

**SPECIAL WORKSHOP MEETING  
BOARD OF COMMISSIONERS  
TOWN OF REDINGTON SHORES  
MONDAY, APRIL 17, 2023 – 5:00 P.M.  
AGENDA**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**APPEARANCES AND PRESENTATIONS**

Luis Serna- Discussion of Land Development Code Language

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**MISCELLANEOUS**

Special Workshop Meeting- Tuesday, April 25, 2023- 5:00 p.m.

Workshop Meeting- Wednesday, April 26, 2023 – 5:00 p.m.

Regular Meeting- Wednesday, May 10, 2023 – 6:00 p.m.

Workshop Meeting- Wednesday, May 31, 2023 – 5:00 p.m.

**ADJOURNMENT**

“Persons are advised that, if they decide to appeal any decisions made at this meeting, they will need a record of the proceedings, and, for such purpose, they 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 to be based.”

“The Town maintains a tape recorder for all public hearings. In the event that you wish to appeal a decision, the tape may or may not adequately ensure a verbatim record of the proceedings. Therefore, you may wish to provide a court reporter at your expense.”

## Chapter 90 LAND DEVELOPMENT REGULATIONS<sup>1</sup>

### ***PART 1. BUILDINGS AND BUILDING REGULATIONS<sup>2</sup>***

#### *ARTICLE I. GENERAL PROVISIONS*

##### **Sec. 90-1. Codes adopted by reference.**

- A. The following codes, including their latest editions and revisions, now in effect or as hereinafter may be modified and amended, as adopted by the Pinellas County Construction Licensing Board under Chapter 75-489, Laws of Florida, Parts I and II, and/or adopted by this section, are hereby adopted by reference as the codes to be followed in the Town of Redington Shores, Florida: the 2010 Florida Building Code (FBC), as effective March 15, 2012, as may be amended from time to time. Any reference made in this Chapter 90 to "Building Code" means the Florida Building Codes (FBC), or the current edition thereof if the same has been amended as foreseen above.
- B. The Planning and Zoning Board of the Town of Redington Shores, Florida, or, as applicable to the context, the Pinellas County Construction Licensing Board (PCCLB), is hereby designated as the board of adjustments and appeals pursuant to the land development regulations of the town, the Florida Building Codes and the Florida Fire Code (See also section 90-126).
- C. The Building Officials of Florida Model Administrative Code as attached, and the following administrative amendments to the Florida Building Code, Building to specifically apply higher standards contained therein for Town Codes Enforcement.

(Ord. No. 10-02, 4-28-2010; Ord. No. 13-03, § 1; 5-8-2013; Ord. No. 19-04 , § 1, 10-9-2019)

##### **Sec. 90-2. Applications and fees.**

- A. Application fees shall be as established by the board of commissioners.
- B. For construction or alterations, three copies of proposed plans and specifications shall be submitted containing all required information as specified in the Florida Building Code.

##### **Sec. 90-3. Additional regulations.**

In addition to the Florida Building Code, the following regulations shall govern all construction in the town:

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<sup>1</sup>Editor's note(s)—Adopted by the Board of Commissioners of the Town of Redington Shores as indicated in Part histories.

Cross reference(s)—Penalties for offenses, Ch. 1, Art. II; Planning, Ch. 32; Adult uses, Ch. 51; Animals, Ch. 56; Noise, Ch. 101; Sewers, Ch. 124; Streets and sidewalks, Ch. 129.

<sup>2</sup>Editor's note(s)—Adopted 3-1-1977 by Ord. No. 77-2 as Ch. 4 of the 1977 Code; amended in its entirety 12-12-2007 by Ord. No. 07-06.

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- A. It shall be the duty of every contractor or builder or subcontractor who shall make contracts for the erection or construction or repair of buildings for which a permit is required in the town to pay a license registration tax as provided in the general business tax ordinance of said town or any amendments thereto.<sup>3</sup> Each contractor or builder shall register his or her name in a book provided for that purpose with the town clerk, giving full name, residence and place of business, contractor's license number, and shall furnish the town clerk with the name, residence and place of business of all his or her subcontractors. Failure of any contractor, builder or subcontractor to pay such registration tax shall be grounds for refusal to issue a permit or for revocation of an existing permit.
- B. Grading:
- (1) The legal established grade shall be the highest point of any street bounding the land to be filled, altered or built upon.
  - (2) Anything in this Part 1 to the contrary notwithstanding, no property may be graded above the adjoining existing grade unless adequate drainage is provided to prevent flooding to the adjoining properties.
- C. Finished floor slabs shall be at least six inches above the legal established grade.
- D. Reserved.
- E. If the construction of electrical work, plumbing or drainage or the alteration thereof is to be made or executed by any other person than the owner of the land in fee, such person shall furnish a statement from the owner or power of attorney stating that he or she is duly authorized to have said work done by duly qualified contractors.
- F. Open area and accessory structures.
- (1) Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in the rear or side yard and except for the ordinary projections such as skylights, sills, belt courses, cornices and ornamental fixtures projecting not to exceed 24 inches. This requirement shall not prevent construction of fences, ornamental coping design or ornamental shrubbery within landscape buffers and fencing guidelines. Roof overhangs in front and rear yards may extend up to 36 inches.
  - (2) An accessory structure shall observe the setback regulations for the district in which it is located. An accessory structure shall not include cooking facilities, and no cooking or other preparation of food shall be allowed in any accessory structure.
  - (3) No accessory sheds, utility buildings, or lockers, etc. shall exceed ten feet, measured from grade to the highest point of the structure.
  - (4) No accessory structure of any type, including decks that are attached to the principal structure, are permitted to be built on the top of the roof of a single family or a duplex structure that leaves the undercarriage of the structure exposed. For the purpose of this subparagraph, a roof shall be defined as that element of a building that covers the top of a building as a wall covers the side of the building.
- Exceptions:
- (a) Accessory structures such as roof decks are permitted, providing the construction of the deck is in such a manner that the undercarriage of the structure is concealed with an

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<sup>3</sup>**Editor's note**—See Ch. 133, Taxation, Art. I.

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exterior wall structure that maintains the continuity of the existing structure and meets all applicable building codes.

- (b) Other decks attached to the sides of a structure that meet all side, front and rear setbacks and meet all applicable building codes with an exposed undercarriage.
  - (c) All plans for any such deck or structure are subject to site plan review.
- G. Wood-constructed, masonry or metal prefabricated utility rooms, sheds or lockers, etc., may be constructed within the confines of a carport or in storage areas under elevated principal structures where it is possible to place such items in those locations. Where such placement is not possible, they may be constructed as extensions of a principal structure or as a separate accessory structure. They shall be constructed in accordance with the following requirements:
- (1) Metal, wood or masonry sheds may be constructed near of the front line of the principal structure. All utility rooms or sheds erected or constructed in accordance with this subsection shall be placed and anchored on a concrete slab not less than three and one-half inches thick or be firmly fastened to the ground with no fewer than four anchors of the screw-auger type, having a five-eighths-inch shaft, six inches in diameter and four feet long minimum, or the arrowhead type, deadman type or equivalent with a horizontal area of at least 28 square inches, not less than 38 inches below the surface of the ground. Any wooden beams or other wood that protrudes into or is adjacent to any ground or concrete shall be pressure-treated.
  - (2) All utility rooms, etc., shall be placed in conformity to setback regulations for accessory structures, except that five-foot-minimum side setbacks may be reduced to two feet when such structures must be placed within such setbacks. No such structures shall exceed 100 square feet in area. This section shall not be construed to allow any storage shed, etc., to be placed within any existing setback from any seawall.
- H. In addition to all other requirements of the Pinellas Gulf Beaches Coastal Construction Code, Florida Building Code, all nonexpendable structures in windload zones 2 and 3 shall be designed to withstand one-hundred-thirty-mile-per-hour hurricane intensity windloads, as amended.
- I. The town adopts by reference the Pinellas County Drainage Regulations which require on-site management of stormwater runoff in a manner so that post-development condition rates do not exceed predevelopment conditions.
- (1) New developments and redevelopments shall use front, rear and side lot line swales.
  - (2) New developments shall utilize erosion/runoff control devices during construction.
  - (3) During the site plan review, the developer shall consider vegetation which strengthens seawall areas.
  - (4) All new development must be consistent with the department of environmental regulation Chapter 17-312 F.A.C. Dredge and Fill, as amended.
  - (5) Any new development must be consistent with Southwest Florida Water Management District Regulations 17-40D-4 and 17-40D-40, as amended.
- J. Local Amendments to the Florida Building Code, Building.
- (1) Amend Section 107.3.5 as follows:
    - 107.3.5 Minimum plan review criteria for buildings.**
    - Commercial Buildings: Building**
    - 8. Structural requirements shall include:

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Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), flood damage-resistant materials.

