



**TOWN OF REDINGTON BEACH
BOARD REGULAR MEETING AGENDA
Hybrid Meeting
Wednesday, February 17, 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, February 3, 2021**
 - B. Bill List for Day Ending February 12, 2021**
- 8. UNFINISHED BUSINESS**
 - A. 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.**
 - B. Final Reading: Ordinance 2019-07: An Ordinance of the Town of Redington Beach, Florida, Amending Chapters 16 and 17 of the Town Code Concerning Sales and Signs to Remove Outdated, Preempted, or Unenforceable provisions and to incorporate Current State and Federal Law Requirements; Making Related Findings; Providing for Codification,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.**



- C. Continued Reading of Ordinance 2020-10: An Ordinance of the Town of Redington Beach, Pinellas County, Florida Amending Chapter 9, (Fire Prevention and Protection) of the Town Code to Remove Outdated, Preempted, Or Unenforceable Provisions, and to incorporate Current State and Federal Law Requirements; Making Related Findings; Providing for Codification,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.**
- D. Continued Reading of Ordinance 2020-13: An Ordinance of the Town of Redington Beach, Pinellas County, Florida, Repealing and Replacing Town Code Chapter 10, Floodplain Management by Creating New Administration Requirements, New Definitions, and New Provisions for Flood Resistant Development, Making Related Findings; Providing for Severability; and Establishing an Effective Date.**

9. NEW BUSINESS

- A. First Reading: Ordinance 2021-01: An Ordinance of the Town of Redington Beach, Pinellas County, Florida, Amending the Town Code of Ordinances Chapter 5- Boats, Docks, and Waterways, Article III – Bulkheads, Docks, Etc., in Boca Ciega Bay, Section 5-57. – Specifications for Docks; Providing for Severability and Establishing an Effective Date.**
- B. Vacancy on BOC: Attorney Memo**

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 17, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89339105536?pwd=UEwxREZldXM5TW5ib05kMU85a3lzQT09>

Meeting ID: 893 3910 5536

Passcode: 420685

One tap mobile

+1929-205-6099,89339105536#, *420685# US (New York)

+1301-715-8592, 89339105536#, *420685# US (Washington DC)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 893 3910 5536

Passcode: 420685

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



TOWN OF REDINGTON BEACH, FLORIDA
BOARD REGULAR MEETING MINUTES
Wednesday, February 3, 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, February 3, 2020, 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: Eric Swaugez, Gibson Marine spoke regarding the mandated seawall height.

Public Safety

- Received the annual report from the Sheriff's office and there was a 21% reduction in crime over the last year. Auto theft was up.

Building

- The building department is using town hall as their temporary office as work is being done at the Redington Shores Town Hall. They are to move into their new office in early March.

Public Works

- The bonfire for CBS Sports went well. The event planner will be presenting a check to the scholarship fund in the amount of \$300.00.

Finance

- Nothing to Report

Mayor

- Nothing to Report

Town Clerk

- With Commissioner Will resigning his commission seat to run for mayor, the town will need to advertise for the vacancy starting tomorrow and taking applications until February 16th and to tentatively schedule a special meeting for March 10th for the current sitting commission to appoint someone to fill the vacancy. Mayor Simons requested that only one question be put on the application, “why would you like to be on the commission.”

Town Attorney

- The federal appeals court has scheduled oral arguments for April 21st at the Federal Justice Building in Miami for the Buending case.

Boards and Committees

- Nothing to Report

CONSENT AGENDA

- A. Board Regular Meeting Minutes, January 20, 2021**
- B. Bill list ending for Day ending January 29, 2021**

A motion by Commissioner Kornijtschuk and seconded by Commissioner Will 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	X		
Vice Mayor Dorgan			X		
Mayor Simons			X		

UNFINISHED BUSINESS

- A. Final Reading: Ordinance 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.** Attorney Eschenfelder read the ordinance by title only. A Motion by Commissioner Will and seconded by Commissioner Kornijtschuk to pass ordinance 2020-09 on its final reading. No public comment. Motion passed with all ayes by roll call vote.

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

- 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.** Attorney Eschenfelder read the ordinance by title only. A motion by Commissioner Will and seconded by Commissioner Steiermann to pass Ordinance 2020-11 on its final ready. No public comment. Motion passed with all ayes by roll call vote.

	Motion	Second	Aye	Nay	Absent
Commissioner Kornijtschuk			X		
Commissioner Steiermann		X	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, Building and Building Regulations, Article III, Division 3, Site Plans, By Amending the Required Contents of a Site Plan and 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 Kornijtschuk and seconded by Commissioner Steiermann to approve the ordinance on final reading. Commissioner Will questioned page 7, lines 20 through 35 and the word "required" and the word "landscaping". Attorney Eschenfelder will remove the word required and in place of landscaping replace with the word vegetative. Commissioner Kornijtschuk amended his motion to adopt Ordinance 2020-12 with the changes noted, seconded by Commissioner Steiermann. No public comment. Motion passed with all ayes by roll call vote.

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

New Business None

Other Business

Commissioner Kornijtschuk asked if something could be put together to stop the “concerts” that are being played in the park by a resident.

With no further business, a motion was made by Vice Mayor Kornijtschuk and seconded by Commissioner Will to adjourn. Regular meeting was adjourned at 7:01 p.m.

Adopted: , 2021

Missy Clarke, CMC, Town Clerk

Date: 02/12/2021
Time: 1:03 pm
Page: 1

Page: 1

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
Fund: 101 General Fund							
Dept: 512 Town Clerk							
101-512-512.421	Stamps.com						
	CHASE CARD SERVICES	2021-02-12	Stamps.com	0	02/12/2021	02/12/2021	17.99
							17.99
101-512-512.440	Utilities- Water/EI						
	DUKE ENERGY	73928-48713	2021-02/12 12/28/20-1/27/21	0	01/27/2021	01/27/2021	370.20
	PINELLAS COUNTY UTILITIE	2021-02-12	12/4/20-2/2/21	0	02/02/2021	02/02/2021	254.24
							624.44
101-512-512.490	Advertising						
	TIMES PUBLISHING COMPAI	138802	BOC Ord. 2021-01	0	02/03/2021	02/03/2021	165.20
							165.20
101-512-512.510	Office Supplies						
	CHASE CARD SERVICES	2021-02-11	Microsoft 365 2/21-2/22	0	02/11/2021	02/11/2021	69.99
	NOTARY PUBLIC UNDERWR	2021-02-12	NIEVES Notary Renewal	0	02/12/2021	02/12/2021	151.80
	TAMPA BAY TELEPHONE	31454	Mar, April May 2021	0	02/01/2021	02/01/2021	99.00
							320.79
101-512-512.515	Office Copier/Lea						
	KONICA MINOLTA BUSINESS	271161837	1/1/21-1/31/21	0	01/31/2021	01/31/2021	121.19
							121.19
101-512-512.520	Office Copier/Usa						
	KONICA MINOLTA BUSINESS	271161837	1/1/21-1/31/21	0	01/31/2021	01/31/2021	82.05
							82.05
							1,331.66
							Total Dept. Town Clerk:
Dept: 513 Finance & Admin							
101-513-513.495	Janitorial Service						
	HIP CLEANING SERVICE	96	January 2021 Cleaning	0	02/05/2021	02/05/2021	180.00
							180.00
							Total Dept. Finance & Admin:
Dept: 514 Legal Counsel							
101-514-514.124	Town Attorney						
	TRASK, DAIGNEAULT, LLP A	4857	General Jan. 2021	0	02/02/2021	02/02/2021	2,009.00
							2,009.00
101-514-514.310	Legislative Couns						
	TRASK, DAIGNEAULT, LLP A	4858	Code Revision Jan 2021	0	02/02/2021	02/02/2021	1,260.00
							1,260.00
							Total Dept. Legal Counsel:
Dept: 515 Comprehensive Planni							
101-515-515.310	Planning						
	BRUCE MCLAUGHLIN CONS	2021-02-12	1/15-2/11/2021	0	02/12/2021	02/12/2021	2,169.00
	LTA ENGINEERS, LLC	2232	12/1-12/31/2020 Std Detls Manu	0	01/29/2021	01/29/2021	6,416.82
							8,585.82
							Total Dept. Comprehensive Planning:
Dept: 524 Protective Services							
101-524-524.310	Code Enforceme						
	TRASK, DAIGNEAULT, LLP A	4888	Code Enf/Stolz Jan 2021	0	02/02/2021	02/02/2021	218.00
							218.00
							Total Dept. Protective Services:
Dept: 539 Department of Public V							

INVOICE APPROVAL LIST BY FUND REPORT

Date: 02/12/2021

Time: 1:03 pm

Page: 2

Town of Redington Beach

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Posting Date	Amount
101-539-539.440	P/W Utilities						
	DUKE ENERGY	31525-72269	2021-02-12 1/7-2/8/2021	0	02/12/2021	02/12/2021	45.70
							45.70
						al Dept. Department of Public Works:	45.70
Dept: 541 Roads & Streets							
101-541-541.467	Maint - Street Lig						
	DUKE ENERGY	73928-48713	2021-02/12 12/28/20-1/27/21	0	01/27/2021	01/27/2021	3,408.08
							3,408.08
						Total Dept. Roads & Streets:	3,408.08
Dept: 572 Parks and Recreation							
101-572-572.340	Landscaping Exp						
	PRIMESCAPE SERVICES	52873	Friendship Park Mangrove trim	0	02/08/2021	02/08/2021	1,200.00
							1,200.00
101-572-572.430	Utilities						
	DUKE ENERGY	73928-48713	2021-02/12 12/28/20-1/27/21	0	01/27/2021	01/27/2021	56.46
	DUKE ENERGY	54246-18249	2021-02-12 1/7-2/8/21	0	02/12/2021	02/12/2021	31.18
	PINELLAS COUNTY UTILITIE	2021-02-12-1	12/4/20-2/2/21	0	02/12/2021	02/12/2021	593.00
							680.64
101-572-572.462	Maintenance - Gr						
	BURTON ELECTRIC, INC.	02032102	Friendship Park Elec. Upgrades	0	02/03/2021	02/03/2021	1,427.00
	CHASE CARD SERVICES	50028302	159th Ave-Pilings	0	02/09/2021	02/09/2021	493.00
							1,920.00
101-572-572.510	Maintenance Eql						
	CHASE CARD SERVICES	00000007	Bob Lee's Tractor Tires	0	02/12/2021	02/12/2021	540.00
							540.00
101-572-572.522	Gasoline & Oil						
	WEX BANK	339077	Unleaded	0	02/11/2021	02/11/2021	49.86
	WEX BANK	320614	Unleaded	0	12/29/2020	12/29/2020	69.86
							119.72
101-572-572.527	Tools & Equipme						
	PINELLAS CENTRALACE	11936	Saw blades	0	02/10/2021	02/10/2021	92.28
							92.28
						Total Dept. Parks and Recreation:	4,552.64
						Total Fund General Fund:	21,590.90
Fund: 400 Storm Water							
Dept: 535 Storm Water							
400-535-535.650	Engineering Expe						
	TEAM ENGINEERING	2019-15-3	NPDES Cycle 4 Year 2	0	02/02/2021	02/02/2021	941.00
							941.00
400-535-535.800	Storm Drain Repl						
	LTA ENGINEERS, LLC	2233	12/1-12/31/2020 Stormwater CIF	0	01/29/2021	01/29/2021	5,568.75
	LTA ENGINEERS, LLC	2234	12/1-12/31/2020 Nghbrhd Wkshp	0	01/29/2021	01/29/2021	4,373.25
							9,942.00
						Total Dept. Storm Water:	10,883.00
						Total Fund Storm Water:	10,883.00
						Grand Total:	32,473.90

2/10/2021

9705 Payroll
9706 Payroll
9707 Payroll
9708 Payroll

2,324.28
1,391.26
1,336.03
1,085.64

6,137.21

MAYOR SIMONS

COMMISSIONER WILL

COMMISSIONER KORNIJTSCHUK

VICE MAYOR DORGAN

ATTEST:

COMMISSIONER STEIERMANN

Missy Clarke, CMC, Town Clerk

Regular Meeting of February 17, 2021



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

CONTINUED ADVERTISED PUBLIC HEARING

Meeting Date: February 17, 2021

Agenda Items

February 11, 2021

M E M O R A N D U M

TO: Honorable Mayor and Members, Redington Beach Board of Commissioners

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

SUBJECT: Proposed Ordinance 2020-14, Stormwater Management Requirements:

The second public hearing on Ordinance 2020-14 was opened on January 20, 2021, and continued to February 17, 2021, to allow for the preparation of Resolution 2020-13 setting the Stormwater Management Utility Fee. Resolution 2020-13 has now been prepared and is being set for public hearings before the Planning Board and this Board but is not yet ready for adoption.

STAFF RECOMMENDS THAT THE PUBLIC HEARING ON ORDINANCE 2020-14 BE CONTINUED TO A DATE CERTAIN TO COINCIDE WITH THIS BOARD'S PUBLIC HEARING ON RESOLUTION 2020-13.

BC/RBMcL/m

C:\Red Bch\Town Board\2021-02-17\RB TB Stormwater 2021-02-17.wpd

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.

WHEREAS, Section 163, Part II, Florida Statutes, establishes the requirements of the Community Planning Act and governs local government comprehensive planning and land development regulation; and

WHEREAS, The Town of Redington Beach adopted its Comprehensive Plan in October 1989, and has periodically revised and amended the Plan in order to ensure it remains current and responds to current needs and opportunities; and

WHEREAS, by Ordinance 2019-10, the Town Amended its Comprehensive Plan to permit an Impervious Surface Ratio of 0.65 (65%) in the Town's Residential Designations; and

WHEREAS, The Building Official and Town Planner of the Town of Redington Beach recommended that the Comprehensive Plan be amended to update the impervious surface ratio requirement subject to the adoption of mitigating requirements for stormwater management; and

WHEREAS, those mitigative measures are implemented in part through the stormwater management process; and

WHEREAS, the Town of Redington Beach Planning Board, in its capacity as the Town's Local Planning Agency has reviewed this Ordinance, found it to be consistent with the Town's Comprehensive Plan and recommended its approval; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach desires to implement the recommendations of the Planning Board to update the stormwater management requirements of the Town Code;

WHEREAS, the Commission therefore finds that it is in the best interests of the Town, and its citizens and property owners 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 18.5, Articles I, II and III are hereby amended to read as follows:

Chapter 18.5 - STORMWATER

ARTICLE I. - IN GENERAL

Sec. 18.5-1. - Intent.

This chapter is adopted by the Town of Redington Beach for the purpose of maintaining efficient, economic and safe operation of the separate storm sewers, and for the protection of the health, safety, and general welfare of the public. This chapter is intended to prevent and abate pollution through the regulation and control of connections and discharges to the town's separate storm systems and to limit the use of the separate storm sewer system to the collection, conveyance, treatment, and disposal of stormwater through appropriate regulation and enforcement. The prohibitive discharge standards contained herein were developed under the authority of Section 5 of the Clean Water Act and 40 CFR 122 applicable ~~DER~~, Florida Department of Environmental Protection (FDEP), Southwest Florida Water Management District (SWFWMD) regulations and applicable home rule power.

Sec. 18.5-2. - Definitions.

The following definitions shall apply to the provisions of this article:

Authorized official means any employee or agent of the Town of Redington Beach authorized in writing by the mayor to administer or enforce the provisions of this article.

Discharge means any direct or indirect introduction of any solid, liquid or gaseous matter.

Illicit discharge means any discharge to a separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a National Pollution Discharge Elimination System (NPDES) permit (other than NPDES permit for discharges from the separate storm sewer) and discharges resulting from firefighting activities.

Person means any natural individual, corporation, partnership, institution or other entity.

Site of industrial activity means any ~~are~~ area or facility used for manufacturing,

processing or raw materials storage, as defined under 40 CFR Section 122.26(b)(14) of regulations of the U.S. Environmental Protection Agency ~~as amended~~.

Separate stormwater system means the system of conveyances used for collecting, storing and transporting stormwater owned by the Town of Redington Beach but not included any facilities intended to be used in accordance with applicable law for collecting and transporting sanitary or other waste water.

Stormwater means any stormwater runoff, and surface runoff and drainage.

Sec. 18.5-3. - Illicit discharges.

(a) *General prohibitions.* Except as set forth under subsection (c) of this section or as in accordance with a valid NPDES permit, any discharge to the separate stormwater system that is not composed entirely of stormwater is prohibited.

(b) *Specific prohibitions.*

(i) Any discharge to the separate stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.

(ii) Any discharge from a lot developed after the effective date of Ordinance 2020-14 which is developed with an impervious surface ratio greater than 0.65 is prohibited.

(iii) Any discharge from a construction site is prohibited.

(c) *Authorized exceptions.* The following discharges are exempt from the general prohibition set forth under subsection (a) of this section, flows from firefighting, waterline flushing and other contributions from potable water sources, landscape irrigation and lawn watering, irrigation water, ~~diverted stream flows~~, ~~tidal backflows~~, rising groundwater, direct infiltration to the separate stormwater system, uncontaminated pumped groundwater, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washing, flows from riparian habitats and wetlands.

(d) *Illicit connections.* No person may maintain, use or establish any direct or indirect connection to the separate stormwater system that results in any discharge in violation of this chapter. This prohibition applies to connections made in the past, regardless of whether made under a permit, or other authorization, or whether permissible under laws or practices applicable or prevailing at the time the connection was made.

Sec. 18.5-4. - Spills and dumping.

(a) *General prohibitions.* Except as set forth under subsection 18.5-3(c) of this chapter or as in accordance with a valid NPDES permit, any discharge to the separate stormwater system that is not composed entirely of stormwater is prohibited.

(b) *Specific prohibitions.*

(i) Any discharge to the separate stormwater system containing any sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.

(ii) Any discharge from a lot developed after the effective date of Ordinance 2020-14 which is developed with an impervious surface ratio greater than 0.65 is prohibited.

(iii) Any discharge from a construction site is prohibited.

(c) *Notification of spills.* As soon as any person has knowledge of any discharge to the correct separate stormwater system in violation of this chapter, such person shall immediately notify the town clerk or his/her designee by telephoning (727) 391-3875, and if such person is directly or indirectly responsible for such discharge, then such person shall also take immediate action to ensure the containment and clean up of such discharge and shall confirm such telephone notification in writing to the town clerk or his/her designee at Town Hall, 105 164th Avenue, Redington Beach, Florida 33708, within three calendar days.

