



**TOWN OF REDINGTON BEACH  
BOARD REGULAR MEETING AGENDA  
Wednesday, December 1, 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 Skjoldager   |
| Public Works/Parks    | Commissioner Cariello     |
| Finance               | Vice Mayor Dorgan         |
| Mayor                 |                           |
| Town Clerk            |                           |
| Attorney Eschenfelder |                           |
| Boards & Committees   |                           |
| Library Report        |                           |
- 7. CONSENT AGENDA**
  - A. Board Regular Meeting Minutes, November 17, 2021**
  - B. Bill List for Day Ending November 29, 2021**
- 8. UNFINISHED BUSINESS**
  - A. RFP Town Refurbishment Project Bids**
- 9. NEW BUSINESS**
  - A. Resolution 2021-12: A Resolution of the Board of Commissioners of the Town of Redington Beach, Florida, Adopting a Purchasing Policy; and Providing for an Effective Date.**
  - B. Resolution 2021-13: A Resolution of the Town of Redington Beach, Florida, Setting a Referendum For Affirmation or Approval or Disaffirmation or Disapproval of the Language Added to the Town's Zoning Code by ordinance 08-01 Regarding Vacation Rental Uses; making Related Findings; Providing for Severability and an Effective Date; and Scheduling a Referendum Date on Which the Town's Qualified Electors will Vote on the Amendment.**
- 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)



TOWN OF REDINGTON BEACH, FLORIDA  
BOARD REGULAR MEETING MINUTES  
Wednesday, November 17, 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, November 17, 2021, 6:30 p.m.**, in Redington Beach Town Hall at 105 164<sup>th</sup> Avenue, Redington Beach Florida.

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

**Roll Call**

|                            | Present | Absent |
|----------------------------|---------|--------|
| Commissioner Cariello      | X       |        |
| Commissioner Kornijtschuk  | X       |        |
| Commissioner Skjoldager    | X       |        |
| Vice Mayor Dorgan          | X       |        |
| Mayor Will                 | X       |        |
| Town Attorney Eschenfelder | X       |        |
| Town Clerk Clarke          | X       |        |

**Approval of Agenda:** A motion by Commissioner Kornijtschuk and seconded by Commissioner Cariello to approve the agenda as presented. Motion passed with all ayes.

**Public Forum:** **Steve Wotovich**, 15500 Gulf Blvd, would like to thank the commission and staff for maintaining the beach and allowing two teenagers to practice rowing. The two teenagers went on to win the Silver medal in Portugal.

**Reports:**

**Public Safety**

- Crime has been down the last two months in Redington Beach with zero arrests.

**Building/Code**

- Nothing to Report

**Public Works/Parks**

- A successful movies in the park hosted by Santa's Angels, approximately 165 people were in attendance. ABC Action News did an interview on the stormwater project. Received one bid on the park project to date. Working with Duke Energy and St. Pete Beach in a combined effort on the street lights.

**Finance**

- Nothing to Report

Mayor

- RBPOA put on an amazing event with Wine Fest. Santa's Angels had a successful movies in the park night.

Town Clerk

- Town hall will be closed next Thursday and Friday for the Thanksgiving Holiday and packets for the December 1<sup>st</sup> meeting will be delivered on Monday, November 29<sup>th</sup>. The qualifying period for two commission seats will open at 9:00 a.m. on December 3<sup>rd</sup> and close at 1:00 p.m. on December 17<sup>th</sup>.

Town Attorney

- Nothing to Report

Boards and Committees

- Nothing to Report.

Library Board

- A meeting was held on Monday and the attorney advised the board that they are under the Sunshine Law. The interlocal agreement was discussed and they are working on updating the bylaws to make it consistent with the interlocal agreement. The board approved to purchase a literacy computer. The roofing contract had a 25% increase in costs and they have decided to put it back out for bid.