**Residential (one- and two-family):**

6. Structural requirements shall include:

Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, declaration of land restriction (nonconversion agreement), equipment, and flood damage-resistant materials.

(2) Amend Section 202 Definitions as follows:

**SUBSTANTIAL IMPROVEMENT.** Any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a one (1)-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to May 8, 2013. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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 is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Costs for repairs whose express purpose is to repair wind and flood damage to pre-damage condition, provided the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 49 percent of the market value of the structure before the damage occurred.

(3) Amend Section 1612 as follows:

**1612.4.1 Modification of ASCE 24.** Reserved.

**1612.4.2 Modification of ASCE 24 (Coastal A Zone).** Section 4.5.13 in ASCE 24 shall be modified as follows:

1. Paragraph 1 shall be modified: "In Coastal High Hazard Areas and Coastal A Zones, stem walls shall not be permitted."
2. Paragraph 2 shall be deleted.

**1612.4.3 Elevation requirements.** The minimum elevation requirements shall be as specified in ASCE 24 or:

1. For residential buildings, the base flood elevation plus 3 feet, whichever is higher.
2. For nonresidential buildings, the base flood elevation plus 2 feet, whichever is higher.

K. Local Amendments to the Florida Building Code. Existing Building.

Amend Section 202 Definitions as follows:

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**SUBSTANTIAL IMPROVEMENT.** For the purpose of determining compliance with the flood provisions of this code, any combination of repair, reconstruction, rehabilitation, alteration, addition or other improvement of a building or structure taking place during a one (1)-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. The period of accumulation begins when the first improvement or repair of each building is permitted subsequent to May 8, 2013. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

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 is the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
3. Costs for repairs whose express purpose is to repair wind and flood damage to pre-damage condition, provided the costs of such measures, plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 49 percent of the market value of the structure before the damage occurred.

L. Local Amendments to the Florida Building Code. Residential.

- (1) Amend Section R322.2 as follows:

**R322.2.1 Elevation requirements.**

1. Buildings and structures in flood hazard areas including flood hazard areas designated as Coastal A Zones, shall have the lowest floors elevated to or above the base flood elevation plus 3 feet (mm), or the design flood elevation, whichever is higher.
2. In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated to a height above the highest adjacent grade of not less than the depth number specified in feet (mm) on the FIRM plus 3 feet or not less than 5 feet if a depth number is not specified.
3. Basement floors that are below grade on all sides shall be elevated to or above base flood elevation plus 3 feet or the design flood elevation, whichever is higher.

Exception: Enclosed areas below the design flood elevation, including basements with floors that are not below grade on all sides, shall meet the requirements of Section 322.2.2.

- (2) Amend Section R322.3 as follows:

**R322.3.2 Elevation requirements.**

1. Buildings and structures erected within coastal high-hazard areas and Coastal A Zones, shall be elevated so that the bottom of the lowest horizontal structure members supporting the lowest floor, with the exception of pilings, pile caps, columns, grade beams and bracing, is elevated to or above the base flood elevation plus 3 feet or the design flood elevation, whichever is higher.
2. Basement floors that are below grade on all sides are prohibited.
3. The use of fill for structural support is prohibited.

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4. Minor grading, and the placement of minor quantities of fill, shall be permitted for landscaping and for drainage purposes under and around buildings and for support of parking slabs, pool decks, patios and walkways.
  5. Walls and partitions enclosing areas below the design flood elevation shall meet the requirements of Sections R322.3.4 and R322.3.5.

**R322.3.3 Foundations.** Buildings and structures erected in coastal high-hazard areas and Coastal A Zones shall be supported on pilings or columns and shall be adequately anchored to such pilings or columns. The space below the elevated building shall be either free of obstruction or, if enclosed with walls, the walls shall meet the requirements of Section R322.3.4. Pilings shall have adequate soil penetrations to resist the combined wave and wind loads (lateral and uplift). Water-loading values used shall be those associated with the design flood. Wind-loading values shall be those required by this code. Pile embedment shall include consideration of decreased resistance capacity caused by scour of soil strata surrounding the piling. Pile systems design and installation shall be certified in accordance with Section R322.3.6. Spread footing, mat, raft or other foundations that support columns shall not be permitted where soil investigations that are required in accordance with Section R401.4 indicate that soil material under the spread footing, mat, raft or other foundation is subject to scour or erosion from wave-velocity flow conditions. If permitted, spread footing, mat, raft or other foundations that support columns shall be designed in accordance with ASCE 24. Slabs, pools, pool decks and walkways shall be located and constructed to be structurally independent of buildings and structures and their foundations to prevent transfer of flood loads to the buildings and structures during conditions of flooding, scour or erosion from wave-velocity flow conditions, unless the buildings and structures and their foundations are designed to resist the additional flood load.

(Ord. No. 15-01, § 1, 4-8-2015; Ord. No. 18-01 , § 1, 4-11-2018; Ord. No. 19-04 , § 1, 10-9-2019; Ord. No. 21-02 , § 1, 3-10-2021)

#### **Sec. 90-4. Permit required; exceptions.**

Except as indicated below, notice shall be given to the building department and a building permit obtained for any repair, replacement or construction within the Town of Redington Shores.

- A. The following work may be done without notice to the building department and without obtaining a building permit: any activity identified within the Florida Building Code schedule of work not requiring permits, and for which a permit is not otherwise required by the town.
- B. Permit application fees, including those required per section 90-20, shall be paid and the plans and specifications for said construction, shall be submitted to and approved by the town prior to any construction.

## **ARTICLE II. FENCES**

#### **Sec. 90-5. Construction standards.**

Fences constructed within the town shall be constructed and located in the following manner:

- A. *Definitions.* For the purpose of this article, certain words and terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is mandatory and not directory. Said definitions are as follows:

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*Fence*—A manmade barrier, of manmade materials, erected for the purposes including, but not limited to, enclosure, exclusion, protection, privacy, security, retainment, and aesthetics and located at the perimeter of or within the required yards of private property. This definition shall include the term "wall" as it is commonly used.

*Structure*—Anything constructed, erected, or installed, whether permanent or portable, the use of which requires a location on the ground or attached to something having a location on the ground. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building. "Structure" includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. "Structure" also includes signs and swimming pools, etc.

*Yard, front*—That area of a lot, open, unoccupied and unobstructed by any structure or use, extending between side lot lines across the front of a lot adjoining a public or private street.

*Yard, rear*—That area of a lot extending between side lot lines and lying between the rear lot line and the nearest foundation of the primary building or structure.

*Yard, secondary front*—For corner lots, that area of the lot located adjacent to a right-of-way and perpendicular to, or most closely thereto, the front yard.

*Yard, side*—That area of a lot extending the length of the primary structure and being the minimum horizontal distance from the respective side lot line to the primary structure.

B. *Material.*

- (1) Fences shall be constructed of plastic, masonry, metal or wood fencing materials of open design which will not interfere with air movement (at least 45 percent of the fence shall be open space). Exception: If any portion of a fence is located within 25 feet of any seawall, waterway, or property line (whichever is most restrictive) adjacent to or fronting on the Gulf of Mexico, the inland waterway or any bays or canals within the Town of Redington Shores, then that portion only shall be required to have at least 70 percent open space. In no case shall any fence constructed or erected within the town have an open area between planks or other construction material greater than four inches.
- (2) No fence may be constructed of scrap materials.
- (3) Within the limits of the Gulf Boulevard Overlay District (GBOD), any fence shall be designed and constructed of masonry, wood or other appropriate materials as approved by the building official that meet the design intent of section 90-107.
- (4) All fences and walls shall be maintained in good appearance and condition by the property owner.

C. *Location and height.*

- (1) Height measurements. All height measurements for purposes of this article will be from the average ground elevation. These measurements are to be established by the building official based on the existing average ground elevation of the property abutting the lot on which the fence is erected, or the average ground elevation of the property on which the fence is erected, whichever is lower, at the time immediately prior to the erection of the fence.
- (2) Front yards and secondary front yards. No fence may be constructed on, within, or enclosing the front yard or secondary front yard of any lot in residential zones, except as buffer requirements for vehicular use areas, or as approved by site plan.
- (3) Side yards. Side yard fences (except as otherwise provided) may run from the rear lot line to a point in line with the nearest adjacent front corner of the main structure and may be returned to

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the primary structure at that point. If the fence is returned to the primary structure on both sides, a three-foot wide pass-through or gate shall be provided in one side return to provide access to the rear yard in an emergency. Any fence which is constructed on, within, or enclosing the side yard of any lot shall not exceed six feet in height.

