing to Report

Mayor

- Nothing to Report

Town Clerk

- The Gulf Blvd undergrounding project is coming to a close. The items to be completed by Spectrum are six overhead wires to be removed once the trunk lines have been placed and energized. Duke Energy has completed all of their work except for the three utility poles that need to be removed on the East side of Gulf Blvd and install shielding that is creating light pollution on the residents.

Town Attorney

- Nothing to Report

Boards and Committees

- Nothing to Report

CONSENT AGENDA

A. Board Regular Meeting Minutes, January 6, 2021

B. Bill list ending for Day ending January 15, 2021

A motion by Vice Mayor Tom Dorgan and seconded by Commissioner Kornijtschuk to approve the consent agenda as presented. No public comment. Roll Call vote. Motion passed with all ayes by roll call vote.

	Motion	Second	Aye	Nay	Absent
Commissioner Kornijtschuk		X	X		
Commissioner Steiermann			X		
Commissioner Will			X		
Vice Mayor Dorgan	X		X		
Mayor Simons			X		

UNFINISHED BUSINESS

- A. First Reading; Ordinance 2019-07: An Ordinance of the Town of Redington Beach, Florida, Amending Chapter 16 and 17 of the Town Code Concerning Sales and Signs to Remove Outdated, Preempted, or Unenforceable Provisions and to Incorporate Current State and Federal Law Requirements; making Related Findings; Providing for Codification, Severability, and an Effective Date.** Attorney Eschenfelder read the ordinance by title only. He reviewed the background on the supreme court cases regarding the content of signs. Town Planner noted that this went through the planning board as it is within the land development code. A motion by Commissioner Will and seconded by Commissioner Steiermann to adopt Ordinance 2019-07 on its first reading. Town Planner, Bruce McLaughlin noted that the planning board has recommended the ordinance for approval. Commissioner Steiermann had questions on garage sales, temporary signs, and political signs. Steve Redman, 16496 Redington Drive had questions regarding realtor signs, sign regulation size and the need for a permit for a temporary sign. The consensus of the commission was to make the realtors signs not to exceed 24" x 38".

Steve Miller, 16335 Redington Drive had questions regarding temporary signs that they use for their annual events, which are 4' x 6' banners.

Rich Cariello, 16001 2nd Street, stated that there are four organizations in town that use banners and signs.

Discussion ensued regarding sign regulations and town attorney suggested that the town be a co-sponsor for the events to allow the signs/banners for the special events in town and therefore the organizations would be in compliance. A motion by Commissioner Will and seconded by Commissioner Steiermann to amend the original motion to include the staff recommendations in the memo and to add the language discussed. Roll call vote was taken and motion passed with all ayes.

	Motion	Second	Aye	Nay	Absent
Commissioner Kornijtschuk			X		
Commissioner Steiermann		X	X		
Commissioner Will	X		X		
Vice Mayor Dorgan			X		
Mayor Simons			X		

- B. **Final Reading; Ordinance 2020-03: An Ordinance of the Town of Redington Beach, Pinellas County, Florida, Amending Town Code, Chapter 18.5, Stormwater, By Creating and Inserting Article IV, Adopting a Standard Details Manual for Public Works and Private Property Improvements with Manual Establishes Standards for all works within the Town's Public Rights of Way and for Collection, Retention, and Treatment of Stormwater Runoff on Private Properties, Providing for Severability; and Establishing an Effective Date.** Attorney Eschenfelder read the ordinance by title only. A motion by Commissioner Kornijtschuk to adopt Ordinance 2020-03 on its final reading and seconded by Commissioner Will. Sarah Propst with LTA Engineers spoke on how the town passed the impervious surface ratio in the comprehensive plan and within that ordinance the town would write a standard details manual. Discussion amongst the commissioners regarding driveways, swales, and slopes. Ms. Propst suggested that the concerns could be addressed in the stormwater ordinance that the commission will be hearing in the near future.

Steve Redman, 16496 Redington Drive spoke on the inconsistencies in section 402.5 regarding setbacks. He also pointed out that there was a conflict with the net zero run off.

Ken Sulewski, 16213 Redington Drive noted that the street in front of his house is not pitched properly and leaves standing water.

Steve Miller, 16335 Redington Drive, spoke on sections 700.2, 700.3, and 700.5. Clarification was given.

Roll call vote was taken and Ordinance 2020-03 passed on its second and final reading.

	Motion	Second	Aye	Nay	Absent
Commissioner Kornijtschuk	X		X		
Commissioner Steiermann			X		
Commissioner Will		X	X		
Vice Mayor Dorgan			X		
Mayor Simons			X		

- C. **Final Reading; Ordinance 2020-12: An Ordinance of the Town of Redington Beach, Pinellas County Florida, Amending Town Code Chapter 6, Buildings and Building Regulations, Article III, Division 3, Site Plans, by Amending the Guidelines for the Preparation of Site Plans, Making Related Findings; Providing for Severability; and Establishing an Effective Date.** Attorney Eschenfelder read the Ordinance by title only. A motion by Commissioner Will and seconded by Commissioner Kornijtschuk to adopt Ordinance 2020-12 on its final reading. Town Planner, Bruce McLaughlin noted that the Future Land Use Policy, 3.1.3 reads that "All applications for development be approved shall be subject to site plan review." This would include such items as window permits and hot water heater change outs. The town could waive the site plan review for the smaller projects, but the ordinance would not be consistent with the comprehensive plan. An alternative would be to have a site plan review for small projects and for less extensive project a site sketch could be used. The building official could sign off on the site sketches. Discussion amongst the commissioners on the landscaping requirements and definitions.

Steve Redman, 16496 Redington Drive, had questions regarding what requires a site plan versus a site sketch.

Steve Miller, 16335 Redington Drive had a question on the site sketch and who could produce it.

Mayor Simons requested that the ordinance be continued to a date certain and have landscape defined. The consensus of the commission was to continue the ordinance until a date certain until "Landscape" can be defined. The ordinance will be ready for the February 3rd meeting.

- D. **Final Reading; Ordinance 2020-14: An Ordinance of the Town of Redington Beach, Pinellas County Florida, Repealing and Replacing Town Code, Chapter 18.5, Stormwater, Establishing New General Provisions, New Definitions, and New Operating Requirements; Updating the Provisions for Stormwater Management Utility Fees and for the Stormwater Utility Fee, Making Related Findings; Providing for Severability; and Establishing an Effective Date.** This ordinance will be continued to the February 17th meeting as there is a companion resolution for stormwater fees that need to be included with this. This will need to be heard by the planning board prior to the commission hearing this.

NEW BUSINESS

- A. **State Highway Lighting Agreement:** Town Clerk noted that the commission approved the draft contract that was reviewed at the April 15th meeting and the consensus was to move forward. The actual agreement is before you now to approve. This is a seven year agreement to maintain the lighting along Gulf Blvd. A motion by Commissioner Kornijtschuk and seconded by Commissioner Steiermann to authorize the mayor to sign the agreement. Roll call vote was taken and motion passed with all ayes.

	Motion	Second	Aye	Nay	Absent
Commissioner Kornijtschuk	X		X		
Commissioner Steiermann		X	X		
Commissioner Will			X		
Vice Mayor Dorgan			X		
Mayor Simons			X		

Other Business

Vice Mayor Dorgan spoke on the construction on the west side of Guld Blvd at 162 Avenue and the contractors parking in the median. Town clerk will contact the deputies and have them speak to the contractors about parking.

With no further business, a motion was made by Vice Mayor Kornijtschuk and seconded by Commissioner Will to adjourn. Regular meeting was adjourned at 8:52. p.m.