## CONSENT AGENDA

**A. Board Regular Meeting Minutes, November 3, 2021**

**B. Bill list ending for Day Ending November 12, 2021.**

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

## UNFINISHED BUSINESS

- A. Final Reading: Ordinance 2021-13: An Ordinance of the Town of Redington Beach, Florida, Amending Section 7 of the Town Charter to make it consistent with the Current Town Code Related to the Qualifying Date for Town Commission Candidates and the Date of the Election for Town Commission Races; Making Related Findings; Providing for Severability and an Effective Date; and Scheduling a Referendum Date on Which the Town's Qualified Electors will vote on the Amendment.** Attorney Eschenfelder read the ordinance by title only. A motion by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adopt the ordinance on its final reading. Mayor Will noted that this was to change the charter to match the town's ordinance regarding elections. This will be a referendum question at the March election. No public comment. Roll call vote was taken and motion passed unanimously.

|                           | Motion | Second | Aye | Nay | Absent |
|---------------------------|--------|--------|-----|-----|--------|
| Commissioner Cariello     |        | X      | X   |     |        |
| Commissioner Kornijtschuk | X      |        | X   |     |        |
| Commissioner Skjoldager   |        |        | X   |     |        |
| Vice Mayor Dorgan         |        |        | X   |     |        |
| Mayor Will                |        |        | X   |     |        |

## NEW BUSINESS

- A. **Discussion on State Appropriation Funding:** Mayor Will reported that since he has been going to different functions, he has been told by other mayors they are getting appropriation money and the town has never received any because they have never asked for it. He was told that RJ Meyers, a consultant with the Shumaker Consulting Firm was the person to help with this task. Mayor Will noted that to receive appropriation monies, it would need to be sponsored in the Senate as well as the House. He has spoken to both Jeff Brandes of the Senate and Linda Chaney of the House and both will support the town in acquiring the funds. The funds would be for milling and resurfacing the town's roads. The amount requested would be 1.5 million. The agreement for services would be \$2,500.00 per month to the Shumaker Advisors on a month to month basis. There is a 30 day opt out clause. Mr. Myers noted that of the 20 projects he worked on last year, he was able to successfully get monies for 15 of them. Since the town has never asked for monies in the past, there is a good possibility of the town receiving the appropriation. Mr. Meyers explained that there is surplus money in the state budget for transportation. The legislative session ends by the beginning of March and at that time, the town should know if it will be a recipient of the funding. It would then need to go to the Governor to sign. A motion by Commissioner Kornijtschuk and seconded by Commissioner Cariello to authorize the mayor to execute the agreement at \$2,500.00 per month. No public comment. Roll call vote was taken and motion passed unanimously.

|                           | Motion | Second | Aye | Nay | Absent |
|---------------------------|--------|--------|-----|-----|--------|
| Commissioner Cariello     |        | X      | X   |     |        |
| Commissioner Kornijtschuk | X      |        | X   |     |        |
| Commissioner Skjoldager   |        |        | X   |     |        |
| Vice Mayor Dorgan         |        |        | X   |     |        |
| Mayor Will                |        |        | X   |     |        |

- B. **Ordinance 2021-14: An Ordinance of the Town of Redington Beach, Florida, Amending 5-30 of the Town Code (Live-aboard Watercraft) to Incorporate State Statutory Standards; Making Related Findings; and Providing for Codification, Severability, and an Effective Date.** Attorney Eschenfelder read the ordinance by title only. A motion by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adopt Ordinance 2021-14 on its first reading. Mayor Will noted that this ordinance was based on the attorney general's opinion on the town's current ordinance and the enforceability. This ordinance will enable the sheriff's office to enforce the code. Leslie Wilkins, 505 161<sup>st</sup> questioned if it was not occupied, but if it was anchoring or mooring, if the ordinance could be enforced. Town attorney noted that the State has laws on anchoring and mooring and that would cover the area in Redington Beach. Steve Miller, 16335 Redington Drive asked what are the town's water boundaries. Town attorney stated that the County has a GIS system that will show the boundaries. Roll Call vote was taken and motion passed unanimously on the first reading.

|                           | Motion | Second | Aye | Nay | Absent |
|---------------------------|--------|--------|-----|-----|--------|
| Commissioner Cariello     |        | X      | X   |     |        |
| Commissioner Kornijtschuk | X      |        | X   |     |        |
| Commissioner Skjoldager   |        |        | X   |     |        |
| Vice Mayor Dorgan         |        |        | X   |     |        |
| Mayor Will                |        |        | X   |     |        |

### **Other Business**

Town attorney noted that he would like to re-write the town's current purchasing policy for the next commission meeting, with the permission of the commission. The consensus of the commission was to move forward with this request. With no further business, a motion was made by Commissioner Kornijtschuk and seconded by Commissioner Cariello to adjourn. Regular meeting was adjourned at 7:12 p.m.