- (4) Rear yards facing water. Any fence constructed on, within, or enclosing the rear yard of any lot adjacent to or fronting on the Gulf of Mexico, the inland waterways or any bays, canals or seawalls within the Town of Redington Shores shall not exceed four feet in height.
  - (5) Rear yards not facing water. Any fence constructed on, within, or enclosing the rear yard of any lot which is not adjacent to or fronting on the Gulf of Mexico, the inland waterways or any bays, canals or seawalls within the Town of Redington Shores shall not exceed six feet in height. Exception: If the primary structures on two adjoining lots are so situated that they are perpendicular to each other, such that the rear yard of one lot would be the side yard of the other lot, then any fence which is erected or constructed on this rear yard/side yard lot line may not exceed four feet in height. The intent of this exception is to ensure that any fence constructed or erected adjacent to any side yard of any property within the town shall not exceed four feet in height, and this exception shall be interpreted in conformity with such intent.
  - (6) Any lot not containing a primary structure. Any fence which is constructed on, within or enclosing any lot which is undeveloped or which does not contain a primary structure shall not exceed four feet in height.
  - (7) Under no circumstances shall any fence constructed or installed within the Town of Redington Shores exceed six feet in height.
  - (8) Fences may be built to enclose rear and side yards, but not front yards.
- D. *Retaining walls.* A retaining wall not exceeding two feet in height may be constructed anywhere within the confines of an owner's property.
- E. *Permits.* No fence or retaining wall shall be constructed until a plot plan of the lot on which the fence or retaining wall is to be built, showing the existing buildings, if any, proposed location, height, construction and material of the fence or retaining wall, shall be submitted in triplicate to the building department with an application for a building permit. Upon approval of the building inspector or, in his or her absence, the building commissioner, a building permit will be issued for erection of the fence or retaining wall.

(Ord. No. 17-06 , § 1, 11-8-2017)

### **Sec. 90-6. Exceptions to construction standards.**

- A. Upon the approval of the building inspector or, in his or her absence, the building commissioner, wooden fences or, upon approval of the planning and zoning board for exceptional circumstances and in hardship cases, masonry walls not to exceed six feet in height shall be allowed to be constructed within the town for, but only for, the purposes of acting as a shield between residential and commercial properties and as may be necessary in order to enclose from the public view nuisances such as garbage cans and garbage dumpsters. It shall still be necessary to obtain the permit mentioned in section 90-5 E. prior to the construction of any fence or wall constructed pursuant to this exception.
- B. Failure of the owner/tenant of the property to maintain the improvements as set forth in this section shall make such owner and/or tenant subject to code enforcement procedures identified within section 70-103.

### **ARTICLE III. RESERVED**

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**Secs. 90-7, 90-8. Reserved.**

*ARTICLE IV. SEAWALL, GROIN, BULKHEAD, JETTY AND BOAT LIFT*

**Sec. 90-9. Coastal Construction Code adopted.**

- A. The Pinellas Gulf Beaches Coastal Construction Code is part of the Florida Standard Building Code and concerns coastal construction in the State of Florida (adopted January 19, 1979). The positioning of coastal construction in Pinellas County is regulated by the Pinellas County Coastal Construction Control Line (PCCCCCL), adopted January 16, 1979.
- B. The Town of Redington Shores hereby adopts, by reference, the Coastal Construction Code and the Pinellas County Coastal Construction Control Line as the coastal construction and positioning code of this town. Whenever a conflict develops between the adopted codes and the provisions of this article, the more conservative provision, in the judgment of the building inspector, shall prevail.

**Sec. 90-10. Permitted construction; standards.**

A boat lift or hoist or davit, safe, adaptable and suitable to lift and lower a boat, is permitted to be built, constructed or erected upon any dock or seawall within the town, provided that the same is designed and constructed and readily adaptable for said use intended and that the same can be reasonably operated so as not to cause foreseeable injury or damage to person or property; also, so that said hoist mechanism shall not be higher than nine feet above the dock or seawall to which the same is affixed; and also, so that the design of the same, including watercraft docked thereto, will not unreasonably obstruct the co-use of the waterfront by owners or occupants of adjacent property. Fees shall be as set forth in this chapter.

**Sec. 90-11. Construction over water.**

It shall be unlawful to:

- A. Construct, maintain or alter any boathouse within the Town of Redington Shores, Florida.
- B. Construct, maintain or alter any boat lift, ramp or other device which, together with the piling or other structure constituting a portion of the same, will stand higher than six feet above the crown of the nearest road, street or thoroughfare.

**Sec. 90-12. Design criteria for private docks.**

In addition to the design criteria for all private docks regulated by the Pinellas County Water and Navigation Control Authority, the following additional design criteria shall apply to those private docks lying within the municipal boundaries of the Town of Redington Shores, Florida:

- A. Private docks, boat lifts and davits to be constructed in the waters of the town shall be constructed so that the length of the dock shall not extend from the mean high water line or seawall of the property further than one-half the width of the property at waterfront. This requirement may be waived by the building commissioner, provided that signed statements of no objection from both adjacent waterfront property owners have been submitted, or the building commissioner may refer the matter to the board of commissioners for decision.
- B. 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

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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.

### **Sec. 90-13. Design criteria for commercial and multiuse private docks.**

In addition to the design criteria for all commercial and multiuse private docks regulated by the Pinellas County Water and Navigation Control Authority, the following additional design criteria shall apply to those commercial and multiuse private docks lying within the municipal boundaries of the Town of Redington Shores, Florida: docking facilities constructed in the waters of the town shall be constructed so that the width of such facilities shall not exceed 75 percent of the width of the property at the waterfront and shall be further constructed so that the length of the facility shall not extend from the mean high water line or seawall of the property further than 75 percent of the width of the property at the waterfront; all docking facilities must be located so that no portion of the proposed facility is closer to either adjacent extended property line than ten percent of the property width at the waterfront; multiuse private and commercial docks abutting adjacent waterfront residential property must be set back a minimum of one-third of the applicant's waterfront property width from the adjacent waterfront residential property. This requirement may be waived by the board of commissioners, provided that signed statements of no objection from the affected property owners have been submitted.

### **Sec. 90-14. Structures upon docks, seawall, jetties and groins.**

- A. Residential zone.
  - (1) No structure shall be constructed on any seawall, bulkhead, retaining wall, jetty, groin, tie pole or dock in any residential zone, except railings or ornamental fixtures, which structure shall not exceed four feet in height above the top of the nearest seawall cap.
  - (2) Davits as approved by the building inspector may be allowed.
- B. Business or commercial zone. No structure shall be built on any groin, jetty or adjoining jetty or seawall, in any business or commercial zone within the town, until the plans and specifications therefor shall have been submitted to the building inspector and approved by the building inspector and the building commissioner.
- C. Docks shall be constructed in accordance with the following:
  - (1) All piling shall be of precast concrete or of pressure-treated wood piling. Concrete 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. Wood piling shall be pressure-treated piling having a diameter of not less than eight inches measured three feet from the butt end 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 and one half-inch diameter steel rods running the entire length thereof and covered by at least two inches of concrete.
  - (3) Piling shall not project above the surface of the water or land higher than six feet above the crown of the nearest street, road or thoroughfare.
  - (4) All wood incorporated in docks shall be pressure-treated wood or vinyl treated or equal, and all nails and bolts shall be hot galvanized or better.
  - (5) In all other respects, construction of docks within the town shall conform to the minimum specifications or better of the Pinellas County Water and Navigation Control Authority at any time in force.

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- (6) Anything herein to the contrary notwithstanding, there may be placed adjacent to any one dock not more than four tie poles which shall be pressure-treated timber, which, when installed, shall be located no less than one foot within the extension of the side property lines, shall be no more than 50 feet from the seawall and shall not extend more than six feet above the crown of the nearest street, road or thoroughfare; and no more than one dock may be constructed appurtenant to any tract of land constituting one ownership; provided that, in the case of multiple dwellings situated upon one tract of land comprising one ownership, more than one dock may be constructed upon application to and recommendation by the planning and zoning board and approval of the board of commissioners. Signed statements of no objection from both the adjacent affected property owners shall be submitted to the building department prior to referring the matter to the planning and zoning board and the board of commissioners for decision.
  - (7) Anything herein to the contrary notwithstanding, one light standard incorporating a light fixture that will not be blinding to boat traffic, not exceeding six feet above the crown of the nearest street, highway or thoroughfare, may be erected upon a dock, provided that the wiring to such light be run from any existing structure underground and under such dock.
  - (8) The platform of any dock shall not exceed in height the crown of the nearest road, highway or thoroughfare.
- D. Commercial docks shall be constructed in such a manner so as to equal or better the construction requirements set out herein for residential docks.

**Sec. 90-14.1. Removal of debris, residue, tools and equipment.**

- A. It shall be unlawful to permit debris, residue, tools and equipment resulting from or used during the progress of the work done under this article to remain on any adjoining or adjacent lots, alleys, streets, waterway or thoroughfares for more than seven days after completion of said work, and the responsibility for removal thereof is hereby fixed upon the person, firm or corporation in whose name the aforesaid permit is issued. If such debris, residue, tools or equipment heretofore mentioned are not removed within the aforesaid seven-day period, in addition to the penalties for violation thereof, the building inspector may enter upon any premises upon which the same is found and employ such labor and take such steps as may be reasonably required to remove the same, and the cost and expense of such removal shall thereupon be and become a lien upon the premises improved by the work for which the aforesaid permit was issued.
- B. It shall also be unlawful to permit or allow any debris, residue, tools, equipment or any other matter whatsoever to float free upon or remain in the waters of the Gulf of Mexico, any bay head or any channel within the town.