Adopted: January 20, 2021

Missy Clarke, CMC, Town Clerk

Date: 01/29/2021

Time: 11:40 am

Page: 1

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 101 General Fund							
Dept: 512 Town Clerk							
101-512-512.230	Group Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	802.73
							802.73
101-512-512.231	Life Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	9.75
							9.75
101-512-512.232	Dental Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	64.15
							64.15
101-512-512.490	Advertising TIMES PUBLISHING COMPAI	0000132854	LPA Ord 2021-01	0	01/06/2021	01/06/2021	124.40
	TIMES PUBLISHING COMPAI	0000131853	BOC Ord. 2020-03, 2020-12	0	01/06/2021	01/06/2021	83.60
	TIMES PUBLISHING COMPAI	0000134479	BOC Meeting 1/20/21 4 Ord.	0	01/13/2021	01/13/2021	192.40
	TIMES PUBLISHING COMPAI	0000135414	BOC Ord. 2020-09, 2020-11	0	01/28/2021	01/28/2021	83.60
							484.00
101-512-512.510	Office Supplies ADRIANA NIEVES	2021-01-28	Reimburse office supplies	0	01/28/2021	01/28/2021	20.00
	APEX OFFICE PRODUCTS	2161234-0	copy paper	0	01/25/2021	01/25/2021	79.98
	TAMPA BAY TIMES	2021-01-28	Sun/Wed Paper delivery	0	01/28/2021	01/28/2021	78.00
							177.98
101-512-512.542	Dues & Subscrip I.I.M.C.	2021-01-28	Clarke Renewal 4/1/21-3/31/22	0	01/06/2021	01/06/2021	175.00
							175.00
Total Dept. Town Clerk:							1,713.61
Dept: 513 Finance & Admin							
101-513-513.230	Group Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	809.98
							809.98
101-513-513.231	Life Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	9.75
							9.75
101-513-513.232	Dental Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	32.01
							32.01
101-513-513.320	Audit Fee CLIFTON LARSON ALLEN LL	2721639	Audit services FY 19-20	0	01/25/2021	01/25/2021	11,550.00
							11,550.00
Total Dept. Finance & Admin:							12,401.74
Dept: 515 Comprehensive Planning							
101-515-515.310	Planning BRUCE MCLAUGHLIN CONS	2021-01-28	Interim bill 1/28/2021	0	01/28/2021	01/28/2021	1,350.00
							1,350.00
Total Dept. Comprehensive Planning:							1,350.00
Dept: 521 Law Enforcement							
101-521-521.340	Law Enforcement PINELLAS COUNTY SHERIFF	965621	Law Enf. Feb. 2021	0	02/01/2021	02/01/2021	22,479.00
							22,479.00

Date: 01/29/2021

Time: 11:40 am

Page: 2

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Total Dept. Law Enforcement:							22,479.00
Dept: 539 Department of Public V							
101-539-539.230	Group Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	1,597.32
							1,597.32
101-539-539.231	Life Insurance - [	2021-01-28	February 2021	0	01/22/2021	01/22/2021	19.50
							19.50
101-539-539.232	Dental Insurance FLORIDA MUN INSURANCE	2021-01-28	February 2021	0	01/22/2021	01/22/2021	137.03
							137.03
al Dept. Department of Public Works:							1,753.85
Dept: 572 Parks and Recreation							
101-572-572.430	Utilities DUKE ENERGY	60814-47178	2021-01-22 12/21/2020-1/22/2021	0	01/22/2021	01/22/2021	16.78
							16.78
101-572-572.462	Maintenance - Gr						
	BEACH HARDWARE	155	Tire patch kit, drill bit, etc	0	12/28/2020	12/28/2020	151.76
	HIGHLAND PRODUCTS GRO	310009710	Picnic table, park bench	0	01/22/2021	01/22/2021	1,647.00
	HOME DEPOT CREDIT SERV	026128/6625193	paint for public restroom	0	01/26/2021	01/26/2021	59.40
							1,858.16
101-572-572.521	Twin Towers Ope						
	FLORIDA MONUMENT	201201	Engraved brick - CARTER	0	12/09/2020	12/09/2020	26.00
							26.00
101-572-572.522	Gasoline & Oil						
	CHASE CARD SERVICES	298129	Diesel fuel	0	01/21/2021	01/21/2021	32.91
	WEX BANK	315002	Unleaded	0	01/25/2021	01/25/2021	40.60
							73.51
101-572-572.527	Tools & Equipme						
	BEACH HARDWARE	155	Tire patch kit, drill bit, etc	0	12/28/2020	12/28/2020	36.55
							36.55
Total Dept. Parks and Recreation:							2,011.00
Total Fund General Fund:							41,709.20
Grand Total:							41,709.20

1/27/2021

9680 PAYROLL
9681 PAYROLL
9682 PAYROLL
9683 PAYROLL
9684 PAYROLL
9685 PAYROLL
9686 PAYROLL
9687 PAYROLL
9688 PAYROLL
Retirement
Payroll Taxes

277.05
277.05
381.75
277.05
277.05
2,324.28
1,482.07
1,336.03
1,085.64
1,602.82
3,538.34

EFT
EFT

12,859.13

MAYOR SIMONS

COMMISSIONER WILL

COMMISSIONER KORNIJTSCHUK

VICE MAYOR DORGAN

ATTEST:

COMMISSIONER STEIERMANN

Missy Clarke, CMC, Town Clerk

Regular Meeting of February 3, 2021

ORDINANCE NO. 2020 - 11

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTER 11 (MISCELLANEOUS OFFENSES) OF THE TOWN CODE TO REMOVE OUTDATED, PREEMPTED OR UNENFORCABLE PROVISIONS AND TO INCORPORATE CURRENT STATE AND FEDERAL LAW REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Beach (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town Board of Commissioners (the Commission) regularly adopts ordinances amending the Code; and

WHEREAS, however, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years; and

WHEREAS, part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions; and

WHEREAS, in light of the foregoing, the Commission has charged the Town Attorney with the task of conducting a complete review of the Town's Code (excluding the Land Development Code) and to bring forward any recommended revisions to the Code which would alleviate any of the aforementioned potential concerns with the Code's current text; and

WHEREAS, the Town Attorney has submitted his assessment of Chapter 11 of the Code concerning miscellaneous offenses, and has recommended that the Commission make the revisions to that Chapter as are set forth in this Ordinance; and

WHEREAS, the Commission has considered the Town Attorney's recommendations and finds them to be consistent with the goals of the Commission; and

WHEREAS, the Commission therefore finds that it is in the best interests of the Town, and its citizens, property owners and businesses to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. Chapter 11 (Miscellaneous Offenses) of the Redington Beach Town Code are hereby amended to read as follows:

Chapter 11 - MISCELLANEOUS OFFENSES

ARTICLE I. – GENERAL OFFENSES

Sec. 11-1. - Adoption of state law misdemeanors.

It shall be unlawful for any person to commit within the corporate limits of the town any act which is or shall be recognized by the laws of the state as a misdemeanor, and the commission of such acts is hereby forbidden.

Case Law reference—Adoption of state law relating to misdemeanors by city upheld, *McFarland v. Roberts*, 74 So.2d 88(Fla. 1954); *Orr v. Quigg*, 135 Fla. 653, 185 So. 726 and *Wright v. Worth*, 83 Fla. 204, 91 So.87; adoption of state law misdemeanors by reference includes laws both in existence at the time and those later adopted by the state legislature, *State v. Smith*, 189 So.2d 846 (Fla. 4th D.C.A. 1966). Follows rule in *Hecht v. Shaw*, 112 Fla. 762, 151 So.333(1933) "... when the adoption statute makes no reference to any particular statute or part of statute by its title or otherwise, but refers to the law generally which governs a particular subject, the reference in such a case includes not only the law in force at the date of the adopting act, but also all subsequent laws on the particular subject referred to. ..."

(1)

A municipality may enact an ordinance which creates an offense against municipal law for the same act that constitutes an offense against state law. *Jaramillo v. City of Homestead*, 322 So.2d 496(Fla. 1975).

(2)

A municipality by ordinance may adopt state misdemeanor statutes by specific reference or by general reference, such as that contained in an ordinance making it unlawful to commit, within city limits, any act which is or shall be recognized by the laws of the state as a misdemeanor. Id.

(3)

An adoption by general reference of a misdemeanor statute permits subsequent amendments, revisions and repeals of the laws by the state legislature to apply to the municipal ordinances. Id.

State Law reference—Florida Statutes general index under heading "Crimes" for listing of state law misdemeanors; fines for violation in city, F.S. § 34.191; penalty for misdemeanors, F.S. §§ 775.082, 775.083; discharging firearms in public, F.S. § 790.15; firearms, regulation preempted, F.S. § 790.33 et seq.; obscenity, preemption of field concerning exposing persons under 17 years of age to harmful motion pictures, exhibitions, shows, representations and presentations, F.S. § 847.013(4); preemption of offenses regarding obscenity, F.S. § 847.09(1).

Sec. 11-2. - Damaging or interfering with public property.

It shall be unlawful for any person to injure, damage, or deface or interfere in any way with public property of any nature within the town.

Sec. 11-3. -- Obstructiong of public sidewalks and abutting entryways traffic; harassment.