**Adopted: , 2021**

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Missy Clarke, CMC, Town Clerk

12/1/2021

10127 Payroll  
10128 Payroll  
10129 Payroll  
10130 Payroll

2,435.81  
1,481.93  
1,399.98  
1,079.87

6,397.59

MAYOR WILL

COMMISSIONER KORNIJTSCHUK

COMMISSIONER SKJOLDAGER

VICE MAYOR DORGAN

ATTEST:

COMMISSIONER CARIELLO

Missy Clarke, CMC, Town Clerk

Regular Meeting of December 1, 2021

## INVOICE APPROVAL LIST BY FUND REPORT

Date: 11/29/2021

Time: 1:28 pm

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Town of Redington Beach

| Fund/Dept/Acct                          | Vendor Name                                   | Invoice #                 | Invoice Desc.            | Check # | Due Date   | Posting Date | Amount          |
|-----------------------------------------|-----------------------------------------------|---------------------------|--------------------------|---------|------------|--------------|-----------------|
| <b>Fund: 101 General Fund</b>           |                                               |                           |                          |         |            |              |                 |
| <b>Dept: 512 Town Clerk</b>             |                                               |                           |                          |         |            |              |                 |
| 101-512-512.230                         | Group Insurance<br>FLORIDA MUN INSURANCE *    | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 878.58          |
|                                         |                                               |                           |                          |         |            |              | <b>878.58</b>   |
| 101-512-512.231                         | Life Insurance<br>FLORIDA MUN INSURANCE *     | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 9.75            |
|                                         |                                               |                           |                          |         |            |              | <b>9.75</b>     |
| 101-512-512.232                         | Dental Insurance<br>FLORIDA MUN INSURANCE *   | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 64.15           |
|                                         |                                               |                           |                          |         |            |              | <b>64.15</b>    |
| 101-512-512.410                         | Telephone<br>BRIGHT HOUSE NETWORKS            | 056775401110921           | 11/08-12/07/2021         | 0       | 11/09/2021 | 11/09/2021   | 199.96          |
|                                         |                                               |                           |                          |         |            |              | <b>199.96</b>   |
| 101-512-512.411                         | Internet Services<br>BRIGHT HOUSE NETWORKS    | 056775401110921           | 11/08-12/07/2021         | 0       | 11/09/2021 | 11/09/2021   | 142.97          |
|                                         |                                               |                           |                          |         |            |              | <b>142.97</b>   |
| 101-512-512.472                         | Election Expense<br>SUPERVISOR OF ELECTION    | 14568                     | March 15, 2021 Election  | 0       | 10/13/2021 | 10/13/2021   | 3,400.21        |
|                                         |                                               |                           |                          |         |            |              | <b>3,400.21</b> |
| <b>Total Dept. Town Clerk:</b>          |                                               |                           |                          |         |            |              | <b>4,695.62</b> |
| <b>Dept: 513 Finance &amp; Admin</b>    |                                               |                           |                          |         |            |              |                 |
| 101-513-513.230                         | Group Insurance<br>FLORIDA MUN INSURANCE *    | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 886.19          |
|                                         |                                               |                           |                          |         |            |              | <b>886.19</b>   |
| 101-513-513.231                         | Life Insurance<br>FLORIDA MUN INSURANCE *     | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 9.75            |
|                                         |                                               |                           |                          |         |            |              | <b>9.75</b>     |
| 101-513-513.232                         | Dental Insurance<br>FLORIDA MUN INSURANCE *   | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 105.02          |
|                                         |                                               |                           |                          |         |            |              | <b>105.02</b>   |
| <b>Total Dept. Finance &amp; Admin:</b> |                                               |                           |                          |         |            |              | <b>1,000.96</b> |
| <b>Dept: 514 Legal Counsel</b>          |                                               |                           |                          |         |            |              |                 |
| 101-514-514.310                         | Legislative Coun:<br>SHUMAKER ADVISORS FLOI   | 1411                      | November 2021 Consulting | 0       | 11/24/2021 | 11/24/2021   | 2,500.00        |
|                                         |                                               |                           |                          |         |            |              | <b>2,500.00</b> |
| <b>Total Dept. Legal Counsel:</b>       |                                               |                           |                          |         |            |              | <b>2,500.00</b> |
| <b>Dept: 539 Department of Public V</b> |                                               |                           |                          |         |            |              |                 |
| 101-539-539.230                         | Group Insurance<br>FLORIDA MUN INSURANCE *    | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 1,748.60        |
|                                         |                                               |                           |                          |         |            |              | <b>1,748.60</b> |
| 101-539-539.231                         | Life Insurance - L<br>FLORIDA MUN INSURANCE * | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 19.50           |
|                                         |                                               |                           |                          |         |            |              | <b>19.50</b>    |
| 101-539-539.232                         | Dental Insurance<br>FLORIDA MUN INSURANCE *   | 2021-11-19                | December 2021            | 0       | 11/19/2021 | 11/19/2021   | 137.03          |
|                                         |                                               |                           |                          |         |            |              | <b>137.03</b>   |
| 101-539-539.440                         | P/W Utilities<br>DUKE ENERGY                  | 9100 8701 8726 2021-11-12 | 10/11-11/10/2021         | 0       | 11/29/2021 | 11/29/2021   | 83.91           |