Sec. 18.5-5. - Inspections and monitoring.

(a) *Authority for inspections.* Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or regulation or permit issued hereunder, or whenever an authorized official has reasonable cause to believe there exists any condition constituting a violation of any of the provisions of this chapter, or regulation or permit issued hereunder, any authorized official may enter any property, building or facility at any reasonable time to inspect the same or to perform any duty related to enforcement of the provisions of this chapter or any regulations or permits issued hereunder; provided that (1) if such property, building or facility is occupied, such authorized official shall first present proper credentials and request permission to enter, and (2) if such property, building or facility is unoccupied, such authorized official shall make a reasonable effort to locate the owner or other person having charge or control of the property, building or facility, and shall request permission to enter. Any request for permission to enter made hereunder shall state that the owner or person in control has the right to refuse entry, and that in such event that entry is refused, the authorized official may enter to make

1 inspection only upon issuance of a search warrant by a duly authorized magistrate. If the owner
2 or person in control refuses permission to enter after such request has been made, the authorized
3 official is hereby authorized to seek assistance from any court of competent jurisdiction in
4 obtaining entry. Routine or area-wide inspections shall be based upon such reasonable selection
5 processes as may be necessary to carry out the purposes of this chapter, including but not limited
6 to random sampling and sampling in areas with evidence of stormwater contamination,
7 nonstormwater discharges, or similar factors.

8
9 (b) *Authority for monitoring and sampling.* Any authorized official may install and
10 maintain such devices as are necessary to conduct sampling or metering of discharges to the
11 separate stormwater system. During any inspections made to enforce the provisions of this
12 chapter, or regulations or permits issued hereunder, any authorized official may take any samples
13 deemed necessary.

14
15 (c) *Requirements for monitoring.* The ~~director of public works~~ Town Building Official
16 may require any person engaging in any activity or owning any property, building or facility to
17 undertake such reasonable monitoring of any discharge(s) to the separate stormwater system and
18 to furnish periodic reports.

19
20
21 **Sec. 18.5-6. - Administrative order.**

22
23 The town clerk or his/her designee may issue an order to any person to immediately cease
24 any discharge, or eliminate any connection to the separate storm sewer system, determined by
25 the town clerk or his/her designee to be in violation of any provision of this chapter, or in
26 violation of any regulation or permit issued hereunder.

27
28
29 **Sec. 18.5-7. - Penalties.**

30
31 Failure to comply with the requirements of this chapter or any permit or approval granted or
32 authorized hereunder shall constitute a violation of this chapter. Violations of the provisions of
33 this chapter shall, upon conviction, be punished by a fine not to exceed \$500.00 per day or by
34 imprisonment in the county jail, not to exceed 60 days or by both fine and imprisonment
35 pursuant to the provisions of ~~F.S. § 125.69~~ Florida Law. If a violation be continued, each day of
36 such violation shall constitute a separate offense.

37
38
39 **Sec. 18.5-8. - Civil remedies.**

40
41 In addition to the penalties provided in section 18.5-6, the board of commissioners is

hereby authorized to institute any appropriate action or proceeding, including suit for injunctive relief, in order to prevent or abate violations of this chapter.

Secs. 18.5-9—18.5-19. - Reserved.

ARTICLE II. - STORMWATER MANAGEMENT UTILITY FEES

Sec. 18.5-20. - Created.

A stormwater management utility fee, also referred to hereinafter as "fee," is hereby created and imposed on all developed property within the town for services and facilities provided by the stormwater management program. For the purpose of imposing the fee, all developed property within the town shall be classified as residential property.

Sec. 18.5-21. - Schedule of rates.

(a) The fee for "residential property" ~~is the rate of \$7.50 per month multiplied by the number of dwelling units, hotel or motel units and/or business units existing on the property.~~ (b) Public rights-of-way and other public properties are exempt from the fee shall be set by the board of commissioners by resolution from time to time.

Sec. 18.5-22. - Billing, payment, penalties and enforcement.

(a) Bills for stormwater service shall be rendered bimonthly by the Pinellas County ~~Water System~~ Utilities as agent for the town. The fixed monthly charge shall take effect ~~October 1, 1995 as provided by resolution.~~

(b) If any bills shall not be paid ~~within seven days after the date it has been declared delinquent, in accordance with the policies and practices of Pinellas County Utilities, water service to the premises shall be disconnected until such delinquent account is paid in full, including all applicable disconnection and reconnection charges enforcement shall occur in accordance with the policies and practices of Pinellas County Utilities.~~

(c) Statements for the stormwater management utility fee shall be ~~payable at the same time and in the same manner and subject to the same penalties as are otherwise set forth for the utility fees administered by the town. The property owner or fee payer will be notified of any delinquency in the payment of the stormwater management utility fee in the same manner that~~

~~they are notified for delinquent water, garbage and sewer bills. Failure to pay such fee as is otherwise provided in the statement rendered to the payer shall subject the property to the discontinuance of water, garbage and sewer services and shall subject the fee payer to all other penalties and charges provided relative to the discontinuance of such utility services processed in accordance with the policies and practices of Pinellas County Utilities.~~

Secs. 18.5-23—18.5-29. - Reserved.

ARTICLE III. - STORMWATER UTILITY FUND

Sec. 18.5-30. - Created.

There ~~shall be~~ is established a stormwater management utility fund for the deposit of all fees collected pursuant to this chapter. The fund will be used exclusively to provide services and facilities related to the stormwater management program. The funds shall be used only for the following expenditures and shall be held as trust funds of the town.

- (1) Operation and maintenance of stormwater management facilities under the jurisdiction of the town;
- (2) Costs for the evaluation, design, construction management, and construction of major and minor structural improvements of the stormwater management infrastructure;
- (3) Administrative costs related to the management of the stormwater program;
- (4) Management services such as permit review and planning and development review related to the stormwater management program; and
- (5) Debt service financing of capital improvements related to the stormwater management program in accordance with F.S. §§ 403.0891 and 403.0893.

Section 2. Chapter 18.5 of the Town Code, as amended, is further amended by the insertion therein of a new Article V following Article IV as inserted by Ordinance 2020-03, to read as follows:

ARTICLE V STORMWATER MANAGEMENT REQUIREMENTS

Sec. 18.5-50 - Intent.

It is the intent of this article to define when and how stormwater improvements will be required of development. The Town of Redington Beach recognizes that development has an impact on

the amount of stormwater generated and that development should accommodate any additional stormwater that is created.

Sec. 18.5-51 - Applicability.

Development and redevelopment of a site shall be required to create infiltration adequate to accommodate any newly created impervious surface. Infiltration shall be designed in compliance with the Town Standard Details (Article IV). A development may offset the creation of impervious surface with the removal of existing impervious surface in the same amount.

Sec. 18.5-52 - Performance standards.

All development must be designed, constructed and maintained to meet the following performance standards:

1. Stormwater runoff. While development activity is under way and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved state. The onsite stormwater system shall be designed to accommodate the 25-year, 24-hour storm event (9 inches in a 24-hour period). Where minor additions of impervious surface are created, at a minimum, the first one inch of stormwater runoff shall be treated in an off-line retention system or according to other best management practices, as prescribed by all applicable rules and regulations of the Florida Department of Environmental Protection (FDEP) and the Southwest Florida Water Management District (SWFWMD).
2. Water quality. The proposed development and development activity shall not violate the water quality standards as set forth in the Florida Administrative Code.
3. Retention areas and controls. Adequate retention areas and controls, and swales along front, rear and side yard lot lines, as appropriate, shall be designed into new development, and shall be so designed as to ensure the probability of flooding either upstream or downstream owners' property is not increased.
4. Erosion, runoff control during construction. The use of erosion and runoff control devices is required while development activity is underway.

Sec. 18.5-54 - Design standards.

To comply with the foregoing performance standards, the proposed stormwater management

system shall conform to the following design standards:

1. Detention and retention systems shall be designed in conformance with the rules and regulations of FDEP and SWFWMD.
2. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
3. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and the stormwater that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum of a 20-year life.
5. The Building Code Administrator may require the design and construction of the proposed stormwater management system to be certified as meeting the requirements of this ordinance by a professional engineer registered in the State of Florida.
6. No surface water may be channeled or directed into a sanitary sewer.
7. The proposed stormwater management system shall be compatible with the drainage systems or drainageways on surrounding property or streets, taking into account the possibility that substandard systems may be improved in the future.
8. Water reuse and conservation shall, to the maximum extent practicable, be achieved, by incorporating the stormwater management system into irrigation systems serving the development.
9. Notwithstanding any other provision of this ordinance, no new point sources shall be permitted to discharge from the Town of Redington Beach into Boca Ciega Bay or into ditches or canals that flow into the bay.

Sec. 18.5-55 - Prescriptive Design.

For all developments the Town Standard Details sheets 700.1-700.8 (Sec. 18.5-^) shall control the design concept.

The following formula for providing infiltration shall be deemed adequate by the Town:

1. Development of a new building: (length of lot + width of lot + length of lot) * 3.5 = total square feet of infiltration trench required on lot (utilizing the Town Standard Detail for Typical Infiltration Trench, sheet 700.6 or Heavy Duty Infiltration Trench,

sheet 700.7.)

2. Additional development on an existing building site may be addressed in one of the following ways:

- a. (length of new impervious surface + width of new impervious surface + length of new impervious surface) * 3.5 = total square feet of infiltration trench required on lot (utilizing the Town Standard Detail for Typical Infiltration Trench, sheet 700.6 or Heavy Duty Infiltration Trench, sheet 700.7. installed to a depth of two feet)
- b. 9 inches * the surface area of the new impervious surface = total square feet of infiltration trench required on lot (utilizing the Town Standard Detail for Typical Infiltration Trench, sheet 700.6 or Heavy Duty Infiltration Trench, sheet 700.7. installed to a depth of two feet)

3. All stormwater shall be directed towards infiltration.

Section 3. 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 4. 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 5. 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 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 16th day of December, 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.

1 James Simons, Mayor

2 Attest:

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4
5
6 Missy Clarke, CMC, Town Clerk

7
8 Approved as to form:

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10
11
12
13 Jay Daigneault, Town Attorney



FLORIDA MUNICIPAL SERVICES

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

ADVERTISED PUBLIC HEARING

Meeting Date: February 17, 2021

Agenda Item 8 B

February 11, 2021

M E M O R A N D U M

TO: Honorable Mayor and Members, Redington Beach Board of Commissioners

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

SUBJECT: Sign Code, Ordinance 2019-07

The Staff Report for the January 20, 2021, Board meeting contained a complete analysis of the proposed Sign Code and recommended that the Code be adopted on first reading subject to the harmonization of certain definitions found elsewhere in the Town Code or other governing Town documents. That harmonization has been achieved.

Staff incorporates herein the report for the January 20, 2021 Board meeting **AND RECOMMEND THAT THE SIGN CODE BE ADOPTED ON SECOND READING.**

BC/RBMcL/m

C:\Red Bch\Town Board\2021-02-17\RB TB 2021-02-17 Sign Code.wpd

ORDINANCE NO. 2019 - 07

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTERS 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.

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 court in *Fane v. Edenfield*, 945 F.2d 1514, 1517 (11th Cir.1991) ruled that with respect to the regulation of commercial solicitation and peddling, blanket prohibitions on commercial speech are disfavored, and the mere possibility that isolated abuses or mistakes may occur will not likely justify a total ban on a certain mode of protected commercial speech; and

WHEREAS, with respect to the regulation of signs, the Commission recognizes that until a Supreme Court decision released in June 2015, there had not been clarity as to what constitutes a content-based law as distinguished from a content-neutral law; and

WHEREAS, the Commission recognizes that in *Reed v. Town of Gilbert, Ariz.*, — U.S. —, 135 S. Ct. 2218, 2221, 192 L. Ed. 2d 236 (2015), the United States Supreme Court, in an opinion authored by Justice Thomas, and joined in by Chief Justices Roberts, Scalia, Alito, Kennedy and Sotomayer, addressed the constitutionality of a local sign ordinance that had different criteria for different types of temporary noncommercial signs; and

WHEREAS, in *Reed*, the Court held that content-based regulation is presumptively unconstitutional and requires a compelling governmental interest; and

WHEREAS, in *Reed*, the Court held that government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed; and

WHEREAS, in *Reed*, the Court held that even a purely directional message, which merely gives the time and location of a specific event, is one that conveys an idea about a specific event, so that a category for directional signs is therefore content-based, and event-based regulations are not content neutral; and

WHEREAS, in *Reed*, the Court held that if a sign regulation on its face is content-based, neither its purpose, nor function, nor justification matter, and the sign regulation is therefore subject to strict scrutiny and must serve a compelling governmental interest; and

WHEREAS, in *Reed*, Justice Alito in a concurring opinion joined in by Justices Kennedy and Sotomayer pointed out that municipalities still have the power to enact and enforce reasonable sign regulations; and

WHEREAS, Justice Alito's concurring opinion provided a non-comprehensive list of rules that would not be content-based, including: (1) rules regulating the size of signs, which rules may distinguish among signs based upon any content-neutral criteria such as those listed below; (2) rules regulating the locations in which signs may be placed, which rules may distinguish between freestanding signs and those attached to buildings; (3) rules distinguishing between lighted and unlighted signs; (4) rules distinguishing between signs with fixed messages and electronic signs with messages that change; (5) rules that distinguish between the placement of signs on private and public property; (6) rules distinguishing between the placement of signs on commercial and residential property; (7) rules distinguishing between on-premises and off-premises signs; (8) rules restricting the total number of signs allowed per mile of roadway; and (9) rules imposing time restrictions on signs advertising a one-time event, where rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed; and

WHEREAS, the Commission recognizes that Justice Alito further noted that in addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech [see *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-469 (2009)], and that government entities may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots; and

WHEREAS, Justice Alito noted that the *Reed* decision, properly understood, will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives, including rules that distinguish between on-premises and off-premises signs; and

WHEREAS, as a result of the *Reed* decision, it is appropriate and necessary for local governments to review and analyze their sign standards and regulations, beginning with their temporary sign standards and regulations, so as to make the necessary changes to conform with the holding in *Reed*; and

WHEREAS, the Town Attorney has submitted his assessment of Chapters 16 and 17 of the Code, and has recommended that the Commission make the revisions to those Chapters 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 16 of the Redington Beach Town Code, entitled *Sales*, is hereby amended to read as follows:

Chapter 16 - SALES

ARTICLE II. - GARAGE SALES

Sec. 16-26. - Definition.

For purposes of this article, the term "garage sale" means any public display or offering for sale or free to the public of one or more items of personal property on a residential premises by persons residing on the premises on which the sale is conducted, provided the personal property has been acquired, possessed and used by such persons for personal household use and not for business or commercial use, and when such sale is open to the general public. The term "garage sale" shall include sales commonly referred to as patio sales, driveway sales, yard sales and porch sales, and other such sales. The term "garage sale" shall not include the sale or offering for sale of goods of more than one family or household. The term shall also not include the posting for sale of an item of personal property on any internet or app-based selling platform even if the transaction is completed at the residential premises.

Sec. 16-27. – Garage sales authorized; frequency limited.

A limited number of garage sales are specifically and provisionally permitted as accessory uses in all zoning districts which permit single or multi-family residential dwelling units. Each such dwelling unit shall be limited to two garage sales of no more than two consecutive days each during any rolling 12 month period. A garage sale cannot occur at a residence within 90 days of a prior garage sale at the same residence.

Sec. 16-28. – Permitting process; fee; revocation.

(a) A permit must be obtained from the town clerk prior to any garage sale, showing the location, date(s) and time(s) of the event, and the name and contact telephone number of the resident responsible for compliance with the permit's terms. If an applicant is a resident of a condominium, apartment or other multi-family dwelling location which is governed by an owners association, management company, or other private entity with authority over common rules, the applicant must include with the application written confirmation from such entity that the applicant is authorized to conduct the sale on the premises.

(b) A copy of the permit shall be displayed on the premises at all times during the event.

(c) A fee for a garage sale permit may be adopted by the commission from time to time.

(d) If the clerk denies a permit application, such denial must be in writing and must set forth the reason(s) for the denial. A denial may only be based on a determination that the garage sale, as proposed, will not be in compliance with one or more provisions of the town code. An applicant may appeal a denial in writing to the Mayor (or such other commissioner as the Mayor may designate in her or his absence), who shall review the denial and the written appeal and shall make a final decision for the town.

(e) The town reserves the right to revoke any permit issued under this section if, in the judgment of the town's code enforcement officer or a law enforcement officer, the permit holder is violating the terms of the permit, or if a hurricane or other severe weather event is forecast to occur on the date(s) in question. In the event a permit is revoked due to weather, the town will make every effort to authorize an alternative date for the event.

(f) Notwithstanding the foregoing, the town commission, from time to time, schedules town-wide garage sale events. As to any such scheduled town-wide garage sale, residents or resident associations shall not be required to obtain any permits prior to posting temporary signs on their properties on those days.

Sec. 16-29. - Compliance with applicable regulations.

All garage sales permitted by this article shall be conducted in compliance with all laws, ordinances, rules and regulations not in conflict with this article, but no business tax shall be required for a garage sale otherwise permitted under this article.

Sec. 16-30. - Display of merchandise.

Property offered at a garage sale may be displayed outside the permanent structures of the residence, including on lawns, garages and carports. Such property shall be so displayed as to prevent the wind from blowing objects onto adjacent sidewalks, roads or other private property, and shall be arranged so as to allow invitees and code enforcement officers to safely move about the items being displayed. In the event high winds or rain occur, the responsible resident shall ensure that all property displayed outdoors be properly secured so as to prohibit wind-blown projectiles or the potential of items washing into streets or stormwater systems.

Sec. 16-31. – Supervision and oversight.

At least one resident of the premises who shall be at least 18 years of age shall be present at any permitted garage sale at all times to supervise and oversee the event. This individual shall, if asked by any duly-appointed code enforcement or law enforcement officer, produce for inspection the permit issued for the event.

Section 2. Chapter 17 of the Redington Beach Town Code, entitled *Signs*, inclusive of § 17-1 through and including § 17-8, is hereby repealed in its entirety.

Section 3. A new Chapter 17 of the Redington Beach Town Code, entitled *Signs*, is hereby adopted as follows:

Chapter 17 – SIGNS

Sec. 17-1. – Definitions.