**Sec. 90-15. Prohibited acts regarding seawalls.**

- A. It shall be unlawful to build, construct or alter any beachfront seawall or part thereof or any projections or prolongations thereof in the town without conforming to the provisions contained in these specifications.
- B. It shall be unlawful to raze, alter or move any seawall or any part thereof already erected or hereafter erected except as in accordance with the provisions of these specifications.

**Sec. 90-15.1. Seawalls required.**

No building permit shall be issued under any building ordinance of the town for the erection of any building or structure on waterfront property which does not have a seawall, bulkhead or retaining wall conforming to the requirements of this article. This section shall not apply to any lot, parcel or tract of land for which a building permit to construct a seawall or bulkhead has been issued, or on which a sound seawall currently exists.

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### **Sec. 90-15.2. Improved property.**

All developed lots, parcels or tracts of land which abut the Gulf of Mexico or the intercoastal waterway and its extensions or tributaries shall install seawalls, bulkheads or retaining walls in conformance to the standards set forth in this article. To promote the health, safety and general welfare of the citizens and residents of the town, the commission may, by resolution, require that any lot, parcel or tract of land not so completed be seawalled or bulkheaded or have a retaining wall installed.

### **Sec. 90-15.3. Costs to constitute lien.**

If the town commission authorizes the seawalling, etc., of property, it shall, by resolution, assess a lien on behalf of the town against such land for the actual cost of such work, including material, as performed by the town. A notice of lien in such form as the town commission shall determine may be filed in the office of the clerk of the circuit court of the county and recorded as other liens are recorded. The same, upon recording, shall be constructive notice of the existence of such lien which may be foreclosed by the town in the manner in which mortgages are foreclosed in the circuit court of the county.

### **Sec. 90-15.4. Seawalls: construction specifications.**

All seawalls constructed, altered, projected or prolonged shall conform to or exceed the following minimum standards:

A. *General.*

- (1) All seawalls shall be of concrete construction, utilizing tongue and groove or other approved method of sheet pile construction, with poured-in-place cap. The seawall shall be constructed with portland cement Type II and Class IV concrete. Alternate concrete compositions may be acceptable, provided that they afford equivalent structural strength and protection from deterioration due to exposure to salt water. Use of alternate concrete compositions shall be considered a variance and so specified as required in these specifications. Concrete shall have a minimum test strength of 4,000 pounds per square inch (psi) at 28 days. Reinforcing steel shall consist of ASTM Grade 60 (60,000) psi deformed reinforcing bars. All reinforcing steel shall be epoxy coated for seawall slabs; caps and anchors shall be covered with a minimum of three inches of concrete. This requirement also pertains to cap reinforcement at expansion joints. Steel splices shall have a minimum overlap of not less than 24 times the reinforcing bar diameter. A standard concrete compression cylinder sample shall be taken and tested for each 50 cubic yards or portion thereof for each day during which concrete is poured.
- (2) Backfill between seawalls and anchor blocks shall consist of only clean sand, free of clay or organic material. Surface grades behind seawalls shall not slope greater than ten percent between seawalls and anchor blocks.
- (3) Stone rubble toe scour protection shall be constructed along the exposed face of all replaced or repaired seawalls.

- B. *Slabs.* Concrete sheet pilings shall have a minimum penetration of 60 percent (but no less than 16 feet in length). Sheet piling slabs shall have a minimum thickness of eight inches and shall contain adequate vertical reinforcing steel placed along the central axis of the slabs to withstand an ultimate strength bending moment of not less than 13.7 kips per foot width ( $M_u = 13.8 \text{ ft. kips/ft.}$ ). Sheet piling shall also contain horizontal reinforcement steel not smaller than No. 5 bars not spaced wider than 12 inches on center. Custom formed sheet pilings shall be fabricated as necessary to ensure tight, snug joints between existing seawall slabs and replacement slabs. In the event that during installation the vertical

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alignment perpendicular to the axis of the wall of any sheet piling exceeds two percent from true vertical, a custom sheet piling shall be fabricated to correct the vertical alignment. Seawall sheet piling may be fabricated on site. Bottom of slabs, however, shall be cast on plywood or other flat surface covered with a polyethylene vapor barrier. Vapor barriers shall also be used to protect the surface of newly poured slabs against adverse weather. Notches may be fabricated at one bottom corner of each slab to facilitate setting the slabs. Such notches, however, shall not be greater than 18 inches in height or 12 inches in width.

- C. *Cap.* The seawall cap shall be poured in place and shall have a minimum width of 22 inches and a minimum depth of 16 inches. Embedment of sheet pilings into the cap shall be six-eighths inches. Finished seawall cap elevations shall be between seven and one-half feet and eight and one-half feet N.G.V.D. Expansion joints between one-half inch and three-fourths inch shall be provided at spacings not to exceed 40 feet. Expansion joints shall be located no less than one foot from slab joints, and expansion joints shall be filled with proper expansion material. Seawall caps shall contain four longitudinal reinforcing bars not less than No. 6 size and No. 5 stirrups not more than nine inches on center within a quarter span of anchor rods and 18 inches on center for the remaining span.
- D. *Anchor rods.* Anchor rods shall be spaced at intervals of not more than ten feet along the length of the seawall. Anchor rods shall be protected from exposure to air by either encasing the rods in a concrete jacket not less than eight inches by eight inches in section or by completely coating the bars with epoxy and encasing them in a heavy gauge SCH.40 continuous PVC sleeve. If PVC sleeves are used, they shall be embedded three inches into both the seawall cap and the anchor blocks. Double anchor rods shall be used to secure the seawall cap on both sides of expansion joints. Anchor hooks (90°) within the seawall cap shall be embedded to a distance of not less than 18 times the anchor rod diameter. The minimum length of anchor rods, as measured between the seawall cap and the seawall face of the anchor block, shall be 16 feet.
- E. *Anchor blocks (deadmen).* Concrete anchor blocks may be prefabricated or formed on site. Anchor blocks shall be placed or formed on compacted fill or undisturbed soil. The bottom of anchor blocks shall be not less than five feet below the seawall cap elevation. Anchor blocks shall have a minimum width of five feet, a minimum surface area perpendicular to the anchor rods of seven and one-half square feet and a minimum thickness of one foot. Anchor blocks shall contain six reinforcing rods each way at six inches OC not less than No. 5 size and welded together. Anchor rods shall be attached to the center of the anchor blocks between one-third and one-half the height of the block above the bottom of the block and shall be welded to anchor block mat.
- F. *Return walls.* Anchored return walls not less than 20 feet in length shall be provided at a spacing not to exceed 200 feet. In the event that a seawall is to be rebuilt or replaced adjacent to an existing seawall which does not have a return wall, then a return wall shall be installed at the end of the rebuilt or replacement wall.
- G. *Joints between sheet piling.* Joints between sheet piling shall not be sealed but shall be left open for drainage purposes. Poly filter-X or filter fabric of equivalent quality shall be secured to the landward side of the joints and shall be extended down to an elevation not higher than minus two (-2) feet N.G.V.D. Filter fabric shall also be placed behind weep holes, form holes or any other openings in the sheet pilings.
- H. *Toe scour protection.* Stone rubble shall be used to provide toe scour protection for all replacement or repaired seawall. Individual stones shall be between 50 (six-inch) and 500 (eighteen-inch) in size and shall consist of sound angular units free of cracks or scars. Stones five pounds to 50 pounds may be used to fill voids between larger stone units. Such smaller stone shall not be used as cover stone. The maximum dimension of any stone unit shall not exceed the minimum dimension by a factor greater than three. Stone units shall be individually placed so as to obtain maximum density of stone units (saturated surface dry) and shall be greater than 140 pounds per cubic foot. The toe scour protection

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shall extend a minimum of 14 feet seaward of the wall, and the grade elevation under the seaward units shall not be above minus one (-1) foot N.G.V.D. Poly filter-X or equivalent filter fabric shall be placed loosely on grade before stone placement. Seams shall have a minimum overlap of two feet, and seams shall be oriented perpendicular to the seawall alignment. The elevation of the crown stone shall not be less than plus five (+5) feet N.G.V.D. if sixteen-foot sheet piling slabs are used. The height of the crown stone units may be lowered to plus four (+4) feet N.G.V.D. if the length of the sheet piling slabs is 18 feet or greater. The height of the rubble adjacent to the seawall shall not be less than four feet. The slope of the armor units shall not exceed one vertical to two horizontal.