Date: 11/29/2021  
Time: 1:28 pm  
Page: 2

| Fund/Dept/Acct                        | Vendor Name            | Invoice #      | Invoice Desc.                | Check # | Due Date   | Posting Date | Amount           |
|---------------------------------------|------------------------|----------------|------------------------------|---------|------------|--------------|------------------|
|                                       |                        |                |                              |         |            |              | 83.91            |
|                                       |                        |                |                              |         |            |              | 1,989.04         |
| <b>Dept: 572 Parks and Recreation</b> |                        |                |                              |         |            |              |                  |
| 101-572-572.430                       | Utilities              |                |                              |         |            |              |                  |
|                                       | DUKE ENERGY            | 9100 8701 8924 | 2021-11-12 10/11-11/10/21    | 0       | 11/12/2021 | 11/12/2021   | 31.59            |
|                                       |                        |                |                              |         |            |              | 31.59            |
| 101-572-572.462                       | Maintenance - Gr       |                |                              |         |            |              |                  |
|                                       | HIGHLAND PRODUCTS GRO  | 310019242      | Picnic Table OBRIEN          | 0       | 11/17/2021 | 11/17/2021   | 1,213.00         |
|                                       | MOST DEPENDABLE FOUNT  | INV66336       | Repair kit Beach Park Shower | 0       | 11/10/2021 | 11/10/2021   | 87.00            |
|                                       | MOST DEPENDABLE FOUNT  | INV66268       | Moon Park Shower             | 0       | 11/12/2021 | 11/12/2021   | 2,805.00         |
|                                       |                        |                |                              |         |            |              | 4,105.00         |
| 101-572-572.522                       | Gasoline & Oil         |                |                              |         |            |              |                  |
|                                       | WEX BANK               | 770529         | Unleaded                     | 0       | 11/29/2021 | 11/29/2021   | 34.55            |
|                                       |                        |                |                              |         |            |              | 34.55            |
| 101-572-572.599                       | Swim Buoys             |                |                              |         |            |              |                  |
|                                       | ROLYAN BUOYS           | 277019         | Swim buoys                   | 0       | 11/18/2021 | 11/18/2021   | 859.30           |
|                                       |                        |                |                              |         |            |              | 859.30           |
|                                       |                        |                |                              |         |            |              | 5,030.44         |
|                                       |                        |                |                              |         |            |              | 15,216.06        |
| <b>Fund: 400 Storm Water</b>          |                        |                |                              |         |            |              |                  |
| <b>Dept: 535 Storm Water</b>          |                        |                |                              |         |            |              |                  |
| 400-535-535.800                       | Storm Drain Repl       |                |                              |         |            |              |                  |
|                                       | WINDRIVER ENVIRONMENT, | 5217955        | 11/05/2021                   | 0       | 11/08/2021 | 11/08/2021   | 956.25           |
|                                       | WINDRIVER ENVIRONMENT, | 5218316        | 11/08/2021                   | 0       | 11/09/2021 | 11/09/2021   | 3,825.00         |
|                                       | WINDRIVER ENVIRONMENT, | 5219803        | 11/09/2021                   | 0       | 11/10/2021 | 11/10/2021   | 2,975.00         |
|                                       | WINDRIVER ENVIRONMENT, | 5222600        | 11/10/2021                   | 0       | 11/11/2021 | 11/11/2021   | 3,675.00         |
|                                       | WINDRIVER ENVIRONMENT, | 5223907        | 11/10/2021                   | 0       | 11/12/2021 | 11/12/2021   | 412.50           |
|                                       |                        |                |                              |         |            |              | 11,843.75        |
|                                       |                        |                |                              |         |            |              | 11,843.75        |
|                                       |                        |                |                              |         |            |              | 11,843.75        |
| <b>Grand Total:</b>                   |                        |                |                              |         |            |              | <b>27,059.81</b> |