Abandoned or discontinued sign or sign structure. A sign or sign structure is considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of at least sixty (60) days. The following conditions shall be considered as the failure to operate or maintain a sign:

(1) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or

(2) a sign which is blank. This definition includes signs on which is advertised a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location or any other sign for any purpose for which the purpose has lapsed. If the sign is a conforming sign in compliance with building codes and all other applicable Town Ordinances, then only the sign face will be considered abandoned.

Advertising means any commercial sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, sales event, activity, entertainment, or real or personal property.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs using electronic ink, signs set in motion by movement of the atmosphere, or made up of a series of sections that turn, including any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

Architectural detail or embellishment means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish

window or door openings, exterior lighting that frames building features, and changes in façade materials to create an architectural effect.

Area of sign means the square foot area within a continuous perimeter enclosing the extreme limits of the sign display, including any frame or border. Curved, spherical, or any other shaped sign face shall be computed on the basis of the actual surface area. In the case of painted wall signs composed of letters, shapes, or figures, or skeleton letters mounted without a border, the sign area shall be the area of the smallest rectangle or other geometric figure that would enclose all of the letters, shapes and figures. The calculation for a double-faced sign shall be the area of one face only. Double-faced signs shall be so constructed that the perimeter of both faces coincide and are parallel and not more than twenty-four (24) inches apart.

Artwork means a two-or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area. All outdoor artwork shall conform to the maximum height restrictions of signs within the district. All outdoor artwork shall also conform to any applicable building code and safety standards.

Attached sign means any sign attached to, on, or supported by any part of a building (e.g., walls, awning, windows, or canopy), which encloses or covers useable space.

Awning means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Awning sign or canopy sign means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Banner means a temporary sign made of wind and weather resistant cloth or other lightweight material, intended to hang either with or without frames or in some other manner as not to be wind activated, and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. Flags shall not be considered banners for the purpose of this definition.

Banner, vertical streetlight means a temporary government sign made of wind and weather resistant cloth or other lightweight material, displaying government speech and hung in the public right-of-way from rods and brackets attached to a government-owned streetlight pole.

Beacon sign means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar governmental agency. This definition does not apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Bench/bus shelter sign means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

Billboard means an advertising sign or other commercial sign which directs attention to a business, commodity, service, entertainment, or attraction sold, produced, offered or furnished at a place other than upon the same lot where such sign is displayed.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building official, means the individual responsible for the administration, interpretation and enforcement of the building codes of the Town.

Business establishment means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid Town occupational license and/or occupying distinct and separate physical space and located in a business activity zoning district.

Bus stop informational sign means a freestanding or attached noncommercial government sign erected by a public transit agency, which is located at an official bus stop and providing information as to the route, hours or times of service.

Cabinet sign means a sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Canopy sign means a permanent sign which is suspended from, attached to, supported from, printed on, or forms a part of a canopy.

Changeable copy/message sign means a sign with the capability of content change by means of manual or remote input, including the following types:

(1) *Manually activated*. Changeable sign whose message copy can be changed manually on a display surface.

(2) *Electronically activated*. Changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices, or may be from an external light source designed to reflect off of the changeable component display. See also *Electronic message sign*.

Character means any symbol, mark, logo, or inscription.

Color means any distinct tint, hue or shade including white, black or gray.

Commercial mascot means humans or animals used as advertising devices for commercial establishments, typically by the holding of a separate sign or wearing of insignia, masks or costumes associated with the commercial establishment. This definition includes sign twirlers, sign clowns, etc.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Copy means the linguistic or graphic content of a sign.

Damaged sign means a sign missing more than ten percent of one or more sides of a sign face.

Decoration means any decoration visible from a public area that does not include lettering or text and is not displayed for commercial advertising.

Double-faced sign means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on which face being either in contact with the other face or in contact with the same background.

Drive-in restaurant or refreshment stand means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of these zoning regulations. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drive-through lane sign means a sign oriented to vehicles utilizing a drive-through lane at an establishment.

Electronic message sign means an electronically activated changeable copy sign whose variable message capability can be electronically programmed.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish: but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Façade means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Feather sign or flutter sign means a sign extending in a sleeve-like fashion down a telescoping or fixed pole that is mounted in the ground or on a building or stand. A feather sign or flutter sign is usually shaped like a sail or feather, and attached to the pole support on one vertical side.

Fence means an artificial vertical structure and visual or physical barrier which is not a wall.

Fixed aerial advertising sign means any aerial advertising medium that is tethered to, or controlled from the ground.

Flag means a temporary sign consisting of a piece of cloth, fabric or other non-rigid material.

Flag pole means a pole on which to raise a flag. A flag pole is not a pole sign.

Flashing sign means any illuminated sign on which the artificial source of light is not maintained stationary or constant in intensity and color at all times when such sign is illuminated. For the purposes of this definition, any moving illuminated sign affected by intermittent lighting shall be deemed a flashing sign.

Foot-candle means a unit of measure of luminosity of a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot.

Footlambert means the centimeter gram second unit of brightness equal to the brightness of a perfectly diffused surface that radiates or reflects one lumen per square centimeter.

Free-standing (ground) sign means a detached sign which shall include any signs supported by uprights or braces placed upon or in or supported by the ground and not attached to any building. A free-standing (ground) sign may be a pole sign or a monument sign.

Frontage means that allowable sign area shall be measured according to the following standards:

(1) For single or two business establishment buildings fronting one public right-of-way, measurement shall be taken parallel to that property line abutting the right-of-way with perpendicular witness lines extending to the farthest distant corners of the structure when measuring building frontage or similarly to the farthest distant property corners when measuring lot frontage. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(2) For single and two business establishment buildings fronting on more than one public right-of-way, measurement shall be taken as per subsection (1) of this definition using that right-of-way for which the primary and foremost portion of each business establishment faces. Lot frontage shall not be used for the purposes of calculating sign area where two business establishments occupy one structure.

(3) For business establishments located within a shopping or business center other than an interior business establishment as defined in this section, measurement shall be taken parallel to and equal in length to a line connecting the farthest distant corners of the business establishment's primary and foremost direction of public access. Generally the primary and foremost direction of public access shall face the center's common parking facility or a public right-of-way.

Government sign or *statutory sign* shall mean any temporary or permanent sign erected by or on the order of a public official or quasi-public entity at the federal, state or local government level in the performance of any duty including, but not limited to, noncommercial signs identifying a government building, program or service (including bus or other public transit services), traffic control signs, street name signs, street address signs, warning signs, safety signs, informational signs, traffic or other directional signs, public notices of government events or actions, proposed changes of land use, any proposed rezoning, or any other government speech. This term includes

signs erected on government property pursuant to lease, license, concession or similar agreements requiring or authorizing such signs.

Ground level means the average grade within a 25-foot radius of the sign base on a parcel of land, exclusive of any filling, berming, mounding or excavating solely for the purpose of locating a sign. Ground level on marine docks or floating structures shall be the average grade of the landward portion of the adjoining parcel.

Holographic display sign means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Illuminated sign means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Indirectly illuminated sign means any sign, the facing of which reflects light from a source intentionally directed upon it.

Inflatable or balloon sign means a sign consisting of a flexible envelope of nonporous materials that gains its shape from inserted air or other gas.

Ingress and egress sign shall mean a sign at the entrance to or exit from a parcel necessary to provide directions for vehicular traffic and provide a warning for pedestrian and/or vehicular traffic safety.

Internally illuminated sign means any sign which has the source of light not visible to the eye and entirely enclosed within the sign.

Land means "land" including "water", "marsh" or "swamp."

LED sign means any sign or portion thereof that uses light emitting diode technology or other similar semiconductor technology to produce an illuminated image, picture, or message of any kind whether the image, picture, or message is moving or stationary. This type of sign includes any sign that uses LED technology of any kind whether conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.

Location means a lot, premises, building, wall or any place whatsoever upon which a sign is located.

Lollipop sign means a sign which is attached to any pole(s) or stake(s) that is designed to be driven into the ground and which is not stabilized into the ground or affixed in place by any device other than the stake to which the sign is attached.

Machinery and equipment sign means any sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment that is placed on the machinery or equipment at the factory at the time of manufacture.

Maintenance, in the context of this chapter, means the repairing or repainting of a portion of a sign or sign structure, periodically changing changeable copy, or renewing copy, which has been made unusable by ordinary wear.

Marquee means any permanent wall or roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather. A Marquee is not an awning or canopy.

Marquee sign means any sign painted or printed onto or otherwise attached to a marquee.

Monopole means a vertical self-supporting structure, not guyed, made of spin-cast concrete, concrete, steel or similar material, presenting a solid appearance.

Monument sign means a type of freestanding sign that is not supported by a pole structure and is placed upon the ground independent of support from the face of a building and that is constructed of a solid material such as wood, masonry or high-density urethane.

Multi-prism or tri-vision sign means a sign made with a series of triangular sections that rotate and stop, or index, to show multiple images or messages in the same area at different times.

Mobile billboard advertising means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising.

Nonconforming sign means any sign that was validly installed under laws or ordinances in effect prior to the effective date of the LDC or subsequent amendments, but which is in conflict with the provisions of the LDC.

Nonconforming use means any use of a building or structure which, at the time of the commencement of the use, was a permitted use in the zoning district until the effective date of the LDC, but which does not, on the effective date of the LDC or amendment thereto, conform to any one of the current permitted uses of the zoning district in which it is located. Such nonconforming use may be referred to as a nonconformity.

Offsite/off-premises commercial advertising means a non-accessory billboard or sign which directs attention to a business, commodity, service, entertainment, or attraction that is sold, offered or existing elsewhere than upon the same lot where such sign is displayed.

Offsite/off-premises commercial sign means a non-accessory billboard or sign that displays offsite commercial advertising.

On-site sign means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site

distinction applies only to commercial message signs. For purposes of this chapter, all signs with noncommercial speech messages shall be deemed to be “on-site,” regardless of location.

Owner means any part or joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or beneficial title to whole or part of a building or land.

Pennant means any pieces or series of pieces of cloth, plastic, paper or other material attached in a row at only one or more edges, or by one or more corners (the remainder hanging loosely) to any wire, cord, string, rope, or similar device. The term includes, but is not limited to, string pennants, streamers, spinners, ribbons and tinsel.

Permanent interior sign means that if located on a window or within a distance equal to the greatest dimension of the window and if able to view from the exterior, it shall be considered an exterior sign for purposes of this chapter, excluding window sign allowance.

Permanent sign means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building. Unless otherwise provided for herein, a sign other than a temporary sign shall be deemed a permanent sign unless otherwise indicated elsewhere in this chapter.

Person means any person, individual, public or private corporation, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer or any other entity whatsoever or any combination of such, jointly or severally.

Pole sign means a permanent ground sign that is supported by one or more poles more than four feet in height and otherwise separated from the ground by air.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels or carried by a person, and signs converted to an A-Frame sign or a T-frame sign. For purposes of this chapter, a cold air inflatable sign shall be considered to be a portable sign.

Projected light sign means a sign which is generated from a light source which projects a static or changeable image, text, logo or other image onto a building’s surface.

Projecting sign means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall. Standard channel set letters on signs do not render a sign a projecting sign.

Property means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

Right-of-way means the area of a highway, road, street, way, parkway, electric transmission line, gas pipeline, water main, storm or sanitary sewer main, or other such strip of land reserved for public use, whether established by prescription, easement, dedication, gift, purchase, eminent domain or any other legal means.

Roofline means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Roof sign means any sign which is mounted on the roof of a building or which extends above the top edge of the wall of a flat roofed building, the eave line of a building with a hip, gambrel, or gable roof.

Rotating sign (or revolving sign) means an animated sign that revolves or turns or has external sign elements that revolve or turn. Such sign may be power-driven or propelled by the force of wind or air.

Sandwich board sign means a portable, freestanding, movable and double-faced sign not exceeding thirty-two (32) inches wide and forty-eight (48) inches high.

Service island sign means a sign mounted permanently on, under, or otherwise mounted on a service island canopy.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. For the purposes of this chapter, the term Sign shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign. The term Sign for purposes of this chapter shall not include the following objects:

1. Decorative or structural architectural features of buildings (not including lettering, trademarks or moving parts);
2. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently embedded or integrated into the structure of a permanent building which is otherwise legal;
3. Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);
4. Manufacturers' or seller's marks on machinery or equipment visible from a public area;
5. The display or use of fire, fireworks or candles;
6. motor vehicle or vessel license plates or registration insignia;
7. Grave stones and cemetery markers visible from a public area;
8. Newsracks and newsstands;
9. Artwork that does not constitute advertising visible from a public area;

10. Decorations that do not constitute advertising visible from a public area;

11. Vending machines or express mail drop-off boxes visible from a public area.

Sign height means the vertical distance from the average finished grade of the ground below the sign excluding any filling, berming, mounding or excavating solely for the purposes of increasing the height of the sign, to the top edge of the highest portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height.

Sign size means *area of sign*.

Sign structure means any structure which is designed specifically for the purposes of supporting a sign. This definition shall include decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Snipe sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to or placed on public property such as but not limited to a public utility pole, a public street sign, a public utility box, a public fire hydrant, a public right-of way, public street furniture, or other public property; except for A-frame and T-frame signs that are temporarily placed on public property under such limitations and constraints as may be set forth in the Land Development Code.

Street means a right-of-way for vehicular traffic, designated as an alley, avenue, boulevard, court, drive, expressway, highway, lane, road, street, or thoroughfare (also referred to as roadway). A street may be dedicated to the public or maintained in private ownership, but open to the public.

Street address sign means any sign denoting the street address of the premises on which it is attached or located.

Structure means anything constructed, installed or portable, the use of which requires location on land. It includes a movable building which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. It also includes roads, walkways, paths, fences, swimming pools, tennis courts, poles, tracks, pipelines, transmission lines, signs, cisterns, sheds, docks, sewage treatment plants and other accessory construction.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Temporary sign means a sign intended for a use not permanent in nature. Unless otherwise provided for in the LDC, a sign with an intended use for a period of time related to an event or occurrence at a future time shall be deemed a temporary sign. Such events could include, but are not limited to, scheduled community athletic or charity events, contractor notices of construction projects in progress, elections scheduled to occur in the future, or sales or leases of real property, goods or services by retailers, Realtors or individuals where same will be completed by some future date or upon the completion of the lease or sale. A flag shall be deemed a temporary sign.

A sign advertising a reduced price or other promotional benefit associated with a product or service sold or offered on a parcel shall not constitute a temporary sign.

Traffic control device sign means any governmental/statutory sign located within the right-of-way that is used as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign includes those government signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Trailer sign means any sign that is affixed to or placed on a trailer or other portable device that may be pulled by a vehicle.

Umbrella sign means a sign printed on umbrellas used for legal outdoor eating and drinking establishments, push-carts, sidewalk cafes and which is made of a lightweight fabric or similar material.

Unsafe sign means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Vehicle sign means a sign which covers more than ten (10) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right-of-way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business.

Wall wrap sign means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Wall sign means any sign attached parallel to, but within twelve (12) inches of a wall; painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warning sign or safety sign means a sign which provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.) or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

Wayfinding/directional sign means a non-commercial sign, which may or may not be a governmental/statutory sign, that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information for the aid of the traveling public, for facilitating a safe and orderly traffic flow and preventing sudden stops.

Wind sign means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

Window means a panel of transparent material surrounded by a framing structure and placed into the construction material comprising a building façade.

Window or door sign, permanent means any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door.

Sec. 17-2. – Purpose and scope of chapter.

In order to preserve the Town as a community in which people wish to, live, visit, vacation and retire, the Town must maintain a visually aesthetic and safe environment. The regulation of signs within the Town is an effective means by which to achieve this desired end. These sign regulations are prepared with the intent of promoting the public health, safety and general welfare in the Town through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. This chapter regulates signs which are placed on private property, or on property owned by public agencies including the Town, and over which the Town has zoning authority. These sign regulations are intended to:

- a. Encourage the effective use of signs as a means of communication in the Town;
- b. Maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth;
- c. Improve pedestrian and traffic safety;
- d. Minimize the possible adverse effect of signs on nearby public and private property;
- e. Foster the integration of signage with architectural and landscape designs;
- f. Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- g. Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- h. Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- i. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- j. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- k. Categorize signs based upon their structures and tailor the regulation of signs based upon those structures;

- l. Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- m. Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- n. Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- o. Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the Town;
- p. Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- q. Protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- r. Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- s. Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the Town and that complements the natural surroundings in recognition of this Town's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its resort community, as well as for its major subdivisions, shopping centers and industrial parks;
- t. Enable the fair and consistent enforcement of these sign regulations;
- u. To promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and to advance the Town's goals of quality development;
- v. To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of Town, county, state and federal law;
- w. To provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- x. Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

Sec. 17-3. – Regulatory interpretations.

It is the Town's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs. All regulatory interpretations of this chapter are to be exercised in light of the Town's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the Town Code, then the Town shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process. The policies, rules and regulations stated in this chapter apply to all signs within the regulatory scope of this Code, and to all provisions of this Code, notwithstanding any more specific provisions to the contrary. This chapter states the policy decisions regarding display of signs, made by the Town Commission after carefully balancing many competing factors and interests. This chapter consolidates all general provisions relating to the installation, regulation and amortization of signs on private property throughout the Town of Redington Beach. The Town further makes the following findings:

- a. The Town Commission specifically finds that off-premises advertising signs present more of a traffic hazard than on-premises advertising signs because, among other factors, the content of off-premises advertising signs changes with more frequency than the content of on-premises advertising signs.
- b. The Town Commission finds and intends that noncommercial signs shall be considered to be on-premises signs.
- c. The Town Commission further finds that some signs, particularly large signs such as billboards, detract from the aesthetic beauty of the Town and create a safety hazard by distracting motorists, pedestrians, and others. The Town Commission wishes to preserve the aesthetic beauty and safety of the community.
- d. The Town Commission further finds that when a sign type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the Town Code, then the Town shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.
- e. The Town Commission further finds that all rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., shall be enforceable independently of any permit or approval process.
- f. The Town Commission further specifically finds that the policies, rules and regulations stated in this chapter apply to all signs within the regulatory scope of this chapter, and to all provisions of the Land Development Code, notwithstanding any more specific provisions therein to the contrary. This chapter states the policy decisions regarding display of signs, made by the Town

Commission after carefully balancing many competing factors and interests. This chapter consolidates all general provisions relating to the installation, regulation and amortization of signs on all property throughout the Town of Redington Beach.

g. The Town Commission finds and intends that the maximum height and size for structures and any setback provisions found in the Land Development Code shall apply to signs in the Town even if the provisions of this sign code cannot apply due to any valid court order.