- I. *Forms.* No forms for seawall cap or slab may be moved or removed for a period of seven days after pour without the written approval of the building inspector.
- J. *Variances.* Variances to the provisions contained in these specifications may be granted, provided that such variances do not lessen the structural integrity of the structure or exposed adjacent structures to increase risk of damage during severe storm conditions. Certification by a registered architect or professional engineer must accompany any variance requests.
- K. *Inspections.* It shall be the duty of the building inspector or such other person as may be designated by the town commission to periodically inspect the existence and condition of all seawalls thereof within the town, and should it be found that any of the same or any portion thereof are in such a state of disrepair or deterioration or were originally constructed in such a manner as to pose a possible threat of loss or damage to adjacent properties and seawalls during storm conditions, the building inspector or other person designated to make such inspection shall so advise the town commission. If the board of commissioners determines that there is probable cause to believe that a violation of this section exists, the mayor or his or her designee will give notice, in writing, to the owner or agent of the lot or parcel where the violation exists stating the date, time and place that the board of commissioners will hold a hearing on the alleged violations. If the board finds that a violation exists, a directive will be sent to the owner or agent of the lot giving notice of such determination and the owner shall have an additional 30-day period to remove and replace such seawall, and failure or neglect to so remove and replace or repair such seawall shall constitute a further violation of this section; and thereafter, the town may remove the same and the cost shall be deemed a lien against the land to which said seawall is appurtenant.
- L. *Conformance; alternative materials and aluminum seawalls.* All seawalls constructed, altered, projected or prolonged on property fronting the bay waters in the town shall conform to or exceed the above minimum standards, except that, at the discretion of the property owner, alternative material seawalls shall be allowed on property fronting the bay waters.

#### **Sec. 90-15.5. Extension into water.**

No groin, jetty, dock, boat lift or davits shall extend into the waters of Boca Ciega Bay as will deter the normal flow or boat traffic or impede or project into any channel. No structure shall be constructed upon any seawall, bulkhead, retaining wall, jetty, groin or dock whatsoever, except railings, ornamental fixtures or boat lockers not exceeding four feet in height above the top of the nearest seawall cap or crown of the nearest road, street or thoroughfare.

#### **Sec. 90-15.6. Application for permit.**

- A. Before the erection, construction or alteration of any seawall or any projections or prolongations thereof in the town, there shall first be submitted to the town an application in such form as may be prescribed by the town. Applications shall be accompanied by a set of design plans and specifications signed, sealed and certified by a registered architect or a professional engineer, registered in the State of Florida, who is

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qualified by education and experience to prepare such plans. Applications shall also be accompanied with a site plan showing the location of the subject seawall, property lines and coastal construction control line on the Gulf front and other structures which may affect the construction or modifications to the seawall. If a variance to any of the provisions contained within these specifications is requested, it shall be specifically stated in the application and the application shall be accompanied by a certification by the design engineer that the variance will not lessen the structural integrity of the design nor present any additional risk to adjacent properties.

- B. Applications shall contain the name, property address and telephone number of the applicant. If the application is to be submitted by an agent for the property owner, the application shall also contain the name, address and telephone number of the agent, and the contractor's license number.
- C. The town building department shall thereafter analyze the plans and specifications and, upon determination that the contemplated work shall be done in conformity to all relative construction codes, shall issue a building permit. The work shall be subject to all necessary construction inspections and must receive final approval of the building inspector before the project can be classified as being completed.
- D. Posting of permit. The permit issued hereunder shall be prominently and openly posted at the front right-of-way line.
- E. Expiration of permit. All approvals of applications, plans and specifications and permits issued thereon shall expire by limitation six months from the date of the original approval or issuance thereof, but this limitation shall not apply when work thereunder had been begun and carried on with reasonable diligence and continuity, but in no event for a period longer than one year from the original approval or issuance thereof.
- F. Permit fees. See article V of this chapter for the permit fee schedule.

#### **Sec. 90-15.7. Enforcement.**

It shall be the duty of the building inspector to periodically inspect the existence and condition of all seawalls, bulkheads, retaining walls, groins, docks, spiles, piling, tie poles or other structures above or in the waters within the town, and should he or she find any of the same or any portion thereof to be hazardous to the public for safe pedestrian, boating or swimming purposes, the building inspector shall so advise the town clerk, who shall thereupon order the removal or repair thereof in the name of the town by the owner of such structure so condemned or person having jurisdiction thereover within 30 days, and failure or neglect so to remove or repair such structure shall constitute a violation of this part 1, and thereafter the town may remove or repair the same and the cost thereof shall be paid by the owner thereof, and such cost shall be deemed a lien against the land to which such structure is appurtenant, together with costs of collection thereof and reasonable attorney's fees.

#### **Sec. 90-15.8. Appeals.**

All variances in establishment of bulkhead or seawall lines shall be subject to the approval or disapproval of the board of commissioners of the town.

#### **Sec. 90-15.9. Penalties for offenses.**

Any person or persons violating any of the terms of this article, upon conviction thereof, shall be punished by a fine not to exceed \$500.00. Every person who aids, abets or assists in the violation of any of the terms or provisions of this article shall be punished as a principal. Each and every day that a violation of this article continues shall constitute a separate and distinct offense.

### ***ARTICLE V. BUILDING PERMITS***

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**Sec. 90-16. Permits required.**

Building permits shall be required as follows:

- A. For all new buildings or alterations over \$25,000.00 in value in the estimate of the town building official, or his designee, three sets of plans and specifications bearing the seal of a registered, certified professional architect or engineer, or others permitted by county or state regulations shall be submitted.
- B. For all repairs such as roof replacements or for additions, modifications or alterations under \$25,000.00 in value, two copies of the work plan, showing the lot and the relation of the work to the lot, as well as specifications where pertinent, shall be submitted.
- C. All contractors for construction work and all contractors or subcontractors for plumbing, electrical, mechanical and roofing work must present a valid State of Florida and/or Pinellas County license covering the pertinent work to be done.

**Sec. 90-17. Conditions; term; extensions; notification for inspection.**

- A. Any permit issued shall be invalid unless the work authorized by said permit shall have been commenced (as determined by the building official) within 60 days after its issuance.
- B. All approvals of applications, plans, specifications and permits issued thereon for construction of a value of \$25,000.00 or less shall expire by limitation six months from the date of the original approval or issuance. All approvals of applications, plans, specifications and permits issued for construction of a value of more than \$25,000.00 shall expire by limitation nine months from the date of the original approval or issuance.
- C. Permits may be given a one-time extension of 90 days, provided that application for such extension is made in writing to the Building Official before the original period has expired and shall be calculated on the value of the work remaining to be completed. The fee for such extension of time shall be one-half of the original permit fee or minimum inspection cost per schedule of fees. (See section 90-20 D.)
- D. Any work performed after the 90-day extension of time or any work performed after the expiration of the original permit period without obtaining an extension of time shall be considered as working without a valid building permit, and the property owner may be subject to a fine for working without a valid permit.
- E. The property owner and/or individual obtaining issuance of any building permit shall notify the building inspector as soon as the work under the permit has been completed for final inspection.

(Ord. No. 09-03, 10-14-2009)

**Sec. 90-18. Plan reviews.**

Plan reviews shall be conducted as follows:

- A. Ordinary new construction, additions, repairs, renovations or replacements under a value set in the schedule of fees per section 90-20 D., whether simple plans, no plans, or other submittals, shall require no plan review fee.
- B. Commercial property, high-density residential property and those low-density residential buildings, including alteration or replacement plans which involve 25 percent or more of the present building's capacity or value, shall require detailed plans and specifications which are subject to plan review and for which a percentage of the basic construction permit fee(s) applicable to the to the proposed work shall be submitted, as set by the schedule of fees per section 90-20 D. The building inspector shall

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compute the basic building permit fee which would apply. This fee shall be payable at the time of actual application for the building permit. The separate fee for plan review shall be payable prior to any plan review action.

(Ord. No. 09-03, 10-14-2009)

### **Sec. 90-19. Inspections.**

Inspections shall be mandatory by contacting the building department at the following phase points, and as required by the Florida Building Code:

- A. Before pouring any concrete, including slabs, pile caps, footings, grade beams, columns, beams, sidewalks or driveways.
- B. Before covering any walls or ceilings, in order that framing plus electrical, plumbing or air-conditioning/heating rough-ins may be inspected.
- C. At sewer tap-in time, to see that backflow preventors are installed and an appropriate tap-in site is used.
- D. On the sinking (driving) of load-bearing pilings.
- E. At other phase points required by the building code and listed by the building department.