- (a) *Prohibition.* No person shall, either alone or in conjunction with others, stand, sit, lie, congregate, or place objects or obstructions in such a manner as to obstruct:
- (1) The safe and efficient movement of pedestrian traffic upon any sidewalk, walkway, or right-of-way upon which the public has a right to travel, or
 - (2) Any person's safe and efficient access to the entryway of any building, where such entryway abuts a sidewalk, walkway, or right-of-way upon which the public has a right to travel.
- (b) *Notice.* If a person is found to be in violation of this section, a law enforcement officer shall notify the person that he or she is causing an obstruction in violation of this section and shall request the person to move his or her person or objects so as to remove the obstruction. The person shall not be charged with a violation of this section if the person voluntarily removes the obstruction and does not repeat a violation of this section for the 72-hour period following the law enforcement officer's notice and request.
- (c) *Exception.* The prohibition in subsection (a) of this section shall not apply to any person who causes such obstruction during the course of performing activities specifically permitted by a valid government-issued permit or in accordance with the conditions of a maintenance of traffic (MOT) plan that has been approved by the town.

It shall be unlawful for any person to loiter at, on or in a public place or a place open to the public in such a manner as to:

- (1) Interfere with, impede or hinder the free passage of pedestrian or vehicular traffic.
- (2) Interfere with, obstruct, harass, curse or threaten to do physical harm to members of the public.

Sec. 11-4. -- False alarms.

- (a) *Generally.* It shall be an offense under this Code for any person to operate, own or maintain any alarm system that automatically transmits alarms to any approved monitoring agency which, by reason of poor design or manufacture, inadequate or improper maintenance or installation or any other reason within the control of the person operating, maintaining or owning such system, transmits more than three false alarms in any three month period.
- (b) *Penalty.*
- (1) Where three or more false alarms are received from any one system in any three month period, and such false alarms are an offense as defined in subsection (a) of this section, the penalty therefor shall be a fine of \$50.00 for each false alarm over three.
 - (2) If six or more false alarms are received from any one system during a six month period, and such alarms are an offense as defined in subsection (a) of this section, the penalty

~~therefor shall be a fine of \$100.00 each, in addition to the penalty as stated in subsection (b)(1) of this section.~~

Sec. 11-4. – Obstructing town officials.

~~It shall be unlawful for any person to hinder, obstruct or oppose any town officer or official, or any legally authorized person, in the execution of legal process or in the lawful execution of any of such person's legal duty. It shall be unlawful to hinder or interfere with any employee or contracted agent of the town in the performance of that person's official town duties.~~

Sec. 11-5. - Destruction of mangrove trees prohibited.

~~No mangrove within the town may be trimmed, cut, defoliated, killed or removed unless such act is performed pursuant to a current permit issued under the authority of article XVI of Chapter 58 of the Pinellas County Code. Violations of this section shall be enforced pursuant to § 58-609 of the Pinellas County Code, unless such enforcement authority is delegated to the town by interlocal agreement as provided for in § 58-602 of the Pinellas County Code. Unauthorized trimming, cutting, vandalism or any other actions causing damage to mangroves or their environment shall be a violation of this chapter. Violators shall be punishable by fines in the amount of \$500.00 per individual mangrove tree trimmed, cut or damaged. Owners of property on which mangroves exist shall be responsible for the protection of these trees and may be held liable for damage of the trees on their property.~~

ARTICLE II. – PUBLIC AND PRIVATE PROPERTY OFFENSES

Sec. 11-620. – Sleeping, lying or reclining on the rights-of-way during daylight hours in certain places.

(a) Purpose/findings.

- ~~(1) Public streets, sidewalks, walkways, and other paths for vehicular or pedestrian travel are created and maintained for the primary purposes of enabling pedestrians and lawfully permitted vehicles to safely and efficiently move about from place to place, facilitating deliveries of goods and services, and providing all potential customers and visitors with convenient access to recreation, goods and services.~~
- ~~(2) Such public streets, sidewalks, walkways, and paths are prone to congestion, and should be kept available to serve these primary purposes.~~
- ~~(3) Except in places provided for that purpose or where reasonably necessary, the act of sleeping, lying, or reclining on public streets, sidewalks, walkways or other paths for vehicular or pedestrian travel interferes with the primary purposes of the public street, sidewalk, walkway, or path; threatens public safety; and damages public welfare.~~

(b) Prohibitions.

- (1) It shall be unlawful for any person to sleep, lie, or recline in or on any part of the prohibited areas during daylight hours.
 - (2) For purposes of this section, "prohibited areas" means, collectively, all of the following areas:
 - a. The town's streets, roads and abutting rights-of-way, which shall include any public sidewalk.
 - b. Any public path for vehicular, bicycle or pedestrian travel.
 - c. A public park or public beach access point other than during daylight hours (meaning the period from sunrise to sunset).
- (c) *Notice.*
- (1) If a person is found to be sleeping, lying, or reclining in a manner prohibited by this section, a law enforcement officer shall request the person to move to an area where sleeping, lying, or reclining is not prohibited. The person shall not be charged with a violation of this section if the person voluntarily moves from the prohibited area.
 - (2) No person shall be cited under subsection (b) unless the person engages in conduct prohibited by said subsection after having been notified by a law enforcement officer that the conduct violates subsection (b).
- (d) *Exceptions.* The prohibition in subsection (b) shall not apply under the following circumstances:
- (1) To any person lying down in the prohibited zone due to a medical emergency;
 - (2) To any person utilizing an object, placed in the prohibited zone by the town or other public agency, in the manner in which it was intended, such as sitting on a transit system bench waiting for scheduled transportation;
 - (3) Any conduct that is in conformity with the conditions of any permit issued pursuant to the town code;
 - (4) Any passenger asleep while traveling in the prohibited zone if that passenger is being transported by another person in or on any device or by any method otherwise legally permitted in the part of the right-of-way or other public path for vehicular or pedestrian travel being used for such travel.
- (a) — It shall be unlawful for any person to sleep upon or in any street, park, beach, wharf or any other public place from sundown to sunrise.
- (b) — It shall be unlawful for any person to loiter or sleep in or upon any private property without the express consent of the owner of the property.

Sec. 11-21. — Trespass prohibited; authorization to issue trespass warning for private property.

- (a) It shall be unlawful and a trespass for any person to, without authority of law, go upon or remain upon the lands, buildings or premises of another, or any part, portion or area thereof, after having been forbidden to do so, either orally or in writing, by the owner, lessee, custodian or other person lawfully in charge thereof, or after having been forbidden to do so by a sign or signs posted on such lands, buildings or premises or any part, portion or area thereof, at a place or places where the sign may be reasonably seen with letters not less than two inches in height.
- (b) It shall be unlawful and a trespass for any person to enter or remain in any unoccupied or unfinished building or structure without the consent of the owner or agent thereof.
- (c) For the purposes of this section, the term "person lawfully in charge" includes officers/deputies of the town's contracted law enforcement agency when the owner, lessee, custodian, agent, manager, or other person lawfully in charge of the property provides written authorization, according to procedures set out by that agency, for officers/deputies to issue trespass warnings. Such authorizations shall be kept on file with the town's contracted law enforcement agency.

Sec. 11-22. – Trespass warnings; authorization to issue trespass warning for public property.

- (a) The town's employees or officials, or their designees, having control over a town facility, building, or outdoor area, including town hall and municipal parks, are authorized to issue a trespass warning to any individual who violates any town ordinance, rule or regulation, or state law or lawful directive of a town employee or official, which violation was committed while on or within a town facility, building, or outdoor area (excluding rights-of-way), for the specific property where the violation occurred.
- (b) When no other town employee or official having control over a town facility, building, or outdoor area is present, a law enforcement officer is authorized to issue a trespass warning to any individual who violates any town ordinance or state law which was committed while on or within a town facility, building, or outdoor area (excluding rights-of-way), for the specific property where the violation occurred.
- (c) For the purpose of this section, right-of-way shall include those sidewalks which are closest to a paved street, provided that the street side edge of the sidewalk is within 20 feet of the curbline closest to the property.
- (d) Trespass warnings shall be issued as follows:
 - (1) For the first violation, the individual may be issued a trespass warning for a period not to exceed one year.
 - (2) For a second or subsequent violation, the individual may be issued a trespass warning for a period not to exceed two years.
- (e) A copy of the trespass warning shall be provided by mail or hand delivery to the individual and to the town employee or official having control over the town park, facility, building or outdoor area. The written trespass warning shall advise of the right to appeal and the location and telephone number for filing the appeal.