Sec. 17-4. – Prohibited Signs.

Unless otherwise authorized in this chapter, the following sign types are prohibited within the Town:

a. Signs that are deemed abandoned under this chapter, or that do not conform with the provisions of this section or any other applicable code, statute or law, shall be removed by the property owner within 30 days after receipt of notification (which will immediately follow the 90-day abandonment period described this chapter or refusal to accept delivery of notification by certified mail, that such removal is required). Alternatively, the sign panels within the abandoned sign structure may be removed and replaced with sign panels or durable material off-white white or tan in color and containing no message.

b. Bench/bus shelter advertising signs.

c. Billboards.

d. Wall wrap signs.

e. Electronic changeable copy/message sign.

f. Snipe signs.

g. Any sign nailed, fastened, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).

h. Flashing signs.

i. Animated signs.

j. Revolving or rotating signs.

k Signs which move, twirl or swing, including multi-prism and tri-vision signs.

l. Electronic signs other than traffic control devices.

m. Beacon lights.

n. Wind signs.

o. Pennant signs.

p. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or other government sign, signal, or device.

- q. Offsite/off-premises commercial signs.
- r. Any sign in or over the public right-of-way, other than government signs or warning or safety signs.
- s. Pavement markings, except official traffic control-markings and street addresses applied by government agencies or pursuant to government laws or regulations.
- t. Signs attached to piers, docks, tie poles or seawalls, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.
- u. Signs in or upon any river, bay, lake, or other body of water within the limits of the Town, other than government signs, warning or safety signs or signs otherwise required by local, state or federal law.
- v. Portable signs.
- w. Roof signs.
- x. Umbrella signs.
- y. Projecting signs.
- z. Any sign which is designed to approximate, mimic or emulate an official government sign, including unofficial “stop” signs posted on or above any street or right-of-way, or within fifty feet thereof.
- aa. Any sign prohibited by state or federal law.
- bb. Signs that emit sound, vapor, smoke, odor, particles, flame or gas with the exception that signs emitting audible sound erected to accomplish compliance with the Americans with Disabilities Act shall be authorized.
- cc. Signs that contain any food or other substance that attracts large numbers of birds or other animals and causes them to congregate on or near the sign.
- dd. Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
- ee. Commercial Mascots and Commercial Message signs that are carried, waved or otherwise displayed by persons either on public rights-of-way or in a manner visible from public rights-of-way. This provision is directed toward such displays intended to draw attention for a commercial purpose, and is not intended to limit the display of placards, banners, flags or other signage by persons participating in demonstrations, political rallies, or otherwise exercising their valid First Amendment rights.

ff. Vehicle signs visible from a street or right-of-way within one hundred (100) feet of the vehicle and where the vehicle is parked for more than two (2) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of said street or right-of-way.

gg. Mobile Billboard Advertising and trailer signs.

hh. Any sign located on real property without the permission of its owner.

ii. Any feather or flutter sign.

jj. Obscene signs that meet the definition of obscenity under Florida Statutes § 847.001 et seq., as amended.

kk. Marquee signs.

ll. Projected light signs.

mm. Inflatable or balloon signs.

Sec. 17-5. – Applicability.

This chapter does not regulate:

a. Signs located entirely inside the premises of a building enclosed space, and that are not visible from the right-of-way or public parking lot

b. Objects not included in the definition of “sign”.

c. Any government sign placed by or at the direction of or through the permission of the Town in, on or over any Town or county owned or controlled property or right-of-way, including signs approved by the Town under the authority of a development or concession agreement.

d. Any temporary sign placed by a charitable, not-for-profit entity or group related to an event which has been co-sponsored by the town. The town commission’s decision to co-sponsor an event shall be in its sole discretion, and may be an ‘in name only’ sponsorship or may include some other form of support. Co-sponsorship of such events shall not represent the town’s assumption of any oversight or duty as to the conduct of such events, nor shall the town assume any liability for any claim or loss resulting from such event.

Sec. 17-6. – Administration and enforcement: nonconforming signs

All signs that are lawfully in existence or are lawfully erected and that do not conform to the provisions of this chapter are declared nonconforming signs. It is the intent of this chapter to recognize that the eventual elimination of nonconforming signs as expeditiously and fairly as possible is as much a subject of health, safety, and welfare as is the prohibition of new signs that would violate the provisions of this chapter. It is also the intent of this chapter that any elimination

of nonconforming signs shall be accomplished so as to avoid any unreasonable invasion of established property rights.

a. Legal nonconforming signs:

1. A legal nonconforming sign is a sign that lawfully existed at the time of the enactment of this chapter that does not conform to the regulations as specified in this chapter.
2. A legal nonconforming sign may continue to be utilized only in the manner and to the extent that it existed at the time of the adoption of this chapter or any amendment thereof.
3. A legal nonconforming sign may not be altered in any manner not in conformance with this chapter. This does not apply to reasonable repair and maintenance of the sign or to a change of copy provided that by changing the copy structural alterations are not required.
4. Any building permit for an addition, alteration, or improvement valued at more than fifty (50) percent of the fair market value of the structure or building for work at locations where any nonconforming sign exists shall specify and require that such nonconforming signs located within the boundaries of the development site, and within the limits of the applicant's control, shall be brought into conformance with the provisions of this chapter, provided that if the nonconforming sign is a type of sign that is prohibited under this chapter, it shall be removed.
5. Legal nonconforming signs that are located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:
 - A. Is not increased in area or height to exceed the limits of the zoning district in which it is located;
 - B. Remains structurally unchanged except for reasonable repairs or alterations;
 - C. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
 - D. Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

b. Signs rendered nonconforming:

1. Except as provided in this section, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the adoption, amendment or annexation of the provision that rendered the sign nonconforming, including in the event there is a change in ownership. This section shall not prohibit reasonable repairs and alterations to nonconforming signs.
2. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this chapter. An existing monument sign that conforms to

the size and height limitations set forth herein, but is otherwise nonconforming, may be relocated a single time to another location on the same parcel.

3. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this chapter if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is fifty (50) percent or more of the cost of replacement of such sign.

c. Signs for a legal nonconforming use:

1. New or additional signs for a nonconforming use shall not be permitted. A change in ownership shall require a nonconforming sign to be removed or brought into conformity.

2. A nonconforming sign for a nonconforming use that ceases to be used for a period of sixty (60) consecutive days or is replaced by a conforming use, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of a conforming use.

d. Signs discontinued:

1. Sign structures that remain vacant, unoccupied or devoid of any message, or display a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued.

2. A nonconforming sign deemed discontinued shall immediately terminate the right to maintain such sign.

3. Within sixty (60) days after a sign structure has been discontinued, it shall be the responsibility of the property owner or the property owner's authorized agent to remove the discontinued sign and to patch and conceal any and all damage to any other structure resulting from removal of the sign.

4. Removal of a discontinued nonconforming sign shall include all sign support components, angle irons, poles, and other remnants of the discontinued sign that are not currently in use, or proposed for immediate reuse as evidenced by a sign permit application for a permitted sign.

e. Unsafe signs:

1. If the building official determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours.

2. If the correction has not been made within forty-eight (48) hours, the building official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the sign owner or owner or lessee of the property upon which the sign is located.

Sec. 17-7. – Administration and enforcement: permits and fees.

a. *Generally.* Signs subject to this chapter shall be designed, constructed, and maintained in compliance with the Town's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.

b. *Permit requirements.* Unless exempted by this chapter, no sign shall be erected, constructed, altered or relocated without a permit issued, except as otherwise provided in this chapter. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separate from building permits. The requirement of a building or electrical permit is separate and independent of the requirement for a sign permit under this chapter. No sign shall be erected, constructed, relocated, altered or maintained without compliance with all permit requirements under local ordinance, state or other applicable law.

c. *Fees.* Each application for a sign permit shall be accompanied by the applicable fees. When a sign has been erected or constructed before a permit is obtained, the permit fee shall be quadrupled. Before issuance of a permit, the Building Official shall collect the necessary sign permit fees, which shall be established by the Town Commission from time to time.

d. *Signage plan.* For any site on which the owner proposes to erect one or more signs requiring a permit the owner, or representative, shall submit to the Building Official or designee two copies of a signage plan containing the following:

1. An accurate plan of the site, at such scale as the Building Official or designee may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such site;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the site under this Code;
4. An accurate indication on the plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;
5. Detailed drawings to show the dimensions, design, structure and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration);
6. Name of person, firm, corporation or association erecting the sign;
7. Written consent to the permit application, by the owner, or authorized designee, of the building or lot on which the sign is to be erected. Consent of an authorized agent of an owner, contractor or other agent of the lessee shall be sufficient for purposes of this provision; and
8. Such other information as the Building Official shall require to show full compliance with this chapter and all other applicable laws and ordinances. As part of the application the applicant or the applicant's authorized representative must certify in a legally sufficient notarized signed statement that all information provided in the application is true and correct.

e. *Nullification.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until completion of the building.

f. *Permit exceptions.* The following operations shall not be considered as creating a sign and, therefore, shall not require a sign permit:

1. *Replacing.* The changing of the advertising copy or message on a previously permitted similarly approved sign which is specifically designed for the use of replaceable copy.

2. *Maintenance.* Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.

Sec. 17-8. – Inspection; Removal; Safety.

a. *Inspection.* Signs for which a permit is required under this chapter may be inspected periodically by the Building Official for compliance with this chapter, other codes of the Town, and all terms upon which the sign permit may have been conditioned.

b. *Maintenance.* All signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition with no fading, cracking or chipping visible. No consideration, however, shall be given to the content of the sign copy when making the determination that the sign should be removed due to a violation of this subsection.

c. *Removal of sign.* The Building Official, or designee, may order the removal of any sign erected or maintained in violation of this chapter, or that are declared a nuisance either by court order or under the provisions of the Town code. In non-emergency situations where the sign is not an imminent danger to the health and safety of the residents of the Town, he or she shall give 30 days' notice in writing to the owner of such sign, at the address reflected on the Pinellas County Property Appraiser's website. If the sign is not removed within the 30-day notice period, the Town shall cause the sign to be removed at the cost of the owner. Removal shall not moot any other enforcement or collection efforts the Town may engage in as a result of any violation of this chapter.

d. *Unsafe Sign.* Absent an emergency where a sign poses an imminent danger to the health or safety of the public (in which case no notice is needed), if the Building Official determines any sign or sign structure to be in an unsafe condition, he or she shall immediately notify, in writing, the owner or lessee of the property upon which such sign is located, who shall correct such condition within forty-eight (48) hours. If the correction has not been made within forty-eight (48) hours, and if the Building Official determines it creates a danger to the public safety, he or she may have the sign removed or have any necessary repairs or maintenance performed at the expense of the owner or lessee of the property upon which the sign is located. If in his or her professional opinion the sign poses an immediate risk to the public, the Town may take all other

necessary steps to remedy the condition following a reasonable attempt to notify the owner of the hazardous condition.

e. *Abandoned signs.* Any sign that advertises a business or other activity that is not in operation on the premises shall be deemed an abandoned sign beginning 90 days after the business or other activity ceases operation. The following regulations shall apply to such signs:

1. A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business establishment which it advertises is no longer conducted on the premises or the sign no longer is being used by the owner or lessee of the premises for its intended advertising purposes for a period in excess of 90 days;

2. Instead of removal, if the sign is a conforming sign, the owner or lessee of the premises may:

- (a) Paint over the message on the sign that advertises the business or other activity;

- (b) Remove the sign face and replace it with a blank sign face; or

- (c) Reverse the sign face and not illuminate the sign from the interior;

3. If the owner or lessee fails to remove it, the Building Official, or designee, shall give the owner 30 days' written notice to remove it;

4. Upon failure to comply with this notice, or refusal to accept delivery of notification by certified mail that such removal is required, the Building Official, or designee, may authorize modification, as set forth in this subsection, or removal of the sign at cost to the owner;

5. Where a successor owner or lessee to a defunct business establishment agrees to maintain the conforming sign at issue as provided in this chapter, this removal requirement shall not apply; however, a new owner or lessee of a business establishment shall not be allowed to maintain a nonconforming sign, and upon change of ownership of the business establishment, either by sale, assignment, lease or other means of transfer of rights, all signs shall be brought into compliance with this chapter; and

6. If an existing building or structure is demolished, any existing freestanding sign shall be considered either an abandoned sign or an impermissible off premises sign and shall be removed at the time of demolition unless the sign complies with the requirements of this chapter. In the event destruction of a building or structure is caused by hurricane, collision with a vehicle or similar reason not attributable to the owner, the Building Official is authorized to approve of a reconstruction plan which, if complied with, will not result in the sign being deemed abandoned or an impermissible off premises sign.

Sec. 17-9. – Building official to enforce chapter's provisions.

The Building Official, or designee, is authorized and directed to enforce all of the provisions of this chapter. However, notwithstanding anything in this chapter to the contrary, no sign or sign structure shall be subject to any limitation based on the content or viewpoint of the message

contained on such sign or displayed on such sign structure. In conformance with applicable state and federal laws, and upon presentation of proper credentials, the Building Official, or designee, may enter at reasonable times any building, structure or premises in the Town to perform any duty imposed upon him or her by this chapter.

Sec. 17-10. – Interpretation of chapter provisions.

Where there is an ambiguity or dispute concerning the interpretation of this chapter, the decision of the Building Official, or designee, shall prevail, subject to appeal process provided in this chapter.

Sec. 17-11. – Right of appeal.

a. Any person aggrieved by any decision or order of the Building Official, or designee, pertaining to signs under this chapter may appeal to the Board of Adjustment (the board) by serving written notice to the city clerk, who in turn shall immediately transmit the notice to the board. If an administrative appeal is filed by the applicant, and the board fails to meet within 45 days, the appeal will be deemed denied and the decision or order of the Building Official, or designee, will be deemed final. Once a decision is appealed to the board, the Building Official, or designee, shall take no further action on the matter pending the board's decision, except for unsafe signs as provided for in this chapter. With respect to sign appeals, the board shall hear and decide appeals where it is alleged that there is an error in the decision or interpretation of the Building Official, or designee, in the enforcement of this chapter. Such determination shall be conclusive and no right of appeal to the Town Commission with respect to such action shall exist. Any granting or denial of conditional uses or variances by the board shall be final.

b. Any aggrieved person must file their appeal of any adverse decision or action as provided for above within twenty (20) calendar days of the date the decision was made or the action was taken and in the manner set forth by the Florida Rules of Appellate Procedure for appeals of final quasi-judicial action.

Sec. 17-12. – Variances.

The only variance that may be applied for in connection with signage in the Town of Redington Beach is a variance from required setbacks.

Sec. 17-13. – Inspection.

The Building Official, or designee, may make or require any inspections to ascertain compliance with the provisions of this chapter, the Florida Building Code and other applicable laws. To the

extent Florida Statutes § 933.20 et seq. requires it, the Building Official shall ensure a proper inspection warrant is obtained.

Sec. 17-14. – Revocation of sign permit.

If the Building Official finds that work under any sign permit is proceeding in violation of this chapter, Florida Building Code, any other ordinance of the Town, or that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten days, it shall be the duty of the Building Official, or designee, to revoke such permit and provide written notice of same to such permit holder. It shall be unlawful for any person to proceed with any work under the permit after such notice is issued.

Sec. 17-15. – General standards for all zoning districts.

The following sections establish general signage standards for all zoning districts within the Town.

Sec. 17-16. – Sign illumination.

a. Sign illumination may not create a nuisance to residential areas or for wildlife and shall be compatible with the surrounding neighborhood.

b. *Residential Signs.* Signs on residential uses in any zone shall not be illuminated.

c. *General Rule for All Nonresidential Uses.* Other than signs on residential uses, all other signs may be non-illuminated, or illuminated by internal, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified. Signs may not be illuminated in a manner which leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (h) below.

d. *Internal Illumination.* Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.

e. *External Indirect Illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon) used for illuminating a sign shall not be visible from the adjacent public rights-of-way or residential zoned or used properties.

f. *Illumination of Signs Adjacent to Single-Family Uses.* No sign located within 50 feet of a property with a single-family use or zoned for a single-family use shall be internally or externally illuminated.

- g. Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.
- h. *Exposed Neon.* Exposed neon tube illumination is not permitted in residential zones, or on residential uses in any zone. It is allowed in all other places, unless otherwise specified.
- i. Illuminated signs of any kind are specifically prohibited in zoning districts 2 and 3, without exception.

Sec. 17-17. – Sign construction specifications.

- a. Construction and erection of signs shall be in accordance with Florida Building Code.
- b. *Materials.* Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event or temporary outside sale and display as provided herein.
- c. *Construction standards.* All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated or made of rust or wood rot inhibitive material.

Sec. 17-18. – Design requirements.

All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood. All signs except temporary signs shall be subject to the design requirements below:

- a. The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
- b. All tenant panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, font size and illumination.
- c. All freestanding monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g. ornamental trees, shrubs, and ornamental plants) shall meet the requirements for landscaping as prescribed in this chapter.
- d. Wall signs shall not be installed in a manner that detracts from the architectural design of a building. Wall signs shall not be installed over windows, doors, or other types of fenestration. These signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood.

Sec. 17-19. – General sign provisions.

- a. No sign may be displayed without the consent of the legal owner of the real or personal property on which the sign is mounted or displayed.
- b. This chapter does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter), or the ownership of sign structures.
- c. Any sign installed or placed on public right-of-way or on public property, except in conformance with the requirements of this chapter, is illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign. There shall be no property right in such sign; all property rights are forfeit and such signs are abandoned property. Such signs may, at the Town's option, also be treated as litter with persons responsible for the placement of such signs subject to the provisions of Florida Statutes § 403.413.
- d. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.
- e. No sign shall be erected which interferes with any opening required for ventilation.
- f. Signs shall maintain a minimum of six feet horizontal and twelve feet vertical clearance from electrical conductors and from all communications equipment or lines.
- g. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.
- h. No sign shall be attached to a standpipe, gutter, drain, or fire escape, nor shall any sign be installed so as to impair access to a roof.
- i. The Building Official may order the repair of signs declared a nuisance. A sign not kept in good repair and in a neat and clean appearance is a public nuisance.

Sec. 17-20. – Substitution of non-commercial speech for commercial speech.

Notwithstanding anything contained in this chapter to the contrary, any sign erected pursuant to the provisions of this chapter may, at the option of the owner, contain a non-commercial message in lieu of a commercial message and the non-commercial copy may be substituted at any time in place of the commercial copy. The non-commercial message (copy) may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another non-commercial message, as

frequently as desired by the owner of the sign, provided that the size, height, setback and other dimensional criteria contained in this chapter have been satisfied.