### **Sec. 90-20. Fees.**

- A. *Application fees.* An application fee, in an amount set by the Redington Shores Town Commission, shall be charged for all permit applications for all work with a total cost of \$25,000.00 or more for plan review. This application fee is nonrefundable and is due and payable at the time the application is submitted for processing.
- B. *Additional fees.* In addition to the application fee, the following fees will also be due and payable before a building permit is issued as appropriate to the work covered:
  - (1) Building permit fee.
  - (2) Plan examination fee.
  - (3) Radon gas and inspector's certification fund.
  - (4) Transportation impact fee.
  - (5) All other fees which may be imposed by the Redington Shores Town Commission, by resolution or ordinance, Pinellas County, or any other county, state or federal agency having the authority to establish such fees.
- C. *Ancillary or subordinate permits.* Permit fees for all ancillary or subordinate permits required for a project shall be due and payable prior to the issuance of such permits.
- D. The schedule for all fees pertaining to construction and building may be enacted and amended from time to time by resolution of the Town Commission of the Town of Redington Shores (as shown on Permit Fee Calculation Schedule, Ordinance #01-11 and Resolution 14-04).
- E. All construction trailers, materials, temporary fences, temporary signs, temporary electric, and dumpsters shall be removed before a certificate of occupancy is issued for any work pursuant to any building permit.

### **Sec. 90-21. Reserved.**

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## *ARTICLE VI. SWIMMING POOLS*

### **Sec. 90-22. Adoption of standards.**

Swimming pool standards are per the Florida Building Code requirements.

### **Sec. 90-23. Prerequisite for final inspection.**

All swimming pool installations must be completed and the pool completely filled with water and in operation before final inspection. Health Department approval inspection is required for commercial facilities.

### **Sec. 90-24. Fence required.**

In order to provide for the public health, safety and welfare, the pool shall be completely enclosed with an approved fence or other substantial structure not less than four feet in height.

### **Sec. 90-25. Use of locks required on gates.**

There shall be a self-closing and latching entrance/exit gate in the fence which shall be closed during hours when the pool is not in use.

### **Sec. 90-26. Applicability.**

This article applies to all construction for swimming pools for which the building permit is issued subsequent to the effective date of this article (December 15, 1982).

### **Sec. 90-27. Penalties for offenses.**

Any person, firm, corporation or agent who or which violates any of the provisions of this Part 1 or who or which fails to comply therewith shall be subject to a penalty as set forth in chapter 1, general provisions, article II, of this Code.

## *ARTICLE VII. RESERVED*

### **Secs. 90-28—90-31. Reserved.**

## **PART 2. FLOOD DAMAGE PREVENTION<sup>4</sup>**

### **ARTICLE VIII. DEFINITIONS AND WORD USAGE**

#### **Sec. 90-32. General word usage.**

Unless otherwise expressly stated, the following words and terms shall, for the purposes of part 2, have the meanings shown in this section.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

#### **Sec. 90-33. Terms.**

- A. *Terms defined in the Florida Building Code.* Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.
- B. *Terms not defined.* Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 13-02, § 3, 5-8-2013)

#### **Sec. 90-34. Definitions.**

*Accessory structure.* A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

*Appeal.* A request for a review of the building official's interpretation of any provision of this part 2.

*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, § 1612.2.] 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, § 1612.2.]

*Basement.* The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, § 1612.2.]

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<sup>4</sup>Editor's note(s)—Ord. No. 13-02, §§ 2, 3, adopted May 8, 2013, repealed the former part 2, §§ 90-28—90-43, 90-48—90-50, 90-56—90-63 and enacted a new part 2 as set out herein. The former part 2 pertained to similar subject matter. See Code Comparative Table for complete derivation.

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*Building official.* The officer or other designated authority charged with the administration and enforcement of the Florida Building Codes in the Town of Redington Shores.

*Coastal A Zone.* Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1½ feet (457 mm). The inland limit of the coastal A zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

*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, 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.

*Critical facilities:* Any facility that, if flooded or impacted by a natural disaster, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to, hospitals, nursing homes, police stations, fire stations, emergency operation centers, chemical or hazardous materials storage facilities, and utility facilities. The term includes facilities that are assigned Flood Design Class 3 and Flood Design Class 4 pursuant to the *Florida Building Code, Building*.

*Declaration of Land Restriction (Nonconversion Acknowledgment).* A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in official records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and structures. By executing the agreement, the owner agrees to periodic inspections.

*Design flood.* The flood associated with the greater of the following two areas: [Also defined in FBC, B, § 1612.2.]

- (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 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 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, § 1612.2.]

*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.

*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, § 1612.2.]

*Federal Emergency Management Agency (FEMA).* The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

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*Flood or flooding.* A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, § 1612.2.]

- (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, § 1612.2.]

*Flood hazard area.* The greater of the following two areas: [Also defined in FBC, B, § 1612.2.]

- (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 flood hazard map, or otherwise legally designated.

*Flood Insurance Rate Map (FIRM).* The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, § 1612.2.]

*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, § 1612.2.]

*Floodplain.* Any normally dry land area that is susceptible to being inundated by waters of the one-percent annual chance flood, i.e., the one-hundred-year flood.

*Floodplain Administrator.* The office or position designated and charged with the administration and enforcement of part 2 (may be referred to as the Floodplain Manager).

*Floodplain development permit or approval.* An official document or certificate issued by the community, 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 ordinance.

*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.

*Freeboard.* A level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed. See also Section 90-40A.(8).

*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 12 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:

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*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 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.

*Limit of moderate wave action.* Line shown on FIRMs to indicate the inland limit of the 1½-foot (457 mm) breaking wave height during the base flood.

*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, § 1612.2.]

*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 part 2, 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 part 2 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.

*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 15C-1.0101, F.A.C.]

*Recreational vehicle.* A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b).]

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;

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- (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 1 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. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the Town of Redington Shores, or otherwise legally designated. [Also defined in FBC, B § 1612.2.]

*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, and 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 § 1612.2.]

*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 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B § 1612.2.]

*Substantial improvement.* Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 8, 2013. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (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.
- (3) Costs for repairs whose express purpose is to repair wind and flood damage to pre-damage condition provided the costs of such measures plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 49 percent of the market value of the structure before the damage occurred.

*Variance.* A grant of relief from the requirements of this part 2, 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 ordinance or the Florida Building Code.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 15-01, § 2, 4-8-2015; Ord. No. 19-04, § 2, 10-9-2019; Ord. No. 21-02, § 2, 3-10-2021)

## *ARTICLE IX. ADMINISTRATION*

### **Sec. 90-35. General, title.**

These regulations shall be known as the floodplain management ordinance of the Town of Redington Shores, hereinafter referred to as "this part 2."

- A. *Scope.* The provisions of this part 2 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 tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- B. *Intent.* The purposes of this part 2 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, watercourses, 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.
- C. *Coordination with the Florida Building Code.* This ordinance 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.
- D. *Warning.* The degree of flood protection required by this part 2 and the Florida Building Code, as amended by this community, 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 part 2 does not imply that land outside of mapped

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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, § 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community 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 ordinance.

- E. *Disclaimer of Liability.* This part 2 shall not create liability on the part of the Town of Redington Shores or any officer or employee thereof for any flood damage that results from reliance on this part 2 or any administrative decision lawfully made thereunder.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-36. 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 part 2 applies.* This part 2 shall apply to all flood hazard areas within the Town of Redington Shores, as established in section 90-36.C of this part.
- C. *Basis for establishing flood hazard areas.* The Flood Insurance Study for 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 part 2 and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Building Department, Town of Redington Shores, 17425 Gulf Boulevard, Redington Shores, Florida.
- D. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 90-40 of this part 2 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 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 part 2 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 part 2 shall not be deemed to nullify any provisions of local, state or federal law.
- F. *Abrogation and greater restrictions.* This part 2 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 ordinance and any other ordinance, the more restrictive shall govern. This part 2 shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this part 2.
- G. *Interpretation.* In the interpretation and application of this part 2, all provisions shall be:
- (1) Considered as minimum requirements;

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- (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-37. Powers and duties of floodplain administrator.**

- A. *Designation.* The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- B. *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this part 2. The floodplain administrator shall have the authority to render interpretations of this part 2 consistent with the intent and purpose of this part 2 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 part 2 without the granting of a variance pursuant to article X of this part 2.
- C. *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, 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 part 2;
  - (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 ordinance 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 part 2.
- 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

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- 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, together with a one year cumulative improvement valuation of previous additions or remodeling 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; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; 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 ordinance 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 article X of this part 2.
- 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 part 2.
- G. *Inspections.* The floodplain administrator shall make the required inspections as specified in section 90-41 of this part 2 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, or if violations of permits or the requirements of this part 2 have occurred.
- 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 section 90-37.D of this part 2;
  - (2) Reserved;
  - (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 ordinance and the Florida Building Code and this part 2 to determine that such certifications and documentations are complete;
  - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Town of Redington Shores 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

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identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019; Ord. No. 21-02 , § 2, 3-10-2021)

### **Sec. 90-38. Floodplain management records.**

Regardless of any limitation on the period required for retention of public records, the town clerk shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this part 2 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 part 2; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this part 2 and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Town of Redington Shores, town hall, 17425 Gulf Boulevard, Redington Shores, Florida upon official records request to the town clerk.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-39. 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 part 2, 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 part 2 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 ordinance 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. § 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 part 2:
  - (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.
  - (4) Mobile or modular structures used as temporary offices.
  - (5) 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.