- (f) Any person found on or within any town facility, building, or outdoor area, including municipal parks, in violation of a trespass warning may be arrested for trespassing, except as otherwise provided in this section.
- (g) The town employee or official having control over a town facility, building, or outdoor area, including municipal parks, may authorize an individual who has received a trespass warning to enter the property or premises to exercise his or her First Amendment rights if there is no other reasonable alternative location to exercise such rights or to conduct necessary municipal business. Such authorization must be in writing, shall specify the duration of the authorization and any conditions thereof, and shall not be unreasonably denied.
- (h) This section shall not be construed to limit the authority of any town employee or official to issue a trespass warning to any person for any lawful reason for any town property, including rights-of-way when closed to general vehicular or pedestrian use, when necessary or appropriate in the sole discretion of the town employee or official.
- (i) *Appeal of trespass warning.* A person to whom a trespass warning is issued under this section shall have the right to appeal as follows:
 - (1) An appeal of the trespass warning must be filed, in writing, within ten days of the issuance of the warning, and shall include the appellant's name, address and phone number, if any. No fee shall be charged for filing the appeal.
 - (2) The appeal shall be filed at the desk of the town clerk.
 - (3) Appeals shall be heard by a special magistrate which the town contracts with to provide this service.
 - (4) Within five days following the filing of the appeal, the special magistrate shall schedule a hearing. Notice of the hearing shall be provided to the appellant in one of two ways:
 - a. By leaving or posting the notice at the desk of the town clerk, or
 - b. By telephone if a telephone number has been provided. If appellant cannot be reached by telephone, then notice at the clerk's desk shall be sufficient.
 - (5) The special magistrate shall hold the hearing as soon as possible. In no event shall the hearing be held sooner than seven days following the filing of the appeal and no later than 30 days from the filing of the appeal.
 - (6) Copies of documents in the town's control which are intended to be used at the hearing, and which directly relate to the issuance of the trespass warning to the appellant, shall be made available upon request to the appellant at no cost.
 - (7) The appellant and the town shall have the right to attend with an attorney, the right to testify, to call witnesses, to cross-examine witnesses and to present evidence. The appellant shall have the right to bring a court reporter, at his or her own expense.
 - (8) The special magistrate shall consider the testimony, reports or other documentary evidence, and any other evidence presented at the hearing. Formal rules of evidence shall not apply, but fundamental due process shall govern the proceedings.
 - (9) The town shall bear the burden of proof by clear and convincing evidence that the trespass warning was properly issued pursuant to the criteria of this section.

- (10) If the appellant fails to attend a scheduled hearing, the special magistrate shall review the evidence presented and determine if the trespass warning was properly issued pursuant to the criteria of this section.
- (11) Within five days of the hearing, the special magistrate shall issue a written decision on the appeal which shall be mailed to the appellant at the address provided. If no address is provided, a copy of the decision shall be posted at the town clerk's desk.
- (12) The decision of the special magistrate shall be final and the appellant shall be deemed to have exhausted all administrative remedies. Such decision may be subject to judicial review in the manner provided by law.
- (13) The trespass warning shall remain in effect during the appeal and review process, including any judicial review.

ARTICLE III. - ALARM SYSTEMS

Sec. 11-30. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alarm system means any mechanical or electrical or radio-controlled device which is designed to be used for the detection of flames, smoke, heat or water flow in a building, structure or facility which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct-dial devices, audible alarms and proprietor alarms. Excluded from the definition of alarm systems are devices which are designed or used to register alarms that are audible, visible or perceptible in or from any motor vehicle or auxiliary devices installed by telephone companies to protect telephone systems from damage or disruption of service.

Automatic dialing devices means an alarm system which automatically sends over regular telephone lines, by direct connection, wireless or otherwise, a prerecorded voice message or coded signal indication the existence of the emergency situation that the alarm that the alarm system is designed to detect.

Commercial premises means any structure or area which is not defined in this section as a residential premise.

False alarm means the activation of an alarm system through the mechanical failure, malfunction, improper installation, or the neglect or intentional misuse by the owner or lessee of an alarm system or by her/his/its employees, servants or agents or by any other activation of the alarm system not caused by or because of an actual fire. Such terminology does not include alarms caused by acts of nature such as hurricanes, tornadoes, other severe weather conditions, or alarms intentionally activated by an owner or lessee of an alarm system by her/his/its servants, or other agents who visually observed or heard suspicious circumstances which would cause a careful and prudent person to believe that an actual fire or hazardous condition existed at the premises protected by the alarm system.

False alarm response exists when a firefighter or fire-medec is dispatched to or otherwise learns of the activation of an alarm system which is subsequently is found to be a false alarm.

Fee means an assessment of costs imposed pursuant to this article to defray the expense of responding to a false alarm.

Fire official means any respective official(s) of the fire department or district with which the town contracts for fire protection services who is designated by that department or district to perform the role.

Newly installed fire alarm system means a system that has been installed and operating for a period of less than 31 days.

Residential premises means any structure or combination of structures which serves as a dwelling unit, including single-family and multi-family units, regardless of current occupancy and regardless of the permanence of the occupants.

Responsible party means the adult person(s) occupying the premises (not including employees working in a commercial premises) or the person or entity controlling the residential or commercial premises on which the alarm is located. The term expressly includes the record owner of the premises, landlords, and tenants. It does not include guests temporarily staying with a permanent resident while that resident is also occupying the premises.

Security alarm means an alarm system subject to the provisions of § 54-2 of the Pinellas County Code or its successor, and which are not regulated by this article.

Sec. 11-31. - Notification.

Every person who shall own, operate or lease any fire alarm system within the town, whether existing or to be installed in the future, shall notify the town's contracted fire department on such forms or on-line registration system as may be provided by that department of the following:

- (1) The type, make model of the alarm system;
- (2) Whether installed in a residential or commercial premises;
- (3) The name, address, business or home phone number of the owner or lessee of the fire alarm system; and
- (4) The names, addresses and telephone numbers of no less than two persons to be notified of alarm activation.

Sec. 11-32. - Response to false alarms; required reports; corrective action penalties; disconnection.

- (a) For the purpose of this article, responsibility for a false alarm shall be borne by the person occupying or controlling the premises on which the alarm is located. To the extent the occupant and the person or entity controlling the premises are not the same, this responsibility shall be a joint responsibility of both the occupant and controlling party.
- (b) The following shall be required by each entity or adult person who owns or controls any commercial or residential premises for each incident of a response to a false alarm:

- (1) For each of the first, second and third false alarm response to a premise within a calendar year, the responsible party shall within ten days file with the fire department a written report detailing the cause of the false alarm and the corrective action taken. A licensed contractor's service receipt detailing the service performed and corrective action taken will suffice as a written report.
- (2) For a fourth or any succeeding false alarm response to a premise within a calendar year, a fine shall be charged. The fine shall be established by resolution of the town commission from time to time. If such fourth or any succeeding false alarm response is a result of failure to take corrective action, the fire department may order the disconnection of the alarm system and may order a mandatory fire watch for the premises, as such fire watch may be authorized by the fire code as adopted by the town or applicable to the town. Additionally, it shall be a violation of this article not to disconnect or to reconnect such alarm system without the permission of the fire department, provide that no disconnection shall be ordered on any premises required by law to have an alarm system in operation. Any order for disconnection shall be rescinded by the fire department upon presentation of evidence sufficient to establish that corrective action has been taken, and subsequent inspection by the fire department confirms that adequate corrective action has been taken.
- (3) The provisions of this section shall not apply to any newly-installed fire alarm system for a period of 30 days from the date of installation.
- (4) *Testing alarms systems.* Notwithstanding any other provision of this article, it shall not be a violation of this section to test an alarm system pursuant to the testing procedures of the contracted alarm monitoring provider, or in the absence of such provider, under the following conditions:
 - a. Where there is no visual, audio, electronic or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring; or
 - b. Where there is a visual, audio, electronic, or other indication of the alarm which can be seen, heard, or received beyond the boundaries of the property upon which the test is occurring, and one of the following two precautions are observed:
 1. Adequate measures are taken to ensure that anyone seeing, hearing, or receiving the indication of an alarm will not report it either directly or indirectly to the fire department as an alarm requiring assistance of the fire department; or
 2. The fire department is notified that the test is to occur and is instructed not to respond by the responsible party.

Sec. 11-33. - Failure to report to premises after notification by the fire department.

Every person who owns, operates, or leases an alarm system and shall intentionally fail to respond after notification by the fire department of the activation of any alarm system, whether false or not, within a reasonable time after notification shall be deemed in violation of this article. For purposes of this section, to respond means to respond to a telephone call from the fire department seeking assistance with confirming the alarm was false, with deactivating the alarm,

or with any other request the department may make as to the status of the alarm at that time. The term does not mean that the owner, operator or lessee of the system must physically report to the property on which the system has been installed. For purposes of this section, the term reasonable is presumed to be one hour from when the department calls. However, it shall not be unreasonable, and not a violation of this section, should the owner, operator or lessee establish that the call was not received, that the call was received but the resulting message was not retrieved in time, or that some other circumstances prevented the owner, operator or lessee from being able to respond within a reasonable time.