Sec. 17-21. – Content neutrality as to sign message (viewpoint).

Notwithstanding anything in this chapter to the contrary, no legal sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

Sec. 17-22. – Violations and remedies.

Any violation of this chapter or of any condition or requirement adopted pursuant to this chapter may be restrained, corrected, or abated, as the case may be, by injunction or other appropriate proceedings pursuant to law. The remedies of the Town shall include, but not be limited to, the following:

- a. Issuance of a stop-work order;
- b. Seek an injunction or other order of restraint or abatement that requires the removal or the correction of the violation;
- c. Seek a court order imposing appropriate sanctions from any court of competent jurisdiction;
- d. In the case of a violation that poses an imminent danger to the public health or safety, taking such emergency measures as are authorized in this chapter;
- e. Seek code enforcement action; and
- f. Issuance of citations for each day and each sign not in compliance.

Sec. 17-23. – Temporary sign installation and removal.

a. *General rule concerning temporary signs.* Unless otherwise provided for in this chapter, temporary signs shall not be erected for more than 100 days prior to the event being advertised on the temporary sign begins, and they shall be removed promptly at the event's conclusion. Temporary signs not advertising an event to occur on a specific date but which are related to the occurrence of an expected future event or transaction, including but not limited to temporary real estate for sale signs, shall not be subject to the one hundred (100) day provision of this subsection, but such signs shall also be removed promptly upon the earliest of the occurrence of the event or transaction, or the expiration of the listing or other similar change in facts eliminating the opportunity of the future event or transaction from occurring.

b. *Usage and removal of political campaign advertisements.* Temporary signs erected by a candidate for political office, or that candidate's agent(s), may not erect such signs earlier than

thirty (30) calendar days before the scheduled election (as to candidates for town mayor or commissioner), or sixty (60) days before the scheduled election (as to candidates for all other political offices). Pursuant to Florida Statutes § 106.1435, each candidate, whether for a federal, state, county, municipal or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days (or as to candidates for town office, 72 hours) after:

1. Withdrawal of his or her candidacy;
2. Having been eliminated as a candidate; or
3. Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in Florida Statutes chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons. If political campaign advertisements are not removed within the specified period, the Town shall have the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the Town.

Sec. 17-24. – Standards by zones: intent and general provisions.

- a. It is the intent of this section to regulate outdoor signs in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.
- b. The sign standards in this section are intended to include every zone in the Town. The zones are defined by the zoning ordinance and official zoning map. Only signs as described in this division and as may be described under temporary signs and exemptions will be permitted in each particular zone.
- c. If any zone is omitted from this division, or if a new zone is created after the enactment of this division, only exempt signs as described in this chapter shall be permitted in such zone until this division shall be amended to include that zone.
- d. If any area is annexed into the Town limits, no sign, except exempt signs described in this chapter, shall be permitted therein until the area annexed has been zoned by the Town Commission. Signs in existence as of the time of annexation shall be brought into compliance with this chapter within one year of annexation.
- e. The visual clearance and sight triangle, to assure adequate sight distance at the intersection of two public roadways and at the intersection of a public roadway or other private roadway and an access way or driveway, shall follow the criteria of the current Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways or its equivalent amended document.

f. In order to assist public safety and emergency service vehicles to rapidly locate addresses and to assist the traveling public to locate specific addresses, residential and nonresidential structures shall conform to county ordinances.

g. Signs shall not be located on publicly owned land or easements or inside the street rights-of-way except bus stop informational signs, governmental signs, and safety or warning signs, or as otherwise allowed by license agreement approved by the Town Commission. Nothing shall prohibit a duly authorized local official from removing a sign from public property as allowed by law.

h. Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.

i. All signs shall comply with the applicable building and electrical code requirements. Sign face replacements not requiring a permit shall comply with all applicable building and electrical code requirements, this includes sign face replacements when the permitted sign is not structurally or electronically altered, like materials are used, the sign face is the same size within the frame as the permitted sign, and is installed in the same manner as originally permitted.

j. Signs of a height greater than six feet and within ten feet of the right-of-way shall require a letter of no objection from the local power company to insure current and future compliance to applicable codes and to protect the safety of the public.

k. If no height or size restriction is specifically provided regarding any sign located in the Town the height and size restrictions for a structure in the zone in which the sign is located will govern.

l. Pursuant to Florida Statutes § 553.79(20)(a), all signage advertising the retail price of gasoline shall be clearly visible and legible to drivers of approaching motor vehicles from a vantage point on any lane of traffic in either direction on a roadway abutting the station premises and shall meet the height, width, and spacing standards for Series C, D, or E signs, as applicable, published in the latest edition of Standard Alphabets for Highway Signs published by the United States Department of Commerce, Bureau of Public Roads, Office of Highway Safety.

Sec. 17-25. – Nonconforming uses.

Any building or land use not conforming to the zoning ordinance provisions for the zone in which it is located shall, nevertheless, comply with all provisions of this chapter for the zone in which it is located.

Sec. 17-26. – Sign standards in all districts.

The following general provisions apply to signs and sign types described in this chapter, except where otherwise noted in this division.

a. Permanent monument signs may be placed on the owner's private property up to the right-of-way line in recognition of this sign type's aesthetic desirability to the Town. The setback shall be measured from the nearest protrusion of the sign or sign face to the property line.

b. All new freestanding signs must be monument signs.

c. Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of the Town Code.

d. No business shall have more than one exterior wall sign on any street it faces; or one sign per window. Permanent window signs shall not cover more than 50% of any window and shall comply with all fire safety codes. Wall signs may not project more than twelve (12) inches from a wall. Any wall sign that projects more than two and one-half (2.5) inches from a wall shall be mounted so that the bottom of the sign is no closer than nine (9) feet to the ground at the finished grade immediately below the sign.

e. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows:

1. Residential uses shall be treated as if they were located in the residential zoning district where that type of use would be allowed as a matter of right.

2. Nonresidential uses shall be treated as if they were located in a zoning district where that particular use would be allowed, either as a matter of right or subject to a conditional use permit.

f. Off-site permanent monument neighborhood directional signs, where permitted, shall be located at the corner of the intersection of two streets, one of which is the primary ingress and egress to the neighborhood. The monument sign must be located on private property within the neighborhood associated with the sign. The monument sign shall not exceed twenty-four (24) square feet per sign face and shall not exceed six (6) feet in height. One double-sided sign or two single-sided signs may be placed at each entrance. The monument sign shall be set back a minimum of thirty (30) feet from the intersection of the right-of-way lines and fifteen (15) feet from all front and side right-of-way lines.

Sec. 17-27. – Signs allowed in all districts, no permit required.

The regulations in this section apply in every zoning district in the Town, except where otherwise specified or indicated. Sign permits are not required for signs and sign types described and identified below in this section.

a. *Temporary signs.* Temporary signs shall be allowed on each parcel within the Town as follows:

1. In residential zones, each parcel may display up to four temporary signs which shall not exceed four (4) square feet in sign area, and four (4) feet in height.

2. In all non-residential zones, each parcel may display one temporary sign which shall not exceed twenty-four (24) square feet in sign area and six (6) feet in height. Alternatively, each parcel in a

non-residential zone may display up to eight (8) temporary signs, which cumulatively shall not exceed twenty-four (24) square feet in sign area and four (4) feet in height.

3. Temporary signs displayed outdoors shall be constructed of metal, plastic, wood or pressed wood, but not of cardboard or paper, and shall be fastened to a support not exceeding four (4) inches by four (4) inches. Temporary window signs displayed on the inside of a window may be constructed of cardboard or paper, as well as metal, plastic, wood or pressed wood.

4. Temporary signs may be installed on any sign type authorized within the relevant zone. Alternatively, a temporary sign may be installed using an H frame, spider step stake, inverted L frame, banjo-style frame, or T frame. Any such alternative installation option used must be firmly secured to the ground or to a building located on the parcel.

5. Temporary signs not affixed to a permanent sign structure, but using one of the alternative installation options listed above, must be removed and securely stored during any days for which the National Weather Service has issued a tropical storm warning covering the Town.

b. *Flags.*

1. For each detached dwelling unit in a residential district, two flags not greater than fifteen (15) square feet in sign area each may be displayed. One (1) flagpole is allowed for each parcel in the Town zoned for single family residential use not to exceed 25 feet in height.

2. For each parcel in a multi-family residential or non-residential districts three flags not greater than twenty-four (24) square feet in sign area (each) may be displayed. Two (2) flagpoles are allowed for each parcel in the Town that is zones for multi-family residential or non-residential use not to exceed 35 feet in height.

c. *Parking space signs, non-residential.* Onsite parking space number or identification signs, not exceeding one two (2) square foot of sign face per sign, shall be allowed on each parcel of non-residential use having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six (6) feet unless otherwise required by applicable law.

d. *Street address signs and residential mailboxes.* For each parcel within the Town, one attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed two (2) square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the Town.

e. *Street address signs, non-residential.* For each parcel in non-residential use, the street address sign shall not exceed four (4) square feet in sign area.

f. *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four (4) square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be four (4) feet unless otherwise required by applicable law.

g. *Waterfront identification signs.* Each lot abutting the waters of any navigable inland waterway, but not the Gulf of Mexico, shall be allowed one attached wall identification sign that is visible from the water. Waterfront identification signs shall not exceed four (4) square feet in sign area.

h. *Wayfinding/directional signs.* Non-commercial wayfinding signs when erected as part of a wayfinding system adopted by the Town or county.

i. *Temporary window signs.* For each commercially zoned or commercially used parcel within the Town, one or more temporary window signs may be displayed on the inside of the window. The temporary window sign(s) shall not cover more than 50% of the area of the window, except that if the business displaying such sign(s) is also displaying the one permanent window sign authorized by this chapter, then the total area of the window covered by a combination of these shall not exceed 65% of the area of the window.

j. *Temporary waterfront residential parcel signs.* For each residential parcel within the town which is bordered by the Gulf of Mexico or the intercoastal waterway, one additional temporary sign may be affixed to a boat dock or installed on a wooden or metallic pole of not wider than 4 inches by 4 inches where the primary viewing of the sign would be from the water. The sign or sign parts attached to the dock or pole shall not collectively exceed 24 inches tall x 38 inches wide.

Sec. 17-28. – Signs allowed in all districts, permit required.

a. *Pole Banners.* Temporary banners for display on light poles shall not exceed twelve (12) square feet in area or twenty (20) feet in height. A non-commercial ornamental or decorative vertical pole banner may be displayed when the pole is not being used for a permitted vertical pole banner.

b. *Temporary signs at construction sites.* Any land developer or licensed contractor, architect or engineer is authorized, with the consent of the land owner, to install one or more signs at a permitted active construction site, as that term is defined in Florida Statutes § 810.011(13), or on land upon which the Town has given preliminary approval of plans to construct a building or other structure. Such signs shall be subject to the following conditions:

1. The sign is located on a construction site which has a valid building permit displayed on site.
2. The sign area shall not exceed 32 square feet aggregate per street frontage per site.
3. All signs shall be set back a minimum of ten feet from all property lines.
4. All signs shall be removed by no later than the date upon which a temporary or final certificate of occupancy is issued by the permitting authority.

Sec. 17-29. – Residential zoning districts, permit required.

Except for those signs and sign-types allowed in residential and residentially-zoned districts in accordance with this chapter, no additional signs or sign-types shall be permitted in residential or residentially-zoned districts, except for the following sign-types:

- a. On a parcel with an apartment building or condominium complex, one permanent wall, window or monument sign is allowed for each such building or complex not exceed twenty-four (24) square feet in size (area); however, such a monument sign shall not exceed six (6) feet in height.
- b. For permitted land uses other than residential uses in these zones one permanent monument sign shall be allowed on each parcel or lot. This sign shall not exceed sixteen (16) square feet in area and shall not exceed four (4) feet in height.
- c. Onsite directional signs not exceeding four (4) square feet in area.

Sec. 17-30. – Commercial and mixed-use.

Except for those signs and sign-types allowed in commercial or commercially-zoned districts in accordance with this chapter, no additional signs or sign-types shall be permitted on any lot or parcel in commercial or commercially-zoned districts, except the following sign-types shall be allowed for each lot or parcel with a non-residential use:

- a. One monument sign per abutting state, county or Town collector roadway. A maximum of thirty-two (32) square feet shall be allowed per each monument sign face (sign faces must be back-to-back). The monument sign shall not exceed eight (8) feet in height and must not be a traffic visibility hazard as determined by the Town's traffic engineer consultant.
- b. One or more attached wall signs shall be allowed on the first-floor level. The combined area of all such signs used shall not exceed one hundred fifty (150) square feet, and they shall be no higher than the height of the first-floor. In the event the parcel contains a multi-tenant development, each individual business tenant may have one or more attached wall signs subject to the same size and height limitations.
- c. Each restaurant shall be allowed one attached display sign of no more than three (3) square feet of sign face area, located at the entrance, or service window of a restaurant.
- d. Each restaurant shall be allowed one drive-through lane sign for each drive-through lane constructed on the property. Drive-through lane signs shall be placed so as to be viewed from the drive-through lane and may provide a mechanism for ordering products while viewing the drive-through lane sign. The drive-through lane sign shall have a surface area not exceeding forty (40) square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed eight (8) feet above ground level. If more than one drive-through lane sign is installed, the total square footage for all such signs shall not exceed sixty (60) square feet, with no single sign exceeding forty (40) square feet. If the applicant provides satisfactory proof to the Building Official that its franchisor or parent company mandates a standardized drive-through sign for all of its locations which sign exceeds any of the foregoing limits, the Building Official shall approve a permit application depicting the standardized sign.
- e. In any commercial district, a canopy or awing sign may be permitted in lieu of a wall sign at an individual, single-occupant, premises. The canopy or awning and signage square footage combined shall not exceed the total permissible square footage for a wall sign. The height of the

canopy or awning shall not exceed sixteen (16) feet (first floor) or twenty-five (25) feet (second floor) or the height of the structure on which it is attached, whichever is less.

f. Wayfinding/directional signs on commercial property provided such signs do not exceed four (4) square feet in area. The directional sign may be displayed as an attached sign, window sign, or as a monument sign; if displayed as a monument sign, the monument sign shall not exceed four (4) feet in height.

g. Temporary banner signs not exceeding thirty-five (35) square feet in area and eight (8) feet in height may be displayed by a business within the commercially-zoned districts set forth in this section in conjunction with a grand opening for a maximum of sixty (60) days from the date the business first opens to customers. The term “grand opening” as used in this subsection shall mean the initial opening of a new business (including businesses marketing goods, services or residential units). The term includes the opening of a new location of a pre-existing business, and the re-opening of a pre-existing business which has been shut down for longer than one month due to renovations, remodeling or repairs. No permit shall be required for such signs.

h. Sandwich board signs shall be allowed, pursuant to the regulations set forth in this chapter.

Sec. 17-31. – Sandwich board signs.

a. The placement of sandwich board signs by the owners or lessees of properties may be allowed on any commercial property.

b. One sandwich board sign shall be allowed on each street frontage per retail or restaurant use.

c. Sandwich board signs shall be freestanding and moveable. They may be single-sided or double-sided. They shall be removed during inclement weather and high winds.

d. Sandwich board signs shall not exceed an overall height of 42 inches above ground level or an overall width of 30 inches.

e. Sandwich board signs shall be composed of chalkboard-type material capable of being written on with chalk. They shall be taken inside at the end of each business day.

f. Sandwich board signs are prohibited on all public sidewalks or walkways.

g. No sandwich board sign may be lit either internally or externally.

h. Any sandwich board sign which encroaches upon pedestrian or vehicular movement or safety or interferes with the lawful use of the public right-of-way or violates the Florida Building Code or any state or local fire or security code shall be prohibited and removed or relocated.

i. Sandwich board signs shall be readable, properly maintained, and kept in good working condition.

Sec. 17-32. – Rights not transferrable off property.

The rights contained in this chapter, including but not limited to those associated with sign sizes, numbers, types and allowances, as well as rights associated with nonconforming signs and appeal rights may not be transferred in any manner to any other person, nor aggregated with the sign rights of any other person, so as to apply to a property, sign, structure or building other than the property, sign, structure or building associated with the right in question.

Section 3. 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 4. 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 5. The Codifier shall codify the substantive amendments to the Redington Beach Town Code contained in Sections 1 through 3 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

ADOPTED ON FIRST READING on the 20th day of January 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

ADOPTED ON SECOND AND FINAL READING on the 17th 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

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

ORDINANCE NO. 2020 - 10

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, FLORIDA, AMENDING CHAPTER 9 (FIRE PREVENTION AND PROTECTION) 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 9 of the Code concerning fire prevention and protection, 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 9 (Fire Prevention and Protection) of the Redington Beach Town Code is hereby amended to read as follows:

Chapter 9 - FIRE PREVENTION AND PROTECTION

Sec. 9-1. - Fire code adopted; violations; interference with firefighters.

(a) The Florida Fire Prevention Code, ~~current and subsequent versions as periodically~~ promulgated by the state fire marshal pursuant to Florida Statutes § 633.202, is adopted; which ~~inclusives of the Standards of the National Fire Protection Association, NFPA 1, the Fire Prevention Code, and NFPA 101, the Life Safety Code, and Amendment to NFPA 1:50.7.2~~ (effective November 11th 2018) are adopted. The Florida Fire Prevention Code and its adopted standards, and codes, and references shall be maintained on file with the town clerk for review by any interested person or company.

(b) It shall be unlawful to violate or fail to comply with any provision of or order issued pursuant to the fire prevention code, and on conviction any such violator shall be punished as provided in section 1-14 and article III of chapter 2 of this code. This chapter is an exercise of the police powers of the City for the preservation and protection of the public health, peace, safety and welfare, and all the provisions of this article shall be liberally construed for that purpose.

(c) It shall be unlawful for any person to interfere or attempt to interfere with or hinder in any way the town's fire department, or any member thereof, while engaged in extinguishing a fire, or to refuse or neglect to obey any lawful order of any fire department incident commander or of the town's fire marshal, while such officials are in the performance of their duties.

(d) This chapter applies to both public and private property, and applies to all structures and vessels and their occupancies, except as otherwise specified.

Sec. 9-2. - Fire and rescue services.

(a) The board of commissioners may, by interlocal agreement ~~at any regular or special meeting,~~ contract with municipalities or districts for the provision of fire or rescue services to the town.

