

RESOLUTION NO. 10-2023

A RESOLUTION OF THE TOWN OF REDINGTON SHORES, FLORIDA, ADOPTING A SHORT-TERM MORATORIUM ON ACCEPTING OR PROCESSING OF APPLICATIONS FOR CERTIFICATES OF USE OR BUSINESS TAX RECEIPTS FOR NEW TRANSIENT ACCOMMODATIONS IN THE RS-7, RS-10, RD-15, AND RM-15 ZONING DISTRICTS; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, the Town’s Land Development Code (LDC) has prohibited transient rentals in the RS-7, RS-10, RD-15, and RM-15 zoning districts; and

WHEREAS, the Town has recently completed the adoption of Ordinance 23-10, which made a variety of updates to the LDC; and

WHEREAS, the exordial clauses within Ordinance 23-10 confirm that the revisions made in the Ordinance were to ensure the LDC was up to date with current sign code caselaw, current state statutes, and to remove, revise or clarify existing language or terms which may be outdated, unclear, or inconsistent or in conflict with other language or terms in the LDC; and

WHEREAS, the Town Commission has expressly confirmed in the numerous workshops and meetings conducted over the LDC project that the amendments were not intended to alter any substantive development or use rights in any given zoning district; and

WHEREAS, after the adoption of Ordinance 23-10, the Town staff realized that during the editing and re-editing process of the entire LDC, which included the desire to clarify definitions including the definition of “transient rental”, that “transient rental” was instead inadvertently and unintentionally stricken from the list of prohibited uses in the RS-7, RS-10, RD-15, and RM-15 zoning districts; and

WHEREAS, in adopting Ordinance 23-10, the Commission had no intention of removing “transient rental” as a prohibited use in these zoning districts; and

WHEREAS, the Town is now in the process of adopting Ordinance 23-14 to correct this drafting error and reinstate “transient rental” remedy this deficiency; and

WHEREAS, to prevent any inadvertent grant of certificates of use or business tax receipts for new transient rentals in the RS-7, RS-10, RD-15, and RM-15 zoning districts prior to Ordinance 23-14’s adoption, the Town Commission determines that a short-term moratorium on acceptance of new applications for certificates of use or business tax receipts for new transient rentals in the RS-7, RS-10, RD-15, and RM-15 zoning districts be adopted; and

WHEREAS, as confirmed by *WCI Communities, Inc. v. City of Coral Springs*, 885 So.2d 912 (Fla. 4th DCA 2004) and similar cases, the use of short-term moratoria on the processing of development or permit applications to preserve the status quo while formulating regulatory land use schemes is a lawful measure; and

WHEREAS, the Commission finds that adoption of this resolution is in the best interests of the Town and its citizens and property owners.

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

Section 1. As of the effective date of this Resolution, the Town staff shall not accept or process applications for new certificates of use or business tax receipts for new transient rentals in the RS-7, RS-10, RD-15, and RM-15 zoning districts. This prohibition does not apply to any transient rental which may have been lawfully operating due to a grandfathered status prior to the adoption of Ordinance 23-10.

Section 2. This moratoria shall expire either in ninety (90) days from the effective date of this Resolution, or until Ordinance 23-14 becomes effective, whichever occurs first.

BE IT FURTHER RESOLVED that 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.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption.

DULY ADOPTED with a quorum present and voting this 27th day of October, 2023.

Marybeth Henderson, Mayor

Attest:

Jolie Patterson, Acting Town Clerk