Sec. 11-34. - Automatic dialing devices.

It shall be a violation of this article for any person to install, maintain, own, possess or operate any automatic dialing device alarm system regulated or programmed to make connection with any telephone number installed in any town facility or any facility of the town's contracted fire department.

Sec. 11-35. - Enforcement.

Unless otherwise specified herein, violations of this article shall be enforced as a code violation in the manner set forth in § 1-14 and article III of chapter 2 of this code.

Sec. 11-36. - Security alarms.

Security alarm systems, as described by § 54-2 of the Pinellas County Code or its successor, are regulated by the provisions of that code and not by this chapter. Enforcement of such regulation is by the Pinellas County Sheriff.

Every person who owns operates or leases a security alarm system shall register his/her alarm system with the Pinellas County Sherriff's Office SHARP alarm registration program to the extent such program is maintained by the Sheriff.

Section 2. For purposes of codification of any existing section of the Redington Beach Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of

the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2020, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2020, by the Board of Commissioners of the Town of Redington Beach, Florida.

James Simons, Mayor

Attest:

Missy Clarke, CMC, Town Clerk

Approved as to form:

Jay Daigneault, Town Attorney

ORDINANCE NO. 2020 - 09

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTER 8 (ELECTIONS) OF THE TOWN CODE TO REMOVE OUTDATED, PREEMPTED OR UNENFORCEABLE PROVISIONS AND TO INCORPORATE CURRENT STATE AND FEDERAL LAW REQUIREMENTS; MAKING RELATED FINDINGS; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Redington Beach (the Town) has codified its ordinances over time into a Town Code (the Code) which sets forth the cumulative law of the Town; and

WHEREAS, the Town Board of Commissioners (the Commission) regularly adopts ordinances amending the Code; and

WHEREAS, however, many portions of the Code date back to 1980, with other portions of the Code not having been updated for ten or more years; and

WHEREAS, part of the Commission's duties include the necessity to ensure that the Town's ordinances, as codified in the Code, are up to date, reflect current Florida and federal statutory and case law, that they reflect current actual Town operations, and that they do not contain outdated, redundant or erroneous provisions; and

WHEREAS, in light of the foregoing, the Commission has charged the Town Attorney with the task of conducting a complete review of the Town's Code (excluding the Land Development Code) and to bring forward any recommended revisions to the Code which would alleviate any of the aforementioned potential concerns with the Code's current text; and

WHEREAS, the Town Attorney has submitted his assessment of Chapter 8 of the Code, and has recommended that the Commission make the revisions to that Chapter as are set forth in this Ordinance; and

WHEREAS, the Commission has considered the Town Attorney's recommendations and finds them to be consistent with the goals of the Commission; and

WHEREAS, the Commission therefore finds that it is in the best interests of the Town, and its citizens, property owners and businesses to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Redington Beach, Florida, that:

Section 1. Sections 8-2, 8-7 and 8-8 of Chapter 8 (Elections) of the Redington Beach Town Code are hereby amended to read as follows:

Sec. 8-2. -- Vote by mailAbsentee balloting.

(a) That portion of Florida Statutes § 101.62~~105~~ et seq., relative to voting by mail~~absentee balloting~~, is hereby adopted and each of the provisions thereof is hereby declared to be the law and a part of the election law applicable to and for the town as provided by F.S. § 101.70.

(b) The town clerk is hereby required to perform the several duties set forth in such state law and to provide all necessary forms and materials therefor.

Sec. 8-7. - Adoption of state election laws.

(a) The provisions of the state election laws pertaining to state and municipal elections relating to qualifications of electors, registrations, transfer of electors from one district to another, manner of voting, duties of election officers, canvassing of returns and all other particulars in respect to the management of elections, except as provided in the Charter or this chapter, shall, as far as such may be applicable, govern all municipal elections.

(b) Any person violating the state election laws is subject to the penalties set forth in the state election laws.

(c) If any portion, part or subsection of this section is declared invalid, the remainder hereof shall remain in full force and effect.

~~(d) All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflicts.~~

Sec. 8-8. - Supervisor of elections; election officials.

(a) The town clerk is designated as the town's "supervisor of elections" for all municipal elections.

(b) The designation of election officials shall be accomplished by appropriate motion or resolution of the town's board of commissioners.

(c) If any portion, part or subsection of this section is declared invalid, the remainder hereof shall remain in full force and effect.

~~(d) All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflicts.~~

Section 2. For purposes of codification of any existing section of the Redington Beach Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 6th day of January, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 3rd day of February, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

James Simons, Mayor

Attest:

Missy Clarke, CMC, Town Clerk



FLORIDA MUNICIPAL SERVICES
c/o 17425 Gulf Blvd.
Redington Shores, FL 33708
(727) 202-6825

January 28, 2021

Meeting Date: February 3, 2021
Agenda Item 8C

Continued Advertised Public Hearing

MEMORANDUM

TO: Honorable Mayor and Members, Redington Beach Town Commission

FROM: Bruce Cooper, CBO, CFM, Building Official
R. Bruce McLaughlin, AICP, MCIP, Town Planner

SUBJECT: Proposed Ordinance 2020-12, Site Plan Requirements

EXECUTIVE SUMMARY

Ordinance 2019-10 requires an enhanced site plan approval process. The current site plan regulations also required rewriting to remove archaic and onerous requirements and to clarify and add certain requirements with respect to stormwater management and traffic circulation. Ordinance 2020-12 implements and is consistent with Ordinance 2019-10 and resolves numerous problems in the current code. The current draft clarifies when a site plan or sketch is required and defines “landscaping.” The LPA found the Ordinance consistent with the Comprehensive Plan and recommended its approval. **STAFF RECOMMENDS THAT THE BOARD ADOPT ORDINANCE 2020-12 ON SECOND READING.**

BACKGROUND

Applicant	Town of Redington Beach
Affected Area	Entire Town

January 28, 2021

THE REQUEST

That the Board of Commissioners adopt proposed Ordinance 2020-12 on second reading.

NOTICE

The Clerk's office will advise as to the notice given of this continued advertised public hearing.

AUTHORITY

Pursuant to §§ 4 and 5 of the Town Charter, the Town is governed by the Board of Commissioners which may exercise all powers available to a municipality under the Constitution and laws of the State of Florida. Those powers include preparing, adopting and amending land development regulations, including the regulation of stormwater management, drainage, landscaping, and related issues, and including requiring prescriptive measures to mitigate the impacts of higher ISRs.

ANALYSIS

Article III, Division 3 of Chapter 6 of the Town Code is problematic in several respects. For one thing, it requires a site plan whenever a building permit is issued, regardless of whether that permit entails any exterior work. It also theoretically requires the same level of detail for a window replacement as would be required for a newly constructed house. That is obviously inappropriate and is remedied by the adoption of Ordinance 2020-12.

The Ordinance establishes a statement of intent for the site plan process, defines "development," and defines "site plans" and "site sketches." The last is a new concept for the Town Code. The definition of "development" closely follows the definition of that term in Chapter 380, Florida Statutes.

Staff wish to still be able to require a full site plan, prepared by an engineer, and with the level of detail to properly evaluate a major project. At the same time, staff acknowledge that smaller projects often need not be supported by a full site plan.

Accordingly, the Ordinance introduces the concept of a site sketch to be submitted with smaller

January 28, 2021

projects. The current revision to the Ordinance also clarifies (p. 3, ll. 26 - 41) when a site plan or a site sketch is required but allows some flexibility in this requirement.

The Ordinance calls out the required contents of a site plan or site sketch and includes the following requirement for both documents:

All information reasonably required by the Building Code Administrator to determine compliance with the regulations governing the proposed development.

This is not an arbitrary provision allowing the Building Official to demand items be shown on the site plan or site sketch at will. Rather, the code provisions for various types of development: swimming pools, fences, seawalls, docks, etc., spell out the information needed to support each type of application.

More importantly, the Ordinance permits the Building Official to waive the requirement for any particular item required to be on a site plan or site sketch.