## **RESOLUTION NO. 2021-13**

**A RESOLUTION OF THE TOWN OF REDINGTON BEACH, FLORIDA, SETTING A REFERENDUM FOR AFFIRMATION OR APPROVAL OR DISAFFIRMATION OR DISAPPROVAL OF THE LANGUAGE ADDED TO THE TOWN'S ZONING CODE BY ORDINANCE 08-01 REGARDING VACATION RENTAL USES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE; AND SCHEDULING A REFERENDUM DATE ON WHICH THE TOWN'S QUALIFIED ELECTORS WILL VOTE ON THE AMENDMENT.**

**WHEREAS**, On February 5<sup>th</sup> 2008, the Town Commission adopted Ordinance 08-01 which found, in part, that "short-term or transient uses affect the character and stability of residential districts" and that "it is in the best interests of [the Town's] residents' health and safety to prohibit short-term rentals and/or transient uses in the residential districts"; and

**WHEREAS**, Ordinance 08-01 changed the Town Code by adding the following underscored language:

### **APPENDIX A – ZONING**

#### **Sec. 1. - Purpose of regulations.**

For the purpose of promoting the health, safety, and general welfare; to secure safety from fire, panic or other dangers; to provide adequate light and air; to prevent the overcrowding of land, and avoidance of undue concentration of population in the Town of Redington Beach, the corporate limits and areas of the Town of Redington Beach are hereby divided into zoning districts, and with regulations and restrictions for each of such districts as hereinafter set forth.

All land use and land development shall be in accordance with the town's comprehensive plan and these regulations. Where these regulations differ from the town's comprehensive plan the more restrictive of the two (2) shall be applies.

#### **Sec. 2. - Zoning districts.**

For the purpose of this ordinance, the Town of Redington Beach be and the same is hereby divided into three (3) zoning districts, each embracing the territory as follows, to wit:

##### **District No. 1**

Lots 1 to 11, both inclusive, of Block 24, Lots 1 to 9, both inclusive, and Lots 12 to 21, both inclusive, of Block 18, all in Third Addition to Redington Beach Homes; and Lots 1 and 2 and Lots 5 to 11, both inclusive, C. E. Redington Replat; and also unplatted lot or tract of land lying between Lot 21 of Block 18 of Redington Beach Homes aforesaid and Gulf Boulevard.

## District No. 2

That portion of the territory within the corporate limits not included in District No. 1, and lying north of the center line of 157<sup>th</sup> Avenue, and along such center line as extended to the town limits in the waters of Boca Ciega Bay and the Gulf of Mexico.