(b) The board of commissioners may appoint the contracting fire service(s) to act as the town's fire official/fire marshal, subject to whatever authority and limitations the board of commissioners may provide for by ordinance or interlocal agreement decide. Unless otherwise so limited, the authority of the town's Fire Marshal shall be consistent with the authority set forth in the State fire prevention code and any other applicable provisions of state law and this code.

Sec. 9-3. - ~~Fireworks permit.~~

1
2 ~~_____ (a) The following shall apply to the outdoor, supervised public display of fireworks and~~
3 ~~shall not apply to the display of consumer fireworks. The outdoor display and use of fireworks~~
4 ~~shall be governed by the National Fire Protection Association (NFPA) 1123, as the same may be~~
5 ~~amended from time to time.~~

6
7 ~~_____ (b) An application shall be required for the outdoor, supervised public display of~~
8 ~~fireworks within the Town of Redington Beach. An application for permit to operate a display of~~
9 ~~outdoor fireworks shall be made in writing no later than 15 days prior to the desired date of the~~
10 ~~fireworks display, and the [application] shall contain the following information:~~

- 11
12 (1) ~~_____ The name, address, email address, and phone number of the individual, group, or~~
13 ~~organization sponsoring the outdoor fireworks display.~~
14 (2) ~~_____ The name, address, email address, and phone number of the supplier of the~~
15 ~~fireworks, if different from that of the operator.~~
16 (3) ~~_____ Evidence of financial responsibility by the sponsor of the event or festival and by~~
17 ~~the operation of the fireworks display in the form of an insurance certificate~~
18 ~~attesting to coverage or responsibility at a minimum of \$1,000,000.00.~~
19 (4) ~~_____ The date and time of day at which the outdoor fireworks display is to be held,~~
20 ~~with a proposed rain/wind date and time in the event the display is postponed.~~
21 (5) ~~_____ The exact location planned for the outdoor fireworks display.~~
22 (6) ~~_____ Confirmation of the license of the operator and the number of assistants who are~~
23 ~~to be present.~~
24 (7) ~~_____ The approximate number and kinds of fireworks to be discharged.~~
25 (8) ~~_____ The manner and place of storage of such fireworks prior to delivery to the outdoor~~
26 ~~fireworks display site.~~
27 (9) ~~_____ A diagram of the grounds on which the outdoor fireworks display is to be held~~
28 ~~showing the point at which the fireworks are to be discharged; the location of all~~
29 ~~buildings, highways, and other lines of communication; the lines behind which~~
30 ~~the audience is to be restrained; and the location of other possible overhead~~
31 ~~obstructions.~~

32
33 ~~_____ (c) The application shall require the approval of the Pinellas County Sheriff or his/her~~
34 ~~designee, and the City of Madeira Fire Chief or his/her designee.~~

35
36 It shall be unlawful for any person to offer for sale, expose for sale, sell at retail, use or
37 explode any fireworks as defined by the laws of the state within the Town, except by special
38 permission of the Town Board of Commissioners.
39

40 41 **Sec. 9-4. Storage of explosives.**

42
43 No person shall keep or store within the town any gunpowder, blasting powder, dynamite,

nitroglycerine or other high explosives

Sec. 9-6. Portable heaters.

It shall be unlawful to possess, offer for sale, keep, or store any portable, nonvential (not connected to a flue) heating device, fueled by flammable or combustible vapor, except that listed heaters, bearing appropriate symbols and labeling from UL, FM or other recognized testing laboratory, construction heaters, and agricultural heaters may be allowed by the Fire Marshal for temporary use in conditions where operations are to be conducted in an open and freely circulating air environment.

Sec. 9-7. Orders to correct conditions.

(a) Whenever the Fire Marshal, within his jurisdiction over multi-family and non-residential properties, shall find combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shaving or any highly flammable materials especially liable to fire, or hazardous substances in quantity, type or combination which is situated as to endanger life or property; or shall find obstructions to or on fire escapes, stairs, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of the occupants in case of fire, or any other condition which would endanger life or property, the Fire Marshal shall order the same to be removed or remedied immediately, and such order shall be complied with by the owner or occupant of such premises or buildings.

(b) Failure to comply; penalties. Any owner or occupant failing to comply with such order shall be in violation of this chapter.

Sec. 9-8. Service of orders to correct.

(a) The service of an order may be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, in accordance with the policies and practices of the contracting department.

(b) If buildings or other premises are owned by one person and occupied by another, the orders shall apply to both the owner and the occupant.

(c) Where conditions warrant, service of orders may be affected upon any or all parties that may have interest in a noncomplying structure or property.

Sec. 9-9. Periodic review and recommendation for amendments.

The Fire Chief and Fire Marshal of the town's contracted fire department(s) shall periodically review this chapter and may recommend any amendments to the chapter as those officials may deem necessary or otherwise in the town's best interests.

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 _____, 2021, 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.

Missy Clarke, CMC, Town Clerk

Nick Simons, Mayor

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



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

February 11, 2021

Meeting Date: February 17, 2021
Agenda Item 8 d

Continued Advertised Public Hearing

MEMORANDUM

TO: Honorable Mayor and Members, Redington Beach Board of Commissioners

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

SUBJECT: Proposed Ordinance 2020-13, Floodplain Management Code Amendment

EXECUTIVE SUMMARY

The Town's Floodplain Management Code was adopted in 2016 apparently based on a model template that encompasses numerous provisions not relevant to Redington Beach. In order to prevent confusion with respect to irrelevant provisions, the Code should be narrowed to govern only issues found in the Town. Ordinance 2020-13 deletes numerous irrelevant provisions and provides a handful of clarifications and corrections. The LPA reviewed the ordinance, found it consistent with the Town's Comprehensive Plan and recommended its approval. **STAFF RECOMMENDS THAT THE BOARD ADOPT ORDINANCE 2020-13 ON FIRST READING.**

BACKGROUND

Applicant	Town of Redington Beach
Affected Area	Entire Town

February 11, 2018

Ordinance 2020-13 was advertised for a December 16, 2020 public hearing and was continued from that public hearing to the date and time certain of February 17, 2021 at 6.30 p.m.

THE REQUEST

That the Town Board adopt Ordinance 2020-13 on first reading.

NOTICE

The Clerk's office will advise as to the notice given of this 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 and adopting (via § 15-56 of the Town Code), a comprehensive plan for the Town and related land development and other, related, regulations. Included in these regulations are floodplain management regulations.

ANALYSIS

Comprehensive Plan Consistency

Ordinance 2020-13 is consistent with the following policies from the Future Land Use Element:

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.

FLUE Policy 1.1.2.

Ensure that all development is consistent with Federal Flood Insurance regulations;

FLUE Policy 3.1.4

February 11, 2018

And with the following Infrastructure and Conservation and Coastal Management Element policies:

2. The flood-carrying and flood storage capacity of the 100-year floodplain shall be maintained;
- ...
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 Policy 2.2.4

The Town shall protect water storage and water quality enhancement functions of wetlands and floodplain areas through acquisition, enforcement of laws and the application of land and water management practices which provide for compatible uses.

CCME Policy 1.1.4

Objective 1.2

The Town shall continue to strictly enforce regulations for development within the 100-year floodplain.

Policy 1.2.1

Recognizing that the community is located within the 100-year floodplain, the Town shall strictly enforce all appropriate flood regulations.

Policy 1.2.2

The Town shall protect the natural functions of the 100-year floodplain so that the flood carrying and flood storage capacity are maintained.

Policy 1.2.3

The Town shall continue to enforce its floodplain ordinance

CCME Objective 1.2 and implementing policies.

February 11, 2018

Therefore, a more narrowly tailored floodplain management code will be consistent with and implement the Town's Comprehensive Plan.

Policy Considerations

The proposed ordinance also:

- Replaces generic references to “this community” with references to Redington Beach;
- Allows the Clerk to designate her responsibilities as floodplain manager to another person;
- Corrects a reference to North Redington Beach;
- Reflects the change in the site plan code allowing “site sketches” in certain circumstances; and
- Replaces the definition of “development” with the definition from Chapter 380, Florida Statutes.

All of which advance the legitimate public purposes of the Floodplain Management Code while narrowly tailoring it to the Town of Redington Beach.

Staff also recommends the inclusion of the following provision as section 10-11(c):

Enclosed areas below the design flood elevation. Enclosed areas below the design flood elevation shall be used solely for parking of vehicles, building access or storage. The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms except for stairwells (foyer), ramps, and elevators. Storage shall be limited to items which otherwise would be stored outside a building or items normally used outside (e.g., grill, lawn mower, folding chairs, etc.). All utilities such as electrical, heating, plumbing, and air conditioning equipment and other services facilities (including ductwork) must be elevated.

Most of these provisions are already incorporated into the governing law, but the restriction against creating separate rooms and the limits as to the items that can be stored on the ground floor are new. These restrictions represent sound land use planning, floodplain management and building code administration principles and practices and allow the Town far better control over

Memo: Mayor and Members,
Redington Beach Town Board
Floodplain Management Code
Page 5 of 5

February 11, 2018

the use of the ground floor levels of residential structures and are a significant aid in preventing “illegal conversions” of the ground floor levels

However, the provisions are restrictive and their enactment does not increase the Town’s CRS score. While Staff recommends inclusion of this provision, it is a policy decisions to be made by the Board.

RECOMMENDATION

**THAT ORDINANCE 2020-13 BE ADOPTED ON FIRST READING TO INCLUDE
PRPOSED SECTION 10-11(c).**

BC/RBMcL/m

C:\Red Bch\Town Board\2021-02-17\RB TB Floodplain Code 2021-02-17.wpd

**TOWN OF REDINGTON BEACH
ORDINANCE 2020-13**

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, PINELLAS COUNTY FLORIDA, REPEALING AND REPLACING TOWN CODE CHAPTER 10, FLOODPLAIN MANAGEMENT, BY CREATING NEW ADMINISTRATION REQUIREMENTS, NEW DEFINITIONS AND NEW PROVISIONS FOR FLOOD RESISTANT DEVELOPMENT, MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING 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, Code Chapter 10, Floodplain Management, as adopted by Ordinance 2016-09 is appropriate to the Town but contains provisions inapplicable to the Town and should be refined to pertain strictly to the Town of Redington Beach; and

WHEREAS, this Ordinance has been reviewed by the Town Building Official and the Town Planner and recommended for approval; and

WHEREAS, this Ordinance has been reviewed by the Redington Beach Planning Board acting as the Local Planning Agency and been found to be consistent with the Town's Comprehensive Plan and recommended for approval; 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 10, Floodplain Management, of the Redington Beach Town Code is amended to read as follows:

ARTICLE I. - ADMINISTRATION

Sec. 10-1. - In general.

(a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of the Town of Redington Beach, hereinafter referred to as “this chapter.”

(b) *Scope.* The provisions of this chapter shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; ~~placement, installation, or replacement of manufactured homes and manufactured buildings;~~ installation or replacement of tanks; ~~placement of recreational vehicles;~~ installation of swimming pools; and any other development.

(c) *Intent.* The purposes of this chapter and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, ~~mining,~~ paving, excavation, ~~drilling operations,~~ storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, ~~watereourses,~~ and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the national flood insurance program for community participation as set forth in the Title 44 Code of Federal Regulations, section 59.22.

(d) *Coordination with the Florida Building Code.* This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(e) *Warning.* The degree of flood protection required by this chapter and the Florida Building Code, as amended by ~~this community~~, the Town of Redington Beach is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of title 44, Code of Federal Regulations. Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring ~~this community~~ the Town of Redington Beach to revise these regulations to remain eligible for participation in the national flood insurance program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this chapter.

(f) *Disclaimer of liability.* This chapter shall not create liability on the part of the town commission or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

Sec. 10-2. - Applicability.

(a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Areas to which this chapter applies.* This chapter shall apply to all flood hazard areas within the town, as established in subsection 10-2(c) of this chapter.

(c) *Basis for establishing flood hazard areas.* The Flood Insurance Study, Pinellas County, Florida and Incorporated Areas, dated August 18, 2009 and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file with Town of Redington Beach Town Hall, 105 164th

Avenue, Redington Beach, Florida 33708.

(d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 10-5 of this chapter the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the ~~community~~ Town of Redington Beach indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this chapter and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(e) *Other laws.* The provisions of this chapter shall not be deemed to nullify any provisions of local, state or federal law.

(f) *Abrogation and greater restrictions.* This chapter supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this chapter and any other ordinance, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

(g) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 10-3. - Duties and powers of the floodplain administrator.

(a) *Designation.* The town clerk or her designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees and professionals as the need may arise.

(b) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this chapter without the granting of a variance pursuant to section 10-7 of this chapter.

(c) *Applications and permits.* The floodplain administrator, in coordination with or as delegated to other pertinent officers and officials of the town, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this chapter;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this chapter is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this chapter.

(d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations,

substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

- (1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
- (2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
- (3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
- (4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this chapter is required.

(e) Modifications of the strict application of the requirements of the Florida Building Code. The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 10-7. of this chapter.

(f) Notices and orders. The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this chapter.

(g) Inspections. The floodplain administrator shall make the required inspections as specified in section 10-6. of this chapter for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) Other duties of the floodplain administrator. The floodplain administrator shall have other duties, including but not limited to:

- (1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 10-3(d) of this section;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the state division of emergency management, state floodplain management office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, ~~or floodway designations~~; such submissions shall be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code to determine that such certifications and documentations are complete; and

~~(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the town are modified; and~~

(6) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the coastal barrier resources system established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this chapter and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this chapter; notifications to adjacent communities, FEMA, and the state related to ~~alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses~~ will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Town of Redington Beach City Hall, ~~190-173 rd Avenue East,~~ 105 164th Avenue North, Redington Beach, Florida 33708.

Sec. 10-4. - Permits.

(a) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this chapter, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter and all other applicable codes and regulations has been satisfied.

(b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this chapter for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(c) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the national flood insurance program (44 C.F.R. sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this chapter:

~~(1) Railroads and ancillary facilities associated with the railroad.~~

~~(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.~~

~~(3) Temporary buildings or sheds used exclusively for construction purposes.~~

~~(42) Mobile or modular structures used as temporary offices.~~

~~(53) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.~~

~~(64) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.~~

~~(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.~~

~~(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.~~

(95) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(d) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the ~~community~~ Town of Redington Beach. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan, site sketch, or construction documents as specified in section 10-5 of this chapter.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the floodplain administrator.

(e) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of ~~this community~~ the Town of Redington Beach. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(f) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(g) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this chapter or any other ordinance, regulation or requirement of ~~this community~~ the Town of Redington Beach.

(h) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Southwest Florida Water Management District; F.S. § 373.036.

~~(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and chapter 64E-6, F.A.C.~~

(32) Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; F.S. § 161.141.

~~(43)~~ Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

~~(54)~~ Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

~~(65)~~ Federal permits and approvals.

Sec. 10-5. - Site plans, site sketches, and construction documents.

(a) *Information for development in flood hazard areas.* The site plan, site sketch, or construction documents for any development subject to the requirements of this chapter shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations ~~or floodway data~~ are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections 10-5(b)(2) or (3) of this section.

~~(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 10-5(b)(1) of this section.~~

(4) Location of the proposed activity and proposed structures, and locations of existing

buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

(54) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(65) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(76) Delineation of the coastal construction control line or notation that the site is seaward of the coastal construction control line, if applicable.

(87) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the state department of environmental protection.

~~(9) Existing and proposed alignment of any proposed alteration of a watercourse.~~

The floodplain administrator is authorized to waive the submission of site plans, site sketches, construction documents, and other data that are required by this chapter but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this chapter.

(b) Information in flood hazard areas without base flood elevations (approximate zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation ~~and floodway~~ data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

~~(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 10-5(d) of this section and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.~~

~~(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as zone AO or zone AH.~~

~~(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 10-5(d) of this section.~~

(4) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, ~~change floodway boundaries~~, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 10-6. - Inspections.

(a) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(b) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(c) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this chapter and the conditions of issued floodplain development permits or approvals.

(d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 10-5(b)(3)b. of this section, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in section 10-6(d) of this section.

~~(f) Manufactured homes. The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.~~

Sec. 10-7. - Variances and appeals

~~(a) General. The board of adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter.~~ Pursuant to F.S. § 553.73(5), the board of adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code. This section does not apply to section 3109 of the Florida Building Code, Building.

~~(b) Appeals. The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this chapter. Any person aggrieved by the decision may appeal such decision as provided by general law.~~

~~(c) Limitations on authority to grant variances. The board of adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 10-7(g) of this section, the conditions of issuance set forth in subsection 10-7(h) of this section, and the comments and recommendations of the floodplain administrator and the building official. The board of adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.~~

~~(d) Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 10-5(c) of this section.~~

~~(e) Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood-resistant construction requirements of the Florida Building Code, Existing Building, chapter 11-Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.~~

~~(f) Functionally dependent uses. A variance is authorized to be issued for the construction or~~

substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of subsection 10-7(d), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(ge) *Considerations for issuance of variances.* In reviewing requests for variances, the board of adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

- (1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
- (4) The importance of the services provided by the proposed development to the ~~community~~ Town of Redington Beach;
- (5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
- (6) The compatibility of the proposed development with existing and anticipated development;
- (7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
- (8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- (10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(hg) *Conditions for issuance of variances.* Variances shall be issued only upon:

- (1) Submission by the applicant, of a showing of good and sufficient cause that the

unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

(2) Determination by the board of adjustment that:

- a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
- b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
- c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25.00 for \$100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 10-8. - Violations.

(a) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of this chapter. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this chapter or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this chapter and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by state or local law.

ARTICLE II. - DEFINITIONS

Sec. 10-9. - General.

(a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this section.

(b) *Terms defined in the Florida Building Code.* Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(c) *Terms not defined.* Where terms are not defined in this chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 10-10. - Definitions.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this chapter.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B. Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the ~~National Geodetic Vertical Datum (NGVD)~~, North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 202.]

~~Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202.]~~

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, and recorded in the official records of the ~~community~~ Town of Redington Beach, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as “high hazard areas subject to high velocity wave action” or “V zones” and are designated on flood insurance rate maps (FIRM) as zone V1-V30, VE, or V.

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the ~~community's~~ Town of Redington Beach's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the “design flood,” including wave height, relative to the datum specified on the ~~community's~~ Town of Redington Beach's legally designated flood hazard map. ~~In areas designated as zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet.~~ [Also defined in FBC, B, Section 202.]