COMPREHENSIVE PLAN CONSISTENCY

First, Ordinance 2020-12 implements the mandate of the Comprehensive Plan Amendment adopted by Ordinance 2019-10:

- .. The land development regulations implementing this Policy shall:
 - 1. reaffirm the Building Official's authority to enforce this Policy;
 - 2. provide that the Building Official may confer with engineers and with professionals in other relevant fields to provide comprehensive review and approval of drainage plans and specifications for any project that increases the impervious surface ratio on the subject property.
 - 3. The drainage design, construction and inspection requirements shall be consistent with the Town's land development regulations, and with the Pinellas County Stormwater Manual (February 1, 2017).
 - 4. More generally, the goals of stormwater management are to

January 28, 2021

minimize the adverse effects of urban development on communities, watersheds, water bodies, wetlands, floodplains and other natural systems. These goals should be applied to redevelopment situations so that existing stormwater conditions are appropriately improved with reconstruction. More specifically, these goals include:

- a. Reducing pollutant concentrations and loadings to a level to ensure that discharges do not cause or contribute to violations of State water quality standards.
 - b. Preventing or reducing on-site and off-site flooding.
 - c. Maintaining or restoring the hydrologic integrity of wetlands and aquatic habitats.
 - d. Maintaining and promoting groundwater recharge.
 - e. Promoting the reuse of rainfall and stormwater.
 - f. Minimizing erosion and sedimentation.
 - g.. Accounting for impacts to the project based on sea level rise projections.
5. The Town shall adopt, implement and maintain a Standard Details Manual to supplement the Pinellas County Stormwater Manual in order to provide guidance and criteria to the design and building community for best management practices unique to the Town's character.

The Ordinance is also consistent with and implements the following Comprehensive Plan Policies:

[FLU] Policy 1.1.2

Residential areas shall be located and designed to protect life and property from natural and manmade hazards such as flooding, excessive traffic, subsidence, noxious odors, and noise.

[FLU] Policy 1.1.4

The Town shall continue to implement performance standards, such as buffering and open space requirements, within the land development regulations, as appropriate.

[FLU] Objective 1.5

All development orders and permits for development and

January 28, 2021

redevelopment activities shall be issued only if the public facilities necessary to meet the level-of-service standards as adopted pursuant to this comprehensive plan, are available concurrent with the impacts of the development.

[FLU] Policy 2.3.1

The Town of Redington Beach, acknowledging its particular vulnerability to coastal hazards as a barrier island community, recognizes the entire town as within the Coastal Storm Area ...

[FLU] Policy 3.1.3

All applications for development approval shall be subject to site plan review.

[FLU] Policy 3.1.4

The land development regulations shall contain specific and detailed provisions required to implement this comprehensive plan, which, at a minimum:

...

7. Provide for drainage and stormwater management, based on the minimum criteria established by the Southwest Florida Water Management District, the Town of Redington Beach or other appropriate governmental agencies;
8. Provide requirements for the provision of open space, and safe and convenient on-site traffic flow and parking requirements;
9. Encourage the use of native vegetation in the landscaping of multi-family and commercial developments; and
10. Provide provisions for the control of erosion and runoff from construction sites.

IE Policy 1.2.4

The Town shall continue to promote the use of native and drought-tolerant landscaping as a means of conserving water.

IE Goal 2:

To endeavor to provide an efficient drainage system which protect human life, minimizes property damage, and improves stormwater quality and on-site retention.

January 28, 2021

IE Objective 2.1

The Town shall seek to improve the stormwater drainage system located within its municipal boundaries.

IE Policy 2.1.1

Ensure that surface cover vegetation loss during construction is minimized or replaced to reduce erosion and flooding.

IE Policy 2.1.2

Ensure that the developer or owner of any new development or redevelopment site is responsible for the on-site management of stormwater runoff so that post-development runoff rates, volumes, and pollutant loads do not exceed predevelopment conditions.

IE Policy 2.1.3

Future drainage outfalls associated with either new development or redevelopment, shall be designed to prevent the direct discharge of runoff into Boca Ciega Bay or the Gulf of Mexico.

IE Policy 2.1.4

Implement the town's Watershed Management Plan in conjunction with the Southwest Florida Water Management District to address existing drainage and flooding conditions.

IE Objective 2.2

All development within the Town of Redington Beach shall meet the adopted level-of-service standard for stormwater drainage.

IE Policy 2.2.1

All development activity shall adhere to the level-of-service standard for drainage requirements of the 25 year, 24 hour rainfall storm design standard.

IE Policy 2.2.2

New development, redevelopment, and rehabilitation shall meet and maintain the standards established by the Florida Department of Environmental Regulation for the Outstanding Florida Waters and Aquatic Preserve designations of Boca Ciega Bay that require an additional fifty percent storage and treatment on site.

January 28, 2021

IE Policy 2.2.3

The following management techniques shall be used to reduce stormwater runoff:

1. Expansion and regular maintenance of retention swales adjacent to town roadways; and
2. Use of front, rear and side lot line swales for new construction or redevelopment;
3. Use of erosion and runoff control devices during construction/

IE Policy 2.2.4

The land development regulations shall continue to enforce provisions which, at a minimum, protect natural drainage features found within the Town as follows:

1. All applications for development approval within those areas identified as coastal high hazard area shall undergo site plan review;
2. The flood-carrying and flood storage capacity of the 100-year floodplain shall be maintained;
3. Development along Boca Ciega Bay shall maintain adequate setbacks to maintain any existing areas of natural coastal/marine habitat;
4. The prevention of erosion, retardation of runoff and protection of natural functions and values of the floodplain shall be considered while promoting public usage; and
5. The Town shall require development or redevelopment proposals to be consistent with the performance standards regulating development within the designated floodplain.

IE Objective 2.3

The Town shall take positive steps to implement its Watershed Management Plan.

IE Policy 2.3.1

The Town shall assess existing conditions and recommend modifications or cures to relieve existing drainage problems.

January 28, 2021

IE Policy 2.3.2

Consistent with budget allocations, the Town shall continue to retrofit the existing drainage system in conjunction with the Southwest Florida Water Management District.

Accordingly, the proposed ordinance is consistent with, and implements, numerous Goals, Objectives and Policies of the Town of Redington Beach Comprehensive Plan.

As revised for second reading, Ordinance 2020-12 deleted problematic provisions of the current code related to landscaping. At the Board's last meeting, the Board requested Staff to include a broad definition of "landscaping" within the Ordinance. That has been done (p. 7, ll. 15 - 18) and should fulfill the Board's goal for this definition.

Also, with respect to the issue of Florida Native Plants, a web page from the University of Florida's Institute of Food and Agricultural Sciences providing a representative list of native plants is attached.

RECOMMENDATION

THAT ORDINANCE 2020-12 BE ADOPTED ON SECOND READING.

ATTACHMENT
University of Florida
Institute of Food and Agricultural Sciences
REPRESENTATIVE LIST OF NATIVE PLANTS

Florida Native Plants

Native plants are often a good bet for the Florida gardener. A wide range variety could work in your landscape, from vines and groundcovers to shrubs, trees, and palms. Many can serve as good sources of food for wildlife.

Some popular natives in Florida include beautyberry, muhly grass, coontie, and Southern magnolia. Any of these sound familiar? You've probably seen them in your neighbors' landscapes or have them your own.

You can now find many improved selections of your favorite natives. Ask your local nursery what natives they have for the conditions in your landscape. Remember that natives, like all plants, are more likely to thrive when they're planted in the right place. Use them correctly, and your garden should flourish.

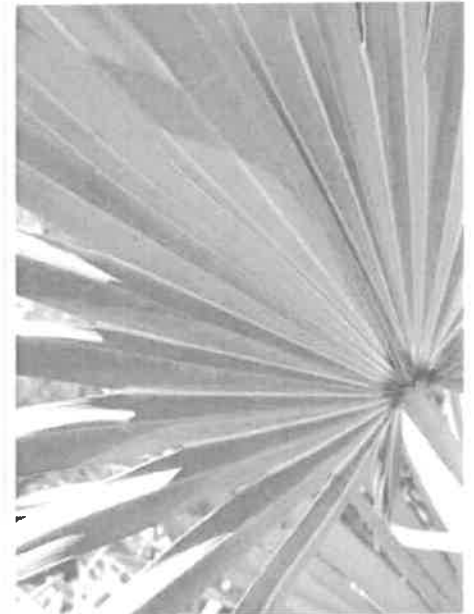
UF/IFAS Publications

Native Plants (http://edis.ifas.ufl.edu/TOPIC_Native_Plants)

Native Plants: An Overview (<http://edis.ifas.ufl.edu/ep297>)