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- (6) 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.
  - (9) 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. 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 or construction documents as specified in FBC, B, Sec. 105, and § 90-40 of this part 2.
  - (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.
  - (8) For projects proposing to enclose areas under elevated buildings, include a signed Declaration of Land Restriction (Nonconversion Agreement): the agreement shall be recorded with the property deed prior to issuance of the certificate of occupancy.
- E. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this part 2 shall not be construed to be a permit for, or approval of, any violation of this part 2, the Florida Building Codes, or any other ordinance of this community. 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 part 2 or any other ordinance, regulation or requirement of this community.
- 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 Water Management District; F.S. § 373.036.

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- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
  - (3) 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.
  - (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
  - (5) 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; § 404 of the Clean Water Act.
  - (6) Federal permits and approvals.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

### **Sec. 90-40. Site plans and construction drawings.**

- A. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this part 2 shall be drawn to scale and shall include, as applicable to the proposed development:
- (1) Delineation of flood hazard areas, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  - (2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and coastal A zones, new buildings shall be located landward of the reach of mean high tide.
  - (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  - (4) 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.
  - (5) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
  - (6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
  - (7) Designation of proposed design flood elevation based on base flood elevation plus two feet of freeboard to lowest living level or lowest horizontal structural member as applicable.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this part 2 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 part 2.

- B. *Additional analyses and certifications.* For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V) and coastal A zones, the applicant shall have an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents.
- C. *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 boundaries of flood hazard areas

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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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 15-01, § 3, 4-8-2015; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-41. Inspections general.**

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

- A. *Development other than buildings and structures.* The building official shall inspect all development to determine compliance with the requirements of this part 2 and the conditions of issued floodplain development permits or approvals.
- B. *Buildings, structures and facilities exempt from the Florida Building Code.* The building official shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this part 2 and the conditions of issued floodplain development permits or approvals.
  - (1) *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 building official the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.
  - (2) *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 building official 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 90-41.B(1) of this part 2.
  - (3) *Buildings and structures with enclosed areas below the lowest floor.* When a declaration of land restriction (nonconversion agreement) has been executed, the building official is authorized to enter a structure or premises at reasonable times to make an inspection to enforce the provisions of this part 2 and to inspect the exterior and interior of enclosed areas to verify compliance, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. Such inspections will be conducted once each year. More frequent inspections may be conducted if a violation of an issued permit is identified on inspection. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

## **ARTICLE X. VARIANCES AND APPEALS**

### **Sec. 90-42. General.**

Pursuant to F.S. § 553.73(5), the special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this part 2. Pursuant to F.S. § 553.73(5), the Special Magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of the flood

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resistant construction requirements of the Florida Building Code. The Special Magistrate shall not have the power to issue variances to any requirement of the Florida Building Code, Building, § 3109 applicable seaward of the coastal construction control line.

- A. *Appeals.* The special magistrate 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 part 2. Any person aggrieved by the decision of special magistrate may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- B. *Limitations on authority to grant variances.* The special magistrate shall base his decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 90-42.F of this part 2, the conditions of issuance set forth in section 90-42.G of this part 2, and the comments and recommendations of the floodplain administrator and the building official. The special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this part 2.
- C. *Reserved.*
- D. *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 12 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.
- E. *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 ordinance, provided the variance meets the requirements of section 90-42 C, 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.
- F. *Considerations for issuance of variances.* In reviewing requests for variances, the special magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, 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;
  - (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;

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- (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.

G. *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 part 2 or the required elevation standards;
- (2) Determination by the special magistrate 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

## *ARTICLE XI. BUILDINGS, STRUCTURES, AND SUBDIVISIONS*

### **Sec. 90-43. Accessory structures.**

Accessory structures are not permitted in coastal high hazard areas (Zone V/VE). In other flood hazard areas, accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (2) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (3) Have flood damage-resistant materials used below the base flood elevation plus one foot.

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- (4) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.

( Ord. No. 21-02 , § 2, 3-10-2021)

Editor's note(s)—Ord. No. 21-02 , § 2, adopted March 10, 2021, repealed § 90-43 and enacted a new § 90-43 as set out herein. Former § 90-43 pertained to flood resistant development of buildings and structures and derived from Ord. No. 13-02, § 3, adopted May 8, 2013.

### **Sec. 90-44. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.**

Pursuant to section 90-42.C. of this part 2, 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 article XVI of this part 2.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-45. 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 § 3109 and § 1612 or Florida Building Code, Residential § 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 part 2 and ASCE 24.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-46. Minimum requirements.**

Subdivision proposals 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-47. Subdivision plats.**

Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:

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- (1) Delineation of flood hazard areas, boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
  - (2) Compliance with the site improvement and utilities requirements of article XII of this part 2.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

## *ARTICLE XII. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS*

### **Sec. 90-48. 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### **Sec. 90-49. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

### **Sec. 90-50. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

### **Sec. 90-51. Limitations on placement of fill.**

The use of structural fill is not permitted. Subject to the limitations of this part 2, 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. Fill placed to backfill stem walls is not subject to the limitations of this section.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

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**Sec. 90-52. Limitations on sites in coastal high hazard areas (zone v) and coastal A zones.**

In coastal high hazard areas and coastal A zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section 90-43 A. of this part 2 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 section 90-66.H. of this part 2.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

**Sec. 90-53. Critical facilities.**

Critical facilities shall be directed and sited outside of the special flood hazard area and outside of the 0.2 percent annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites that satisfy the objective of a proposed critical facility are not available, critical facilities shall be elevated or protect to or above three feet above the base flood elevation.

(Ord. No. 19-04 , § 2, 10-9-2019)

*ARTICLE XIII. MANUFACTURED HOMES*

**Sec. 90-54. Manufactured homes.**

Manufactured homes are not allowed.

( Ord. No. 21-02 , § 2, 3-10-2021)

**Sec. 90-55—90-59. Reserved.**

*ARTICLE XIV. RECREATIONAL VEHICLES AND PARK TRAILERS*

**Sec. 90-60. 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 section 90-60.A. of this part 2 for temporary placement shall not be permitted.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

*ARTICLE XV. TANKS*

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**Sec. 90-61. Tanks.**

(Ord. No. 13-02, § 3, 5-8-2013)

**Sec. 90-62. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

**Sec. 90-63. Above-ground tanks, not elevated.**

Above-ground tanks that do not meet the elevation requirements of section 90-64 of this part 2 shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and coastal A zones, 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) and coastal A zones.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

**Sec. 90-64. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

**Sec. 90-65. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

***ARTICLE XVI. OTHER DEVELOPMENT***

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## Sec. 90-66. 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 ordinance or the Florida Building Code, shall:
- (1) Be located and constructed to minimize flood damage;
  - (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  - (3) Be constructed of flood damage-resistant materials; and
  - (4) Have mechanical, plumbing, and electrical systems above the design flood elevation, 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. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones, 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.
- C. *Decks and patios in coastal high hazard areas (Zone V) and coastal A zones.* In addition to the requirements of the Florida Building Code, in coastal high hazard areas and coastal A Zones 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 run-up and wave reflection that would increase damage to the building or structure or to adjacent elevated 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

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necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

- D. *Other development in coastal high hazard areas (Zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones, 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 run-up 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.
- E. *Nonstructural fill in coastal high hazard areas (Zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones:
- (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 run-up and wave reflection that would increase damage to adjacent buildings and structures.
  - (3) Where authorized by the Florida 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 run-up 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

### ***PART 3. RESERVED<sup>5</sup>***

### ***ARTICLE XX. RESERVED***

### **Secs. 90-67—90-70. Reserved.**

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<sup>5</sup>Editor's note(s)—Former Part 3, Stormwater Management, adopted 8-11-1992 by Ord. No. 92-7, was repealed 12-12-2007 by Ord. No. 07-06. See now Ch. 124, Sewers, Art. III.

## ***PART 4. SUBDIVISION OF LAND<sup>6</sup>***

### ***ARTICLE XXI. GENERAL PROVISIONS***

#### **Sec. 90-71. Definitions.**

For the purposes of this part 4, the following words shall have the meanings indicated unless their content clearly requires otherwise:

*Lot, depth of*—The average depth measured in the mean direction of the side lines from the street line to the rear line.

*Lot width*—The mean width of a lot, measured at right angles to its depth.

*Minor subdivision plat*—A minor split of existing parcels and/or lands as specifically identified in section 90-99 G. and approved by the building commissioner.