Development. ~~Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.~~ The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. The following activities or uses shall be taken for the purposes of this chapter to involve “development,” as defined in this section:

(1) A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.

(2) A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, offices, or dwelling units in a structure or on land.

(3) Alteration of a shore or bank of a seacoast or canal, including any “coastal construction” as defined in s. 161.021.

(4) Demolition of a structure.

(5) Clearing of land as an adjunct of construction.

(6) Deposit of fill on a parcel of land.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Engineer of record. A licensed Florida professional engineer who is in responsible charge for the preparation, signing, dating, sealing and issuing of any engineering document(s) for any engineering service or creative work.

Existing building and existing structure. Any buildings and structures for which the “start of construction” commenced before May 7, 1971. [Also defined in FBC, B, section 202.]

~~*Existing manufactured home park or subdivision.*—A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before May 7, 1971.—~~

~~*Expansion to an existing manufactured home park or subdivision.*—The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).—~~

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the national flood insurance program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, section 202.]

(1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the ~~community's~~ Town of Redington Beach's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the ~~community~~ Town of Redington Beach on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the ~~community~~ Town of Redington Beach. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary ~~and floodway map (if applicable)~~, the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The officer ~~or~~ position designated and charged with the administration and enforcement of this chapter (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the ~~community~~ Town of Redington Beach, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

~~*Floodway.* The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 202.]~~

~~*Floodway encroachment analysis.* An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.~~

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, ~~including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long term storage or related manufacturing facilities.~~

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

~~*Historic structure.* Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, chapter 11 Historic Buildings.~~

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries ~~and floodway delineations~~, and other planimetric features.

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the ~~community's~~ Town of Redington Beach's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a

letter of map revision may be issued by FEMA to revise the effective FIRM.

~~*Light duty truck.* As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:~~

~~(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or~~

~~(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or~~

~~(3) Available with special features enabling off street or off highway operation and use.~~

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, ~~other than a basement,~~ usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, section 202.]

~~*Manufactured home.* A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C 1.0101, F.A.C.]~~

~~*Manufactured home park or subdivision.* A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser. Actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction. For the purposes of administration of this chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after May 7, 1971 and includes any subsequent improvements to such structures.

~~*New manufactured home park or subdivision.* A manufactured home park or subdivision for~~

~~which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after May 7, 1971.~~

North American Vertical Datum of 1988 (NAVD 88). The vertical control datum of orthometric height established for vertical control surveying in the United States of America and in Canada based upon the General Adjustment of the North American Datum of 1988.

~~*Park trailer.*—A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]~~

~~*Recreational vehicle.*—A vehicle, including a park trailer, which is: [See F.S. § 320.01].~~

~~(1) Built on a single chassis;~~

~~(2) Four hundred square feet or less when measured at the largest horizontal projection;~~

~~(3) Designed to be self-propelled or permanently towable by a light-duty truck; and~~

~~(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a

substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred “substantial damage,” any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

~~(2) Any alteration of a historic structure provided the alteration will not preclude the structure’s continued designation as a historic structure. [See instructions and notes]~~

Variance. A grant of relief from the requirements of this chapter, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

~~*Watercourse.* A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.~~

ARTICLE III. - FLOOD RESISTANT DEVELOPMENT

Sec. 10-11. - Buildings and structures.

(a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to subsection 10-4(c) of this chapter, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24.

Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 10-17. of this chapter.

(b) *Buildings and structures seaward of the coastal construction control line.* If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

(1) Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the Florida Building Code, building section 3109 and section 1612 or Florida Building Code, Residential Section R322.

(2) Minor structures and non-habitable major structures as defined in F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

Sec. 10-12. - Subdivisions.

(a) Minimum requirements. Subdivision proposals, ~~including proposals for manufactured home parks and subdivisions,~~ shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; ~~in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.~~

(b) *Subdivision plats.* Where any portion of proposed subdivisions, ~~including manufactured home parks and subdivisions,~~ lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, ~~floodway boundaries~~ and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

~~(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 10-5(b)(1) of this chapter; and~~

(3) Compliance with the site improvement and utilities requirements of section 10-13. of this chapter.

Sec. 10-13. - Site improvements, utilities and limitations.

(a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; ~~in zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.~~

(b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, ~~private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems~~ shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in chapter 64E-6, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

~~(c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in chapter 62-532.500, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.~~

~~(d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 10-5(c)(1) of this chapter demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.~~

~~(e) *Limitations on placement of fill.*~~ Subject to the limitations of this chapter, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (zone A only), fill shall comply with the requirements of the Florida Building Code.

~~(f)~~ *Limitations on sites in coastal high hazard areas (zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the state department of environmental protection and only if the engineering

analysis required by subsection 10-5(c)(4) of this chapter demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 10-17(h)(3) of this chapter.

~~Sec. 10-14. -- Manufactured homes.~~

~~(a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.1049, and shall comply with the requirements of chapter 15C-1, F.A.C. and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.~~

~~(b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:~~

~~(1) In flood hazard areas (zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this chapter. Foundations for manufactured homes subject to subsection 10-14(f) are permitted to be reinforced piers or other foundation elements of at least equivalent strength.~~

~~(2) In coastal high hazard areas (zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this chapter.~~

~~(c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame-ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.~~

~~(d) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 10-14(e) or 10-14(f) of this section, as applicable.~~

~~(e) *General elevation requirement.* Unless subject to the requirements of subsection 10-14(f) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located:~~

~~(1) Outside of a manufactured home park or subdivision;~~

~~(2) In a new manufactured home park or subdivision;~~

~~(3) In an expansion to an existing manufactured home park or subdivision; or~~

~~(4) In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or section R322.3 (zone V).~~

~~(f) Elevation requirement for certain existing manufactured home parks and subdivisions.~~

~~Manufactured homes that are not subject to subsection 10-14(e) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:~~

~~(1) Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or section R322.3 (zone V); or~~

~~(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.~~

~~(g) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.~~

~~(h) Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.~~

~~Sec. 10-15. Recreational vehicles and park trailers.~~

~~(a) Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:~~

~~(1) Be on the site for fewer than 180 consecutive days; or~~

~~(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-~~

~~disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.~~

~~(b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 10-15(a) of this section for temporary placement shall meet the requirements of section 10-14 of this chapter for manufactured homes.~~

Sec. 10-16. - Tanks.

(a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 10-16(c) of this section shall:

(1) Be permitted in flood hazard areas (zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(2) Not be permitted in coastal high hazard areas (zone V).

(c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 10-17. - Other development.

(a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this chapter or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

~~(2) Meet the limitations of subsection 10-13(d) of this chapter if located in a regulated floodway;~~

~~(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;~~

(4) Be constructed of flood damage-resistant materials; and

~~(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.~~

~~(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 10-13(d) of this chapter.~~

~~(c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 10-13(d) of this chapter.~~

~~(d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 10-13(d) of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 10-5(e)(3) of this chapter.~~

~~(e) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:~~

(1) Structurally independent of the foundation system of the building or structure;

(2) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

(3) Have a maximum slab thickness of not more than four inches.

(fd) Decks and patios in coastal high hazard areas (zone V). In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

(1) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

(2) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

(3) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runoff and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

(4) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runoff and wave reflection.

(ge) Other development in coastal high hazard areas (zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runoff

and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(1) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(2) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

~~(3) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.~~

~~(h)~~ *Nonstructural fill in coastal high hazard areas (zone V).* In coastal high hazard areas:

(1) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(2) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(3) Where authorized by the state department of environmental protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

Missy Clarke, Town Clerk

Nick Simons, Mayor

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

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February 11 2021
RB

Meeting Date: February 17, 2021
Agenda Item 9A
Advertised Public Hearing

MEMORANDUM

TO: Honorable Mayor and Members, Redington Beach Board of Commissioners

FROM: R. Bruce McLaughlin, AICP, MCIP, Town Planner

SUBJECT: Ordinance 2021-01, Dock Code Amendment

EXECUTIVE SUMMARY

Some public opposition arose to the 2019 code's requirement that the entire dock be contained within the center 1/3 of the lot. The Board voted to re-examine this provision. Staff finds the subject provision (Section 3) consistent with other dock codes on the barrier islands, consistent with the Plan and supported by sound planning principles. The need to conform the construction requirements to those of the County (Section 2) is noted. The Planning Board found the ordinance consistent with the Plan and recommended its approval. **STAFF RECOMMENDS THAT SECTION 2 OF THE ORDINANCE BE ADOPTED AND SECTION 3 BE OMITTED.**

BACKGROUND

Applicant	Town of Redington Beach
Affected Area	All waterfront lots on Boca Ciega Bay

THE REQUEST

That the Board of Commissioners adopt Ordinance 2021-01 on first reading.

NOTICE

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

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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 and adopting (via § 15-56 of the Town Code), a comprehensive plan for the Town and related land development and other, related, regulations. The regulation of docks is included in these powers and adoption of proposed Ordinance 2021-01 is within the Board's jurisdiction.

ANALYSIS

Comprehensive Plan Consistency

Proposed Ordinance 2021-01 is arguably inconsistent with the following Comprehensive Plan policies in the Future Land Use Element (FLUE):

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.

FLUE Policy 1.1.4

Ordinance 2021-01 would reduce the buffer between view-blocking dock facilities and the attached boats and neighboring properties.

Protect marine wetlands remaining in and around the community and those lands designated as Preservation on the Future Land Use and Transportation Map;

FLUE Policy 3.1.4 (2)

A larger footprint for a dock facility will not protect the Town's marine wetlands.

More critical are the apparent inconsistencies with the Conservation and Coastal Management (CCME) and Recreation and Open Space (ROSE) Elements of the Comprehensive Plan:

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To ensure the highest environmental quality possible, the Town of Redington Beach shall conserve, protect and appropriately manage its natural resources (aquatic, wetland, and terrestrial).

CCME Goal 1

The Town shall conserve or improve wetlands, aquatic resources, and wildlife population and habitat to maintain their environmental and recreational value.

CCME Objective 1.3

Again, a larger footprint for a dock facility will not protect, and may damage, the natural resources along the Boca Ciega Bay shoreline.

Development activities shall ensure the protection of natural resources.

CCME Objective 1.5

The Town shall limit shoreline development that will adversely impact marine fisheries habitats.

CCME Policy 1.10.8

The smaller footprint for a dock facility accomplishes these policies.

The Town shall develop innovative techniques aimed at preserving the access to and view of the beach and other recreational facilities by all residents of and visitors to this community.

ROSE Policy 1.6.1

Allowing a broader dock footprint would be inconsistent with this policy, particularly with

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respect to the view-blocking potential of a larger dock facility footprint. It must be remembered that the issue is not just the dock facility, but the larger boats that said facility will facilitate.

Accordingly, Ordinance 2021-01 is inconsistent with the Town's Comprehensive Plan.

Other Codes

Attached is a summary of the other dock codes on the Pinellas County barrier islands. This summary focuses on the center 1/3 issue. The complete codes are available from Staff or may be accessed at www.municode.com.

Although the attached summary shows that Redington Beach's dock code is entirely consistent with the dock codes of the other Beach communities (except for the waiver provisions), it is important to remember that the test should be "what is best for Redington Beach?" not what is best for another community. Given the effort that went into the preparation of the current code (Ordinance 2018-02), Staff would respectfully suggest that the standards established by Ordinance 2018-02 are appropriate.

With respect to the "neighbor waiver" reflected in some codes reported on the attachment, such an approach is arguably an improper delegation of the Town's authority. Another key problem with the "neighbor waiver" is that the waiver could easily be withheld, not on the merits of a dock proposal, but based on other issues between the owners.

Likewise, the standardless delegation of waiver authority to the Building Official is, at best, problematic, and may well be illegal. It is also an authority that most Building Officials would decline to exercise.

In contrast, the variance process now available to a dock permit applicant in the Town provides firm guidelines and due process when a variance from the current code is warranted.

Sovereign Submerged Lands Issue

It is also important to note that the area under a proposed dock is **not** owned (in most cases) by the adjacent property owner. Rather that area is owned by the State of Florida in trust for all its people as Sovereign Submerged Lands which

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(A)re held in trust for the use and benefit of the people of the State, as set forth in the State Constitution; therefore, the private use of these lands must be balanced with the need to conserve and protect the scientific value and beauty of those lands. The intent of the [Sovereign Submerged Lands] regulations is to ensure that all sovereign submerged lands are managed for the propagation of fish and wildlife, and public recreation. ... [See attachment.]

Thus, while some rights enure to property owners contiguous to sovereign submerged lands, those rights are less than the “bundle of rights” that enure to upland ownership. In considering whether to allow private docks to expand beyond the area permitted by Ordinance 2018-02, the Board is required to balance the need to preserve and protect these lands with the desirability of a larger dock footprint.

Construction Standards

The Building Official has also pointed out that current code sections 5-57 (a) (1) - (3) and (5) are inconsistent with Pinellas County Code section 58-554, which, in any event, governs all dock construction in the County. Accordingly, Section 2 of proposed Ordinance 2021-01 conforms the Town’s code to the governing Pinellas County Code with a small number of editorial improvements and the omission of some regulations that do not apply to the Town of Redington Beach.

RECOMMENDATION

Based on the foregoing analysis, **STAFF RECOMMENDS THAT THE TOWN BOARD ADOPT SECTIONS 1, 2, 4 AND 5 OF ORDINANCE 2021-01 AND OMIT SECTION 3.**

ATTACHMENT
EXCERPTS OTHER PINELLAS BEACH DOCK CODES

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Clearwater
Length	30 feet	½ width of the property
Size	500 s.f.	
Center 1/3		

The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.

All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.

a. Setbacks. A dock shall be located in the center one-third of the lot or 20 feet from any property line as extended into the water, whichever is less, unless the dock is proposed to be shared by adjoining properties whereupon the dock may be constructed on the common property line provided that all other standards of this division are met. Boatlifts and service catwalks shall be a minimum of ten feet from any property line extended into the water. Tie poles shall be setback a minimum of one foot from any extended property line. Single pile davits and personal watercraft lifts are exempt from these setback requirements provided they are contained entirely within the extended property lines.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Belleair Beach
Length	30 feet	
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.	12' from property line
	All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Indian Rocks Beach
Length	30 feet	50 feet
Size	500 s.f.	400 s.f./500 s.f.

Center 1/3

The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.

All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.

One dock per single-family property is permitted. Two slips with or without boat lifts are allowed. The maximum allowable dock facility shall be within a 50-foot length from the seawall and 35-foot width envelope. The slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be kept within the envelope. The total amount of decking including dock and catwalks shall not be greater than 400 square feet for docks up to 35 feet from the seawall. For docks that exceed 35 feet and no greater than 50 feet in length, the total amount of decking including dock and catwalks may be increased to 500 square feet. No portion of the slips, boats, boat lift, dock, catwalks, lower landings, tie-poles and personal watercraft lift shall be any closer than 12 feet to the side property line as extended into the water unless the facility is a shared property line dock or a dock on an inverse curve lot.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Indian Shores
Length	30 feet	Pinellas County Water & Navigation Rules
Size	500 s.f.	Pinellas County Water & Navigation Rules
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Pinellas County Water & Navigation Rules

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Redington Shores
Length	30 feet	½ width of property subject to waiver
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Private docks, boat lifts and davits must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the building commissioner, provided that signed statements of no objection from the property owner encroached upon have been submitted, or the building commissioner may refer the matter to the board of commissioners for decision.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	North Redington Beach
Length	30 feet	36 feet
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Center 1/3; tie poles permitted outside the required side setbacks

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	Madeira Beach
Length	30 feet	½ width of adjacent property
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Private docks and boat lifts must be constructed within the center one-third of the applicant's waterfront property or 50 feet from the adjacent property, whichever is less restrictive. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted. Tie piles may be a maximum distance of twenty-five percent (25%) of the navigable portion of the waterway from the waterfront property line and no closer than the side setback for a structure located on the property to the projection of any side or interior lot line. This requirement may be waived by the city manager or his designated representative, provided that signed statements of no objection from the property owner encroached upon has been submitted.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES DOCK REGULATION SUMMARY

	Redington Beach	Treasure Island
Length	30 feet	50 feet
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	(1) All docks to be constructed on waterfront property of less than 60-foot frontage must be located so that no portion of the proposed dock is closer to either extended property line than one-third of the waterfront measurement. All docks to be constructed on waterfront property of more than 60-foot frontage must be located so that no portion of the proposed dock is less than 20 feet from either adjacent extended property line. Docks located on waterfront property on the inside corner of a canal may be located not closer than five feet from either adjacent extended property line. (2) All docks, not to include boatlifts and davits, shall be constructed so that the width of same shall not exceed 25 percent of the width of the property involved at the waterfront. Residential docks and boat lifts shall be limited to a combined maximum width of 35 feet. The length of docks shall not exceed a maximum length of 50 feet, including tiepoles. Catwalks shall have a minimum width of 24 inches and a maximum width of 36 inches. (3) All davits and lifts shall comply with all setback and locational requirements of docks.

PINELLAS COUNTY BARRIER ISLAND MUNICIPALITIES
DOCK REGULATION SUMMARY

	Redington Beach	St. Pete Beach
Length	30 feet	1/4 width of waterway
Size	500 s.f.	
Center 1/3		
	The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts. All dock facilities shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located any closer to a side lot line than the required setback for the zoning district in which the property is located.	Residential dock, davits, boatlifts or tie poles shall be located within the center one-half of the width of the appurtenant upland property at the waterfront. For the purpose of this regulation, side lot lines of a lot shall be deemed to extend into the adjacent water body perpendicular to the shoreline which they intersect. This requirement may be varied administratively provided that a signed statement of "no objection" from the property owner encroached upon has been submitted with the permit application.

ATTACHMENT
SOVEREIGN SUBMERGED LANDS

Consent to Use State-Owned Submerged Lands

DO YOU LIVE OR DO BUSINESS ON THE WATER?

If so, you may need authorization to use the lands under the water from the owners of those lands. This authorization is in addition to any city, county, Florida Department of Environmental Protection, U.S. Army Corps of Engineers, or Water Management District permit.

WHAT LANDS ARE WE TALKING ABOUT AND WHO OWNS THEM?

Sovereign submerged lands are all those submerged lands waterward of the ordinary or mean high water line under navigable fresh and salt water bodies. The Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, hold title to all of those lands below navigable waters which have not been previously conveyed into private ownership. Portions of these submerged lands have been designated as "aquatic preserves" and because of their unique biological, aesthetic or scientific value, they are held and managed to a higher degree of care. Since the State owns these lands, both public and private entities must obtain consent to use them.