Native Plants on Gardening Solutions

[Bald Cypress \(/plants/trees-and-shrubs/trees/bald-cypress.html\)](#)
[Beach Sunflower \(/plants/ornamentals/beach-sunflower.html\)](#)
[Beautyberry \(/plants/trees-and-shrubs/shrubs/beautyberry.html\)](#)
[Black-Eyed Susan \(/plants/ornamentals/black-eyed-susan.html\)](#)
[Carnivorous Plants \(/plants/ornamentals/carnivorous-plants.html\)](#)
[Carolina Jessamine \(/plants/ornamentals/carolina-jessamine.html\)](#)
[Chickasaw Plum \(/plants/trees-and-shrubs/trees/chickasaw-plum.html\)](#)
[Coontie \(/plants/trees-and-shrubs/palms-and-cycads/coontie.html\)](#)
[Columbine \(/plants/ornamentals/columbine.html\)](#)
[Coral Bean \(/plants/ornamentals/coral-bean.html\)](#)
[Coral Honeysuckle \(/plants/ornamentals/coral-honeysuckle.html\)](#)
[Coreopsis: Florida's State Wildflower \(/plants/ornamentals/coreopsis.html\)](#)
[Cycads \(/plants/trees-and-shrubs/palms-and-cycads/cycads.html\)](#)
[Fakahatchee Grass \(/plants/ornamentals/fakahatchee.html\)](#)
[Firebush \(/plants/ornamentals/firebush.html\)](#)
[Florida Maple \(/plants/trees-and-shrubs/trees/florida-maple.html\)](#)
[Florida Pines \(/plants/trees-and-shrubs/trees/florida-pines.html\)](#)
[Florida Violets \(/plants/ornamentals/florida-violets.html\)](#)
[Florida's Native Bromeliads \(/plants/ornamentals/bromeliads.html\)](#)
[Florida's Native Orchids \(/plants/ornamentals/floridas-native-orchids.html\)](#)
[Galliardia \(/plants/ornamentals/gaillardia.html\)](#)
[Gopher Apple \(/plants/ornamentals/gopher-apple.html\)](#)
[Gumbo-Limbo Tree \(/plants/trees-and-shrubs/trees/gumbo-limbo.html\)](#)
[Liatris \(/plants/ornamentals/liatris.html\)](#)
[Live Oaks \(/plants/trees-and-shrubs/trees/live-oaks.html\)](#)
[Longleaf Pine \(/plants/trees-and-shrubs/trees/longleaf-pine.html\)](#)
[Muhly Grass \(/plants/ornamentals/muhly-grass.html\)](#)
[Native Azaleas \(/plants/trees-and-shrubs/shrubs/azalea.html\)](#)
[Native Plants \(/plants/ornamentals/native-plants.html\)](#)
[Native Trees \(/plants/trees-and-shrubs/trees/native-trees.html\)](#)
[Oak Trees \(/plants/trees-and-shrubs/trees/oak-trees.html\)](#)
[Oakleaf Hydrangea \(/plants/ornamentals/oakleaf-hydrangea.html\)](#)



Passion Flower (</plants/ornamentals/passion-flower.html>)
Pawpaw (</plants/trees-and-shrubs/trees/pawpaw.html>)
Prickly Pear (</plants/ornamentals/prickly-pear.html>)
Railroad Vine (</plants/ornamentals/railroad-vine.html>)
Red Buckeye (</plants/trees-and-shrubs/trees/red-buckeye.html>)
Redbud (</plants/trees-and-shrubs/trees/redbud.html>)
Resurrection Fern (</plants/ornamentals/resurrection-fern.html>)
Saw Palmetto (</plants/trees-and-shrubs/palms-and-cycads/saw-palmetto.html>)
Sea Grape (</plants/trees-and-shrubs/trees/sea-grape.html>)
Scarlet Salvia (</plants/ornamentals/scarlet-salvia.html>)
Southern Magnolia (</plants/trees-and-shrubs/trees/southern-magnolia.html>)
Southern Shield Fern (</plants/ornamentals/southern-shield-fern.html>)
Spanish Moss (</plants/ornamentals/spanish-moss.html>)
Spiderwort (</care/weeds-and-invasive-plants/spiderwort.html>)
Star Anise (</plants/trees-and-shrubs/shrubs/star-anise-shrubs.html>)
Swamp Lily (</plants/ornamentals/swamp-lily.html>)
Swamp Mallow (</plants/ornamentals/hibiscus.html>)
Swamp Sunflower (</plants/ornamentals/swamp-sunflower.html>)
Threatened and Endangered Plants (</plants/ornamentals/threatened-and-endangered-plants.html>)
Walter's Viburnum (</plants/trees-and-shrubs/shrubs/walters-viburnum.html>)
Wax Myrtle (</plants/trees-and-shrubs/shrubs/wax-myrtle.html>)
Wild Coffee (</plants/trees-and-shrubs/shrubs/wild-coffee.html>)
Wildflowers for all Seasons (</plants/ornamentals/wildflowers-for-all-seasons.html>)
Wildflowers in the Garden (</plants/ornamentals/wildflowers-in-the-garden.html>)
Yucca (</plants/ornamentals/yucca.html>)

Other Sites

Florida Association of Native Nurseries (<http://www.floridanativenurseries.org/>)
Florida Native Plant Society (<http://www.fnps.org/>)
Natives for Your Neighborhood (<http://www.regionalconservation.org/beta/nfyn/default.asp>) (South Florida)

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1 **WHEREAS**, the Board of Commissioners of the Town of Redington Beach desires to
2 implement the recommendations of the Planning Board to update the site plan requirements of
3 the Town Code; *and*
4

5 **WHEREAS**, the Commission therefore finds that it is in the best interests of the Town,
6 and its citizens and property owners to adopt this Ordinance.
7

8 **NOW, THEREFORE BE IT ORDAINED** by the Board of Commissioners of the Town of
9 Redington Beach, Florida, that:
10

11 **Section 1.** Division 3 of Article III of Chapter 6 of the Town Code of the Town of
12 Redington Beach is hereby amended to read as follows:
13

14 DIVISION 3. - SITE PLANS AND SITE SKETCHES
15

16 Sec. 6-101 - Purpose.
17

18 The purpose of requiring a site plan or a site sketch is to ensure that any site or building
19 construction or alterations done in the Town are done in compliance with the Town Code, the
20 Town's Comprehensive Plan and all relevant State laws, rules and regulations.
21

22
23 Sec. 6-102 - Definitions.
24

25 For the purposes of this Code the following definitions apply:
26

27 (A) "DEVELOPMENT" IS THE CARRYING OUT OF ANY BUILDING ACTIVITY, THE MAKING
28 OF ANY MATERIAL CHANGE IN THE USE OR APPEARANCE OF ANY STRUCTURE OR LAND, INCLUDING
29 THE ALTERATION OF THE PHYSICAL CHARACTERISTICS OF LAND, AND THE DIVIDING OF LAND INTO
30 THREE OR MORE PARCELS. THE FOLLOWING ACTIVITIES OR USES SHALL BE TAKEN FOR THE
31 PURPOSES OF THIS CHAPTER TO INVOLVE "DEVELOPMENT," AS DEFINED IN THIS SECTION:
32

33 (1) A RECONSTRUCTION, ALTERATION OF THE SIZE, OR MATERIAL CHANGE IN THE
34 EXTERNAL APPEARANCE OF A STRUCTURE ON LAND.
35

36 (2) A CHANGE IN THE INTENSITY OF USE OF LAND, SUCH AS AN INCREASE IN THE NUMBER
37 OF DWELLING UNITS IN A STRUCTURE OR ON LAND OR A MATERIAL INCREASE IN THE
38 NUMBER OF BUSINESSES, OFFICES, OR DWELLING UNITS IN A STRUCTURE OR ON LAND.
39

40 (3) ALTERATION OF A SHORE OR BANK OF A SEACOAST OR CANAL, INCLUDING ANY
41 "COASTAL CONSTRUCTION" AS DEFINED IN S. 161.021.
42

1 (4) DEMOLITION OF A STRUCTURE.

2
3 (5) CLEARING OF LAND AS AN ADJUNCT OF CONSTRUCTION.

4
5 (6) DEPOSIT OF FILL ON A PARCEL OF LAND.

6
7 (b) A “site plan” is a detailed diagram specifically demonstrating the physical changes
8 to a property proposed as part of a development application for alteration of a lot or for the
9 construction or alteration of a building on a lot. Unless waived by the Building Code
10 Administrator or his designee, the site plan shall include all the information required by section
11 6-104 of this Code.

12
13 (c) A “site sketch” is a generalized drawing depicting the information necessary to
14 evaluate a development where a site plan is not required.

15
16
17 ~~Sec. 6-101. - Required:~~

18
19 ~~All uses requiring building permits shall be subject to site plan review by the building~~
20 ~~department.~~

21
22
23 6-103 - Site Plan or Site Sketch Required.