## District No. 3

That portion of the territory within the corporate limits lying south of the center line of 157<sup>th</sup> Avenue, and along such center line as extended to the town limits in the waters of Boca Ciega Bay and the Gulf of Mexico.

### **Sec. 3. - Permitted buildings and uses.**

District No. 1 is hereby zoned for the construction of buildings and use thereof as follows:

- (1a) Lots 1 to 11, Block 24, Third Addition to Redington Beach Homes are hereby zoned for the construction of buildings and the use thereof for the conduct of apartment, hotel or club business, excepting as such construction or use may hereinafter be limited or restricted; in the construction of such apartment, hotel or club building, provision may be made for, and there may be operated and conducted, with necessary kitchen or kitchens, such dining room or other eating, cocktail lounge or bar, and/or other customary club facilities, adequate for the accommodation of the occupants of the apartment building or buildings, if more than one building is included under a single operation, the guests of the hotel and/or the members of the club, as the case may be. The permissive zoning contained in the above portions of this subsection is subject to the ordinances of the Town of Redington Beach now or which may hereafter be in force and effect relative to any or all such facilities.
- (1b) Lots 1 to 6, both inclusive, and 15 to 21, both inclusive, of Block 18, Third Addition to Redington Beach Homes and unplatted lot or tract of land lying between Lot 21 of Block 18, of Redington Beach Homes and Gulf Boulevard, are hereby zoned for the construction of multiple-family dwellings or apartments; and provided, that in the event any apartment house or building extends beyond the rear line of any particular lot, that is to say, may be constructed upon two (2) lots backing up to each other, such building shall be architecturally provided with a double front, one of which fronts shall face upon each of the streets which the two (2) lots respectively face upon, in such manner as to eliminate any back yard area facing upon a street, excepting, however, that a real estate brokerage and properly allied lines of business may be conducted in building located on [the] tract at the northeast corner of 163<sup>rd</sup> Avenue and Gulf Boulevard, as such building is now constructed, this latter exception being made for the reason that such property was and is lacking in conformance with the zoning provisions hereof at the time of the introduction and passage of this ordinance.
- (1c) Lots 9, 10 and 11 of C. E. Redington Replat, be and the same are hereby zoned for the construction of buildings and use of same for multiple-family dwellings or apartments and/or for purposes of transacting retail business, professional or business offices, or other businesses other than manufacturing, industrial, or medical marijuana facilities;

excepting, however, the handling or sale of beer, wine or other intoxicating beverages wholesale or retail, for consumption on or off the premises, such sale of beer, wine or intoxicating beverages being hereby strictly prohibited.

- (1d) Lots 7 and 8 of C. E. Redington Replat are hereby zoned for the construction of buildings and use thereof for public or municipal purposes, multiple dwellings, public storage garage or garages, together with sale of such articles or items of merchandise and the performance of such services as are normally incident to the operation and conduct of a storage garage for the uses, services and incidental repair of motor vehicles.
- (1e) Provided, however, that nothing hereinabove contained shall be taken, construed or interpreted as prohibiting the construction of single-family dwellings in said District No. 1.
- (1f) Lots 7, 8, 9, 12, 13, and 14, Block 18, Third Addition to Redington Beach Homes and Lots 1, 2, 5 and 6, C. E. Redington Replat are hereby zoned for recreation/open space.
- (1g) Lots 3 and 4, C.E. Redington Replat are hereby zoned as public/semi-public.
  - (A) Public/semi-public, ancillary nonresidential uses: Shall not exceed a maximum area of three (3) acres. Such use or contiguous like uses in excess of this threshold shall require an appropriate future land use plan amendment and corresponding zoning map amendment.
  - (B) No commercial or nonresidential use shall exceed a floor area ratio (FAR) of forty (40) percent nor an impervious surface ratio (ISR) of seventy (70) percent.
  - (C) The permitted uses, densities, and intensity standards in this district shall be limited by the parcel's designation on the future land use map.
  - (D) Transient accommodation uses are limited to fifteen (15) units per acre. Should the use be residential urban it is limited to seven and one-half (7.5) units per acre.
- (1h) All uses must be a permitted use within the future land use designation as shown on the town's future land use plan map.