WHY IS CONSENT NECESSARY AND BY WHAT AUTHORITY IS IT REQUIRED?

These lands are held in trust for the use and benefit of the people of the State, as set forth in the State Constitution; therefore, the private use of these lands must be balanced with the need to conserve and protect the scientific value and beauty of those lands. The intent of the regulations is to ensure that all sovereign submerged lands are managed primarily for the propagation of fish and wildlife, and public recreation. The legislative origins of the procedures employed in the review of applications to use sovereignty submerged lands are contained within Chapters 253 and 258 of the Florida Statutes. These statutes are implemented through rules which are contained within Chapters 18-14, 18-18, 18-20 and 18-21 of the Florida Administrative Code. It is important to contact the Department of Environmental Protection before you use these lands.

WHAT TYPE OF ACTIVITIES REQUIRE AUTHORIZATION?

Uses that require authorization must be approved before they are conducted. The most commonly requested uses are the construction of docks, the placement of riprap, dredging for access or channels, mangrove trimming, bridge and utility crossings, and beach renourishment projects.

WHAT DO YOU HAVE TO DO AND IS THERE A FEE?

The form of consent that is required depends upon the type of activity that is proposed. Forms of consent include letters, easements, use agreements, management agreements, and leases. The type of activity proposed also determines the amount of fees; however, commercial uses will always require payment of fees.

WHAT HAPPENS IF YOU DO NOT RECEIVE AUTHORIZATION TO USE THESE LANDS?

Alterations to, or structures discovered on, sovereignty submerged lands without authorization are subject to lease fees in arrears, with interest, and fines. In some cases, removal of structures may also be required.

WHO DO YOU CONTACT TO INQUIRE ABOUT THE USE OF THESE LANDS?

The Department of Environmental Protection Division of State Lands field office listed below.

Department of Environmental Protection
Southwest District
13051 N. Telecom Parkway
Temple Terrace, FL 33637
Phone: (813) 632-7600
Fax: (813) 632-7665

Town of Redington Beach
ORDINANCE NO. 2021-01

AN ORDINANCE OF THE TOWN OF REDINGTON BEACH, PINELLAS COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES CHAPTER 5 – BOATS, DOCKS AND WATERWAYS, ARTICLE III. – BULKHEADS, DOCKS, ETC., IN BOCA CIEGA BAY, SECTION 5-57. – SPECIFICATIONS FOR DOCKS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of Commissioners of the Town of Redington Beach desires to more effectively regulate any repairs to any existing and the erection of newly constructed docks; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach finds that such regulation is in the best interests of the public health, safety and welfare; and

WHEREAS, the Board of Commissioners of the Town of Redington Beach has determined that the amendment of Section 5-57. – Specifications for docks is necessary to effectively regulate same; and

WHEREAS, the Town's Planning Board, which serves as its Local Planning Agency, has found this Ordinance to be consistent with the Town's Comprehensive Plan and has recommended approval of the amendment to further consistency with the Town's Comprehensive Plan;

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

Section 1. The foregoing whereas clauses are incorporated herein by reference and made a part of hereof.

Section 2. This section amends Chapter 5 – Boats, Docks and Waterways, Article III. – Bulkheads, Docks, Etc., in Boca Ciega Bay, Section 5-57, (a) (1) through 5-57 (a) (4) inclusive, Specifications for docks as follows:

Sec. 5-57. - Specifications for docks.

(a) *Generally.* Docks shall be constructed in accordance with the following:

~~(1) All piling shall be of precast concrete, testing 3,000 pounds or better in 28 days, or creosoted piles, pressure treated or equivalent. Piling shall be at least eight inches square in cross section and be of a length that will permit 25 percent of the length thereof to be embedded in the compacted bottom.~~

- (2) ~~Concrete piling shall incorporate at least four, one-half-inch diameter steel rods running the entire length thereof and covered by at least two inches of concrete.~~
- (3)
- (4) ~~All wood incorporated in docks shall be treated by a pressure method meeting the requirements of federal specification TT-W-571d, and all nails and bolts shall be galvanized or better.~~
- (1) The top of piling shall not be higher than 4.12 feet, NAVD and the top of the lift-poles and tie poles shall not be higher than 12.12 feet, NAVD.
- (2) All piling shall be of precast class IV concrete, as specified by Florida Department of Transportation, Standard Specifications for Road and Bridge Construction, January, 2021, edition, 3,500 pounds per square inch or better in 28 days, or of Southern pine piles conforming in physical quality to American Society for Testing and Materials Specifications D 25-55, which have been treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA, type A, B, or C) in accordance with American Wood Preservers Association Standard P-5, and which have minimum butt size of nine inches diameter and tip sizes of six inches diameter.
- (3) When Southern pine piles treated with chromated copper arsenate, type A, B, or C, are used, analysis by assay extraction in accordance with American Wood Preservers Association Standard A-2 may be required to show a minimum retention and distribution of solid preservative of 2.5 p.c.f. in the zone zero to 1.5 inches from the surface and 1.5 p.c.f. in the zone 1.5 to 2.0 inches from the surface. In no event shall penetration be less than six feet into the submerged bottom. If impenetrable material is encountered, a variance to this minimum penetration requirement is required.
- (4) All concrete piling shall be at least eight inches square in cross section. Concrete pilings shall incorporate at least four no. 5 steel rods (five-eighths inch diameter) epoxy coated running the entire length thereof, and tied or welded in the form of a three-inch to four-inch square cage. All steel reinforcing rods shall be covered by at least two inches of concrete.
- (5) Tie piling shall project above the surface of the water or land only as high as may be reasonably necessary for use and application; in no case shall this be higher than ten feet above mean high water. All such piling shall be either concrete or Southern pine piling treated in conformance with American Wood Preservers Association Standard C-3 with chromated copper arsenate (CCA) type A, B, or C, and as approved by the Town.
- (6) All metal fastenings shall be hot-dip galvanized or better.
- (7) All other timber shall be pressure treated.
- (8) Spacing of pile bents shall not exceed 12 feet on-center. For timber decked dock construction, the second bent shall not exceed 14 feet in front of the beginning of the dock. The first bent of piling shall be located no further than two feet from the mean high water or the seawall. Outside stringer systems shall be doubled

two-inch by eight-inch pressure treated timber or greater. Five-eighths inch diameter galvanized bolts or greater are to be used for attachment of stringers to piling. Intermediate stringers shall be single two-inch by eight-inch or greater, with a maximum three feet zero inches on-center spacing. Decking shall be two-inch by six-inch, or greater, pressure treated lumber. All pile bents shall have pile caps, two inches by eight inches, bearing stringers to support deck joists on main dock and only on docks with wood pilings. All intersections (stringers) shall be bolted.

- (9) All floating private docks to be constructed in the waters of the Town must have a minimum of 20 pounds per square foot flotation and shall comply with the requirements of section 5-57 (c).
- (10) The intersection of the main dock and finger piers will be constructed by the installation of a pile under the finger pier at the intersection, or by an approved bolted connection; in no case will nailed connection be used.
- (11) Where, because of space restrictions, double stringers are abutted against the seawall, pile caps shall be installed. Such pile caps are to be doubled two inches by eight inches and bolted at each pile.
- (12) Wave break devices, when necessary, shall be designed to allow for maximum water circulation and shall be built in such a manner as to be part of the dock structure or tie poles.
- (13) Docks shall be constructed to allow for maximum light penetration. Special restrictions may be applied where natural resources are present on a case by case basis.
- (14) Walkways to dockhead intersections not supported directly by piles under the connection must be diagonally bolted through the intersecting stringers (minimum triple two-inch by eight-inch dock head stringers) or the use of a two-inch by four-inch by one-fourth-inch galvanized angle bracket or larger must be utilized.
- (15) Catwalks supported by a single pile at each bent and cantilevered structures shall be no wider than 30 inches.
- (16) Environmentally sustainable building practices shall be utilized unless, in the opinion of the Building Code Administrator, it is impracticable to do so.

Section 3. This section amends Chapter 5 – Boats, Docks and Waterways, Article III. – Bulkheads, Docks, Etc., in Boca Ciega Bay, Section 5-57, (a) (5) through 5-57 (d) inclusive, . Specifications for docks as follows:

- (§17) The dock facility shall consist of the slips, boatlifts, dock, catwalks, platforms, lower landings, tie poles, and personal watercraft lifts.
 - a. All dock facilities except for boatlifts and associated catwalks, and tie poles, shall be contained within the center one-third of the property along the waterfront, but in no case shall any part of the dock facility be located

- any closer to a side lot line than the required setback for the zoning district in which the property is located.
- b. Boatlifts and associated catwalks, and tie poles may be located no closer than 7.5 feet from the property lines of the associated property as extended into the water provided that no boat may be tied to the side of a tie pole closer to the property line.
- ~~b.c.~~ One dock per single-family property is permitted.
- ~~ed.~~ A maximum of two slips with or without boat lifts are permitted.
- ~~de.~~ The maximum allowable dock facility shall be within a 30-foot length from the seawall.
- ~~ef.~~ The total amount of decking including dock and catwalks shall be not greater than 500 square feet.
- g. No portion of the dock facility and/or boat or personal watercraft shall be any closer than the greater of 7½ feet to the side property line or the required side setback as extended into the water unless the facilities are a shared property line dock. Two property owners may choose to abut their dock facilities among their common property line.
1. Two property owners sharing a common side property line as extended into the water can may choose to have a common dock in lieu of two individual private docks.
 2. Shared property line docks on a common property line shall be allowed and shall require an agreement between the property owners that includes a provision that the property owners shall be responsible for the removal of the dock should that agreement be terminated. The agreement shall be recorded with Pinellas County, with a copy of the recorded agreement provided to the ~~t~~Town.
 3. The shared property line dock facility shall conform to all requirements of this section.
 4. Only one shared property line dock is allowed per lot.
- (~~618~~) Dock facility owners shall be allowed to repair their docks which have been damaged by a natural disaster (act of God, heavy winds and/or seas), in the same configuration of the original permitted dock. This subsection shall not apply in instances where the destroyed or damaged dock was not originally permitted by the town. If a permit has not been applied for within 90 days from the date of destruction, the dock shall conform with all the provisions of this chapter.
- (~~719~~) Any dock facility existing at the time of the adoption of this section, although such dock facility does not conform with the provisions hereof, may be continued. No alterations may be made to said dock which will increase its degree of non-conformity but work to maintain, repair, rebuild or reconstruct necessary to keep the dock facility in sound condition within the same or smaller footprint is permitted.

- (820) There will be a permit fee for all docks subject to inspection as established in section 6-308(f).
- (921) Except as changed by the provisions of sections 6-307 and 6-314, docks erected serving any lots in the town shall be subject to the following restrictions governing size, shape and location:
- a. No dock shall be erected which will, in the opinion of the building official, deprive owners of adjacent or nearby lots of equal docks and equal access to the docks.
 - b. Except as provided in Section 5-57.(a)(5)(d), no dock construction, including all landings and stairs, shall project more than 30 feet from the face of the seawall, or 30 feet from the shoreline, which is defined for the purpose of this section as the mean low water line.
 - c. No dock walkway, which is defined for the purpose of this section as the structure extending from land to the head, shall be more than six feet wide.
- (b) *Maximum height of enclosed docks.* No enclosed or covered portion of any pier, dock, walkway, or other similar structure extending beyond the high-water mark of the waters of Boca Ciega Bay on any cove, inlet, or arm thereof from the adjacent lot elevation shall rise in height more than three feet above the level of the lot elevation. This provision shall not, however, apply to open-work railings, fish-cleaning tables, and flag or signal poles placed thereupon.
- (c) *Floating docks.* No floating dock shall be installed that will exceed the length and width and summation of total dockage square foot area limitations for floating and pile installed docks as provided in this article. Nothing in this section shall prohibit the installation of floating docks so long as they are constructed of completely new components attached to new and separate piling and comply with all other appropriate sections of this article and the seal and signature of the engineer of record as defined in Section 10-10 of this Code shall be affixed to all plans submitted for such docks. Floatation shall be no less than that specified by Pinellas County. No floating dock shall be placed or situated in any of the town's waterways so as to impede or restrict in any way the free and safe passage of any other vessels using or entitled to use the waterways of this state.
- (d) *Disposition of removed dock concrete.* Concrete pilings and other concrete remnants of docks being replaced by new docks may be placed on the seabed subject to the following restrictions:
- (1) For a non-residential dock the Engineer of Record, as is defined in Section 10-10 of this Code, or for a residential dock, the contractor to whom the dock permit is issued, certifies in writing to the Town, on a form to be provided by the Town, that:

- 1 a. there are no contaminants in the concrete that would adversely
2 affect water quality based on the standards established by Pinellas
3 County; and
4 b. there are no seagrasses or other environmentally sensitive features
5 on or within 15 feet of the location where the concrete is to be
6 placed.
7 (2) There is no exposed metal on or within the concrete;
8 (3) The concrete:
9 a. is placed under the footprint of the new dock; or
10 b. is placed at the base of the seawall in a single row in physical
11 contact with the seawall or with previously placed removed
12 concrete; and
13 c. is located completely below the Mean Low Water elevation.
14 (4) The removed concrete may project above the Mean Low Water elevation
15 at the seawall if it is covered by material that meets the requirements of §
16 5-63, "riprap" of this Code.
17
18

19 **Section 4.** If any section, subsection, sentence, clause, provision or word of this
20 Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the
21 remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of
22 the Ordinance shall withstand any severed provision, as the Board of Commissioners would have
23 adopted the Ordinance and its regulatory scheme even absent the invalid part.
24

25 **Section 5.** This Ordinance shall become effective immediately upon final passage
26 and adoption.
27

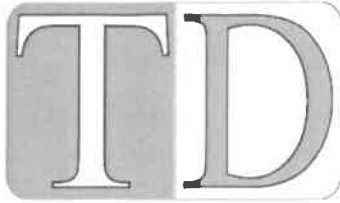
28 **PASSED AND ADOPTED** by the Board of Commissioners of the Town of Redington
29 Beach, Pinellas County, Florida, on this ____ Day of _____ 2021.
30

31 ATTEST:
32
33

34 _____
35 **Missy Clarke, CMC Town Clerk**
36
37

Nick Simons, Mayor

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



T R A S K
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— LLP —
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JEREMY SIMON

** Board Certified by the Florida Bar in City,
County and Local Government Law*

MEMORANDUM

DATE: February 9th 2021

TO: Mayor James "Nick" Simons
Vice Mayor Tom Dorgan
Commissioner David Will
Commissioner Fred Steiermann
Commissioner Tim Kornijtschuk

FROM: Robert Eschenfelder, Esq., Assistant Town Attorney

THROUGH: Jay Daigneault, Esq., Town Attorney

CC: Missy Clarke, Town Clerk

RE: Vacancy on Board of Commissioners

Dear Mayor and Board of Commissioners:

As you recall, on January 21st 2021, I provided the Board of Commissioners with a memorandum detailing the law surrounding the filling of Board of Commissioners vacancies associated with the application of the so-called 'resign-to-run' law.

As you will also recall, at the February 3rd 2021 meeting of the Board of Commissioners, the Town Clerk referenced the upcoming need to make an appointment to fill the unexpired term of Commissioner Will, and proposed a time line for doing so which would have the appointment made while Commissioner Will was still on the Commission and before the newly-elected Mayor was sworn in. The Commission provided its assent to the Clerk's proposed time line at that time.

Since then, Commissioner Steiermann has contacted me indicating that, in light of some questions from his constituents concerning the process chosen, and in anticipation of residents raising the topic at the next meeting, he would like a short follow up memorandum be sent to the Board of Commissioners clarifying that there are alternatives to filling the upcoming mid-term vacancy for Commissioner Will's seat.

To recount the core facts:

- Section 7(b) of the Town Charter, *Filling of Vacancies*, provides in relevant part:

In the event of a vacancy on the Board of Commissioners, the remaining members of the Commission, together with the Mayor, shall fill the vacancy by appointment. ***

- The Charter does not specify any particular method to be used in filling a vacant Commission seat for an unexpired term. Therefore, the Commission may use any lawful and non-discriminatory process, understanding that the process must, as with the conduct of all Town business, be compliant with Sunshine and Public Records Act requirements.
- Commissioner Will's seat will become vacant on March 17th 2021, the date he would be sworn in as Mayor should he prevail in the election.
- Per the Charter language, the Board of Commissioners has the duty to appoint a qualified elector (a person 18 years old or older who has an established residence in the Town and who has registered with the Supervisor of Elections and is eligible to vote in Town elections) to serve out the remainder of Commissioner Will's term.

Based on these facts, and pursuant to Commissioner Steiermann's request, I offer the following supplemental guidance on the timing of the appointment:

- Under the statute, since the office does not become vacant until the resignation's effective date (March 17th 2021), no appointee could be sworn in prior to that date.
- **OPTION 1:** The Board of Commissioners may make the appointment in advance of March 17th 2021, with swearing in to be on March 17th 2021.
- Under this option, then all five members of the Board of Commissioners, including Mayor Simons and Commissioners Will and Steiermann (whose terms are ending on March 17th 2021) may vote on the appointment.
- **OPTION 2:** The Board of Commissioners may, in the alternative, make the appointment after March 17th 2021. If this option were to be selected, the appointee would be sworn in on the date of the appointment or as soon thereafter as the appointee could be available to take the oath.
- Under this option, the new Mayor, Vice Mayor Dorgan, Commissioner Kornijtschuk, and the new Commissioner who will have assumed the seat formerly held by Commissioner Steiermann may vote on the appointment.
- **OPTION 3:** The Board of Commissioners may make the appointment on March 17th 2021. If this option were to be selected, the appointee would be sworn in on March 17th 2021 or as soon thereafter as the appointee could be available to take the oath.
- Under this option, since the terms of Mayor Simons, Commissioner Will, and Commissioner Steiermann will be done, once sworn in, the new Mayor and the new Commissioner who will have assumed the seat formerly held by Commissioner Steiermann would, along with Vice Mayor Dorgan and Commissioner Kornijtschuk, vote on the appointment.

As noted in my initial memorandum, the timing of the appointment is simply a logistical decision for the Commission, with the only limitation being that, while an applicant could be appointed before then, the appointee cannot be sworn in and take office until the meeting of March 17th 2021.

Should you have any additional questions or concerns regarding this memorandum, please do not hesitate to contact me at your convenience.

/s/ Robert Eschenfelder, Esq.
Assistant Town Attorney