24
25 Except as provided herein, all applications for development approvals shall be
26 accompanied by a site plan or a site sketch.

27
28 (a) Where the proposed development does not affect the lot outside the footprint of an
29 existing structure, no site plan or site sketch shall be required.

30
31 (b) Where the proposed development is or includes a substantial or material change
32 in the footprint of the principal structure on a site, or proposes a substantial or material change
33 in the lot grading and/or the lot's drainage pattern, or proposes the disturbance of an area
34 greater than 400 square feet of the lot, a site plan shall be required.

35
36 (c) For all other development, including fences, seawalls and docks, a site sketch is
37 required.

38
39 (d) When the circumstances of a particular development proposal warrant, the
40 Building Code Administrator may require a site plan in place of a site sketch or may accept a
41 site sketch in place of a site plan.

1 (e) The Building Code Administrator may also require submittal of a survey as part of
2 any application for approval of any exterior development.

3
4
5 ~~Sec. 6-102. - Contents.~~

6
7 6-104 - Site Plan Submittal Requirements.

8
9 A site plan submitted pursuant to this division shall be signed and sealed by a registered engineer
10 ~~or architect~~ and shall depict the following:

11
12 (a) The name and owner of the proposed development.

13
14 (b) The name and contact information of the preparer of the site plan.

15
16 (c) A vicinity map for the site.

17
18 (d) The land use designation and zoning district applicable to the site.

19
20 (e) Date, north arrow and a graphic scale not less than 1" = 50'.

21
22 (f) A statement of the general character of the proposed development.

23
24 (g) All information reasonably required by the Building Code Administrator to
25 determine compliance with the regulations governing the proposed development.

26
27 (h) The locations of buildings and structures and their relation to property lines, the
28 dimensions of each property line and all proposed improvements and alterations to the property
29 including the proposed development as defined herein.

30
31 (i) Driveways and parking areas.

32
33 (j) Pedestrian walks and landscaping.

34
35 (k) Elevations and renderings, if required.

36
37 (l) Locations of all utilities, existing and proposed.

38
39 (m) Spot locations of major trees in excess of eight inches in diameter, ~~and waterways.~~

40
41 (n) ~~Topography to the one-foot contour interval.~~ Existing and proposed spot
42 elevations at 1/10th (one tenth) foot intervals with sufficient spacing to determine existing and

1 future drainage patterns and the existing and proposed elevations of the four principal corners of
2 each structure on the lot.

3
4 (o) The elevation of the lowest habitable floor of the building in relation to ~~mean sea~~
5 ~~level~~ NAVD88.

6
7 (p) ~~When appropriate~~ For all properties on the west side of Gulf Boulevard, the
8 coastal construction control line.

9
10 (q) Facilities for control of stormwater runoff ~~water.~~

11
12 (r) A statement that post-development runoff will not exceed pre-development
13 runoff.

14
15 (s) The crown of the adjacent road(s).

16
17 (t) The flood zone applicable to the property and the base flood elevation.

18
19 (u) A table showing the existing and proposed impervious surface ratios.

20
21 (v) All site plans shall be prepared at an engineer's scale.

22
23 (w) All site plans shall be provided to the Building Code Administrator in electronic
24 form in PDF format suitable for printing at 11" x 17". On request of the Building Code
25 Administrator, paper copies at 24" x 36" shall be provided.

26
27
28 6-105 - Site Sketch Submittal Requirements.

29
30 A site sketch submitted pursuant to this division shall depict the following:

31
32 (a) The name and owner of the proposed development.

33
34 (b) The name and contact information of the preparer of the site sketch.

35
36 (c) Date, north arrow and a graphic scale not less than 1" = 50'.

37
38 (d) A statement of the general character of the proposed development.

39
40 (e) All information reasonably required by the Building Code Administrator to
41 determine compliance with the regulations governing the proposed development.

1 (f) All proposed improvements and alterations to the property including the proposed
2 development as defined herein.

3
4 (g) For all properties on the west side of Gulf Boulevard, the coastal construction
5 control line.

6
7 (h) Facilities for control of stormwater runoff.

8
9 (i) All site sketches shall be prepared at an engineer's scale.

10
11 (j) All site sketches shall be provided to the Building Code Administrator in
12 electronic form in PDF format suitable for printing at 11" x 17". On request of the Building
13 Code Administrator, paper copies at 24" x 36" shall be provided.

14
15
16 ~~Sec. 6-103. - Guidelines.~~

17 ~~The following criteria shall serve as guidelines for site plans:~~

18
19
20 Sec. 6-106 - Design Requirements.

21
22 (a) Impervious surface.

23 Impervious surface shall not exceed the allowable impervious lot coverage
24 established in the future land use element of the adopted comprehensive plan.
25 Subject to the provisions of Chapter 18.5 of this Code, properties presently
26 developed with an impervious surface ratio greater than that permitted by the
27 Comprehensive Plan may maintain their current ratio but may not increase their
28 impervious area.

29
30 (b) Traffic circulation.

31 I. The Standard Details Manual found in Article IV of Chapter 18.5 of this
32 Code shall govern traffic circulation design.

33 ii. Unrestricted access to streets is not allowed. ~~Generally, c~~ Curb cuts are
34 ~~limited to a maximum of one every 25 feet and shall comply with Chapter~~
35 19.5 of this Code.

36 iii. Access to streets ~~should~~ shall take into consideration sight distance and
37 alignment.

38 iv. All sites must provide for emergency vehicle access.

39 v. Separate ingress and egress is encouraged.

40 vi. Traffic collection to reduce access points to Gulf Boulevard is encouraged.

41 vii. Maneuvering lanes between rows of parked automobiles shall be at least
42 20 feet in width.

- viii. Traffic lanes shall conform to the same design standards as public streets with regard to alignment at intersections.
- ix. All buildings, exclusive of single-family dwellings, must provide for pedestrian circulation. Hard-surfaced pedestrian walks a minimum of four feet wide shall be provided generally as follows:
 1. Along public rights-of-way.
 2. Along access corridors to buildings.
 3. At interconnecting points where significant numbers of people will seek to walk.

(c) Landscaping.

All uses shall be landscaped. For the purposes of this code, "landscaping" means:

An area set aside from structures and parking which is developed with natural materials (e.g., lawns, trees, shrubs, vines, hedges, bedding plants, rock and other ground covers) and decorative features.

Without limiting the generality of the foregoing, required landscaping may encompass the following:

- I. Street trees or shrubs
- ii Foundation planting.
- iii Planting islands to define curb cuts.
- iv. Perimeter plantings to define and beautify sites.
- v. Parking lot and walkway landscaping.
- vi. Buffer strips and screening for privacy.
- vii. ~~Landscaping for underutilized acreage.~~
- viii. Landscaping for erosion control.
- ix. Landscaping for recreation space.

Landscaping shall consist of at least 25 percent native plantings as presently defined by the University of Florida, Institute of Food and Agricultural Sciences. The use of punk trees, Australian pines and Brazilian pepper trees is prohibited.
~~The following listing provides a representative sample of native vegetation:~~

Common Name	Scientific Name
Railroad vine	Ipomoea pes-caprae
Firebush	Hamelia patens
Swamp hibiscus	Hibiscus coccineus
Cocoplum	Chrysobalanus icaco
Southern wax myrtle	Myrica cerifera

Sand live oak	<i>Quercus geminata</i>
Sea grape	<i>Coccoloba uvifera</i>
Southern red cedar	<i>Juniperus silicicola</i>
Bald cypress	<i>Taxodium distichum</i>
Dahoon holly	<i>Ilex cassine</i>
Live oak	<i>Quercus virginiana</i>
Longleaf pine	<i>Pinus palustris</i>
Sand pine	<i>Pinus clausa</i>
Slash pine	<i>Pinus elliottii</i>
Sweet gum	<i>Liquidambar styraciflua</i>
Gallberry	<i>Ilex glabra</i>
Cabbage palm	<i>Sabal palmetto</i>
Saw cabbage palm	<i>Acroelorrhaphis wrightii</i>
Saw palmetto	<i>Serenoa repens</i>

Section 2. For purposes of codification of any existing section of the Redington Beach Code herein amended, words underlined represent additions to original text, words ~~stricken~~ are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Section 1 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 5. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the ____ day of _____, 2020, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the ____ day of _____, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

James Simons, Mayor

1 Attest:

2
3
4
5 Missy Clarke, CMC, Town Clerk

6
7 Approved as to form:

8
9
10
11 Jay Daigneault, Town Attorney