District No. 2 is hereby zoned for the construction of buildings and use thereof as follows:

- (2a) District No. 2 is hereby zoned for the construction of single-family dwelling houses and the use of such dwelling houses for single-family residential purposes.
- (2b) District 2. Other standards.

Any use which is not specifically identified as a permitted use, accessory use, or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short-term rentals, subletting, and transient uses of a housing unit in this District. As used in this section, the term "short-term rental" shall mean any rental of

a dwelling unit, or portion thereof, of less than a six-month period. For purposes of this section, "transient uses" shall mean uses generally known as hotel, motel, or rooming houses. For the purposes of this section "subletting" shall mean the use of real property for overnight housing purposes, whether or not said overnight housing purposes involves renumeration (sic).

- (2c) All uses must be a permitted use within the future land use designation as shown on the town's future land use plan map.
- (2d) Short-term rentals in District 2 and District 3 (excluding exceptions noted in code section 3(a)) are hereby prohibited and shall be subject to the following:
  - (A) Short-term rentals of single-family dwellings of less than 181 days constitutes a transient use and shall be prohibited in District 2 and District 3 (excluding exceptions noted in code section 3(a)).
  - (B) Property owners who rent their properties (located in District 2 and District 3) for less than 181 days shall be subject to penalties as set out in section 1-14 of Appendix A, and the Town of Redington Beach shall have authority to impose such penalty.
  - (C) If such properties are receiving the Homestead Exemption, the town is instructed to notify the Pinellas County Property Appraiser's office and appropriate state agencies to report the violation.
  - (D) The town shall notify the Pinellas County Tax Collector to ensure the Owner is remitting the appropriate county and or state four percent Tourist Development Tax during the pendency of the prohibited use.

District No. 3 is hereby zoned for the construction of buildings and use thereof as follows:

- (3a) District 3 is hereby zoned for the construction of single-family dwelling houses subject to general zoning regulations and restrictions set forth in Section 5, and use of such dwelling houses for single-family residential purposes, saving and excepting only Lot 9, Block 6 of First Addition to Lone Palm Beach Subdivision which is hereby zoned for use as a real estate brokerage office and office for rental and operation of rental cottages or units, in building or buildings as now constructed only, for the reasons that said lot was at the time of the original passage of Ordinance No. 11, and at all times since, been actually used for a use nonconforming with single-family residence only.
- (3b) District 3. Other standards.
- (3c) All uses must be a permitted use within the future land use designation as shown on the town's future land use plan map.

; and

**WHEREAS**, Section 20 of the Town's August 10<sup>th</sup> 1976 Charter, entitled "*Amendment, repeal or change of zoning ordinances*," provides as follows:

No amendment, repeal or change whatsoever or exception of any kind to those certain zoning ordinances of the Town of Redington Beach restricting, providing and establishing certain zones and zoning of the Town of Redington Beach, Florida shall be made or affected unless a resolution is duly passed and adopted by the Board of Commissioners of the Town of Redington Beach proposing such change and calling for an election, either at a special or general election or other specific election, whereupon, all of the registered voters of the Town shall vote upon the question for affirmation or approval or disaffirmation or disapproval of the resolution and the proposition contained therein respecting any amendment, repeal or change of any nature in the present zoning laws and ordinances of the Town of Redington Beach. Amendment, repeal or change or any exception of any kind must be approved by at least two-thirds (2/3) of the voters voting on such amendment, repeal or change.

; and

**WHEREAS**, at the time Ordinance 08-01 was adopted, the Town determined that no referendum was necessary since the ordinance did not repeal or create an exception to the zoning ordinances of the Town as they existed in 2008, and did not amend or change any part of the Town's zoning code which "restricted" or "established" zones and zoning of the Town, since the ordinance only clarified that vacation rentals were not an approved use within District 2, and did not take anything away that had been allowed before; and

**WHEREAS**, notwithstanding this determination, certain property owners within the Town had contended that a referendum was required; and

**WHEREAS**, effective June 2<sup>nd</sup> 2011, the Florida Legislature amended Florida Statutes § 509.032(7) to add sub-paragraphs (b) and (c), concerning legislative preemption of local regulations governing vacation rentals specifically providing:

A local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use, or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

; and

**WHEREAS**, effective July 1<sup>st</sup> 2014, the Legislature further amended § 509.032(7) by limiting the scope of preemption such that local governments could not (1) prohibit short term rentals outright, nor could they (2) regulate the duration or frequency of rentals, and continued to exempt ordinances or regulations adopted on or before June 1<sup>st</sup> 2011; and

**WHEREAS**, in order to finally address the question of whether a referendum was required to allow the Town's registered voters to approve or disapprove of Ordinance 08-01, the Town filed a declaratory judgment action seeking a judicial declaration on the question; and

**WHEREAS**, on November 18<sup>th</sup> 2021, the court issued its Order in *Town of Redington Beach v. The Big Beach House, LLC*, case No. 19-1290, and found that the Town's failure to call a referendum rendered Ordinance 08-01 null and void; and

**WHEREAS**, the court's opinion did not address whether the lack of referendum could be cured through a referendum; and

**WHEREAS**, the court's opinion did not address whether, if the voters approved of Ordinance 08-01 at a referendum, whether that approval would be preempted by the 2014 version of Florida Statutes § 509.032(7); and

**WHEREAS**, the Board of Commissioners of the Town of Redington Beach finds that it is in the Town's best interests to set a referendum so that the Town's registered voters may approve or disapprove of the language added to the Town's zoning code in Ordinance 08-01.

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

**Section 1.** The language added to the Town's zoning code in Ordinance 08-01 shall be placed on a referendum ballot by use of the ballot language set forth in **Exhibit A**, attached to and incorporated into this Resolution.

**Section 2.** The referendum for the Town's electors to consider and vote on the foregoing Charter amendments shall occur at a special election on March 15<sup>th</sup> 2021.

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

**Section 4.** The Mayor is authorized to coordinate and approve all necessary advertisement and election expenses and agreements as may be required to lawfully conduct the referendum.

**Section 5.** This Resolution shall take effect immediately upon adoption.

**ADOPTED** this 1<sup>st</sup> day of December, 2021, by the Board of Commissioners of the Town of Redington Beach, Florida.

**Attest:**

\_\_\_\_\_  
David Will, Mayor

\_\_\_\_\_  
Missy Clarke, CMC, Town Clerk



## EXHIBIT A

### REFERENDUM QUESTION

This referendum question seeks voter approval or disapproval of the following question:

#### QUESTION

Do you approve or disapprove of the following underlined language added to the Town's zoning code in Ordinance 08-01:

(2b) District 2. Other standards.

Any use which is not specifically identified as a permitted use, accessory use, or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short-term rentals, subletting, and transient uses of a housing unit in this District. As used in this section, the term "short-term rental" shall mean any rental of a dwelling unit, or portion thereof, of less than a six-month period. For purposes of this section, "transient uses" shall mean uses generally known as hotel, motel, or rooming houses. For the purposes of this section "subletting" shall mean the use of real property for overnight housing purposes, whether or not said overnight housing purposes involves remuneration (sic).

(2c) All uses must be a permitted use within the future land use designation as shown on the town's future land use plan map.

(2d) Short-term rentals in District 2 and District 3 (excluding exceptions noted in code section 3(a)) are hereby prohibited and shall be subject to the following:

(A) Short-term rentals of single-family dwellings of less than 181 days constitutes a transient use and shall be prohibited in District 2 and District 3 (excluding exceptions noted in code section 3(a)).

(B) Property owners who rent their properties (located in District 2 and District 3) for less than 181 days shall be subject to penalties as set out in section 1-14 of Appendix A, and the Town of Redington Beach shall have authority to impose such penalty.

(C) If such properties are receiving the Homestead Exemption, the town is instructed to notify the Pinellas County Property Appraiser's office and appropriate state agencies to report the violation.

(D) The town shall notify the Pinellas County Tax Collector to ensure the Owner is remitting the appropriate county and or state four percent Tourist Development Tax during the pendency of the prohibited use.

Yes I approve \_\_\_\_

No I disapprove \_\_\_\_\_