*Replat/declaration of unity of title*—A change in an existing plat which changes the existing boundaries of the platted lots for the purpose of creating more or fewer lots or to change the area and size of existing lots.

*Subdivision*—The platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land; and includes establishment of new streets and alleys, additions and resubdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

#### **Sec. 90-72. Compliance required.**

It shall be unlawful to fill any submerged land or to subdivide any lands within the town contrary to the provisions of this part 4.

#### **Sec. 90-73. Plat required.**

No real property within the town shall be subdivided and offered for sale until a plat thereof is examined by the planning and zoning board and approved by the board of commissioners nor shall a plat be approved or recorded without first submitting a preliminary plat for review by said boards. Building applications shall not be issued for structures to be located in a subdivision unless a plat thereof is recorded in the office of the Clerk of Circuit Court in and for Pinellas County, Florida.

#### **Sec. 90-74. Preliminary plat.**

A subdivider or property owner shall submit three copies of a preliminary plat of his or her proposed subdivision, prepared in accordance with the requirements of this part 4.

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<sup>6</sup>Editor's note(s)—Adopted 3-1-1977 by Ord. No. 77-2 as Ch. 11 of the 1977 Code; amended in its entirety 12-12-2007 by Ord. No. 07-06.

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**Sec. 90-75. Contents of preliminary plat.**

The preliminary plat shall be a print drawn at a scale not less than 100 feet to the inch and shall show the following:

- A. The subdivision name, the name and address of the owner or subdivider and the designer of the plat.
- B. The date, approximate North point and scale.
- C. The boundary line of tract to be subdivided drawn accurately to scale, with aggregate linear and angular dimensions.
- D. The location of existing private property lines, streets, watercourses, bridges and any public utility easements of record, both on the land to be subdivided and on the land immediately adjoining for a distance of at least 150 feet; the location of water and sewerage mains, culverts, drain pipes and all structures on the land to be subdivided and on the land within ten feet of it; the names of adjoining subdivisions with plat book and page numbers and the names of record owners of adjoining parcels of unsubdivided land.
- E. The names, proposed locations, approximate dimensions, proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines and building lines. This information may be graphical only, not requiring detailed computation nor field work over and above that required to obtain the information listed next above.
- F. When deemed necessary by the planning and zoning board, profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals 40 feet horizontal and one inch equals four feet vertical.
- G. When deemed necessary by the planning and zoning board, contours with a vertical interval of not more than one foot referred to sea level datum.

**Sec. 90-76. Final plats.**

Final plats shall conform to the requirements set forth in FS § 177.091.

**Sec. 90-77. Seawalls.**

All land subdivided pursuant to this part 4 bordering upon the waters of the Gulf of Mexico or Boca Ciega Bay shall be seawalled as provided in sections 90-10 through 90-15 before the plat thereof shall be approved.

**Sec. 90-78. Storm drainage.**

- A. All subdivisions within the municipal limits of the town shall have storm drainage installed, streets graded to the full width of the right-of-way, street paving to a minimum width of 20 feet of pavement with six-foot shoulders of stabilized shell for parking, adequate drainage ditches outside of shoulders, waterlines sufficient in size to operate fire hydrants and potable water furnished to each lot in said subdivision installed by the owner or subdivider to plans and specifications in accordance with requirements of the Pinellas County Water Department so as to furnish at least a class 7 rating by the Southeastern Fire Underwriters Association; cost of drainage and other installations required by this part 4 shall be paid for by the subdivider when such improvements are installed.
- B. If special drainage facilities to carry stormwater from a subdivision or several subdivisions are deemed necessary by the planning and zoning board and the board of commissioners, these facilities shall be built and paid for by the subdivider, provided that such facilities need not exceed 660 feet beyond boundaries of

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the property involved and in such reasonable manner as the subdivider and board of commissioners shall agree.

### **Sec. 90-79. Sewer service laterals.**

All subdivisions created or extended under the provisions of this part 4 shall be provided with sewer service laterals to all lots in such subdivisions to be paid for by the subdivider. Such service laterals shall be constructed under the direction of the town.

### **Sec. 90-80. Conformance to comprehensive plan.**

All proposed subdivisions shall be in conformity with a plan for the most advantageous development of the entire neighboring area and shall conform to the comprehensive plan adopted by the Town of Redington Shores, as amended. Whenever a tract to be subdivided embraces any part of a thoroughfare, boulevard or parkway so designated by the planning and zoning board, such part of such proposed public way shall be platted by the subdivider in the location and to the width recommended by the planning and zoning board.

### **Sec. 90-81. Streets.**

- A. The proposed street system shall extend existing streets at the same or greater width, but in no case less than the required minimum width. Where, in the opinion of the planning and zoning board, it is desirable to provide for street access to adjoining property, the proposed street shall be extended by dedication to the boundary of such property.
- B. Proposed streets which are obviously in alignment with others already existing and named shall bear the name of the existing street extended. In no case, except for numbered streets and avenues, shall the name for proposed streets duplicate or be phonetically similar to existing street names, irrespective of the subject street, avenue, boulevard, drive, place or court.
- C. The minimum width of proposed rights-of-way for streets, roads and alleys measured from lot line to lot line shall be:
  - (1) Major arterial streets which serve or may serve heavy local traffic and major state or federal highways: 100 feet.
  - (2) All local service streets: 50 feet.
- D. The minimum dimensions and specifications shall be as follows:
  - (1) *Street grades.* Grades on all streets and alleys will be determined by the town and shall not exceed six percent nor less than two-tenths percent (0.2%).
  - (2) *Horizontal curves.* Where a deflection angle of more than 10° in the alignment of a street occurs, a curve of reasonably long radius shall be introduced.
  - (3) *Intersections.* Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60°.
  - (4) *Corner radii.* There shall be a minimum radius at the property line of 20 feet at all intersections.
- E. In general, streets designed to have one end permanently closed (cul-de-sac) shall be avoided unless it is clear that a through street is not desirable for the street system in the area. Where such streets are used, they shall terminate in a circular area of public right-of-way, having a minimum property line radius of 50 feet and a minimum outside curb radius of 40 feet.

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- F. All thoroughfares shall be curbed and paved as required by the current Florida Department of Transportation (FDOT) roadway standards for the appropriate facility type.

**Sec. 90-82. Block specifications.**

- A. *Length.* Blocks, except waterfront blocks, shall not exceed 1,400 feet in length. A crosswalk or pedestrian way of not less than ten feet in width shall be provided near the center and entirely across any block that is more than 1,000 feet in length and may be required by the planning and zoning board across any block that is more than 700 feet in length.
- B. *Width.* Blocks, except waterfront blocks, shall be at least wide enough to allow two rows of lots of minimum depth.
- C. *Dimensions.* The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated and shall conform to the following:
- (1) Every lot or parcel of land shall abut a public street.
  - (2) Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines.
  - (3) Every lot shall have a minimum mean lot width of 60 feet, except that every corner lot shall have a minimum mean lot width of 65 feet, but in no case shall the frontage upon public streets be reduced below 40 feet.
  - (4) Every lot shall have a depth no greater than three times the mean width and no less in all events than 100 feet.
  - (5) Every lot shall have a minimum lot area of 6,000 square feet.

**Sec. 90-83. Easements.**

- A. To provide for public service poles, conduits, storm drainage, sewers or gas mains, an easement not less than ten feet wide, five feet on each side of the common lot lines, shall be provided.
- B. Gulf Boulevard Overlay District (GBOD) pedestrian easement. A minimum ten-foot-wide pedestrian use easement shall be provided between the Gulf Boulevard right-of-way line and the primary facade build-to line for all properties located within the limits of the GBOD. The pedestrian easement shall extend the entire length of each parcel.

**Sec. 90-84. Reservation for public use.**

In subdividing property, due consideration shall be given by the subdivider and the planning and zoning board to the reservation or dedication of suitable sites for schools, parks and other public uses. The subdivider shall reserve and dedicate for recreational purposes an area equal to not less than three percent of the total area of such proposed subdivision. Such provision should be indicated on the plat in order that it may be determined when and in what manner such areas will be dedicated or acquired.

**Sec. 90-85. Variances.**

Where, because of topographical or other conditions peculiar to the sites, strict adherence to the provisions and regulations in this part 4 would cause an unnecessary hardship, the special magistrate may recommend that the board of commissioners authorize a variance, if such variance can be made without destroying the intent of this part 4. Any variance not so authorized is required to be entered in writing in the minutes of the special

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magistrate hearing and board of commissioners meeting, and the reasoning on which the departure was justified set forth.

(Ord. No. 10-04, 9-9-2010)

Editor's note(s)—Ord. No. 10-04 also provided for an effective date of 11-1-2010.

### **Sec. 90-86. Application to fill land.**

Applications to fill submerged land located beyond the established bulkhead line within the town shall be submitted to the board of commissioners of the town. Included with the application shall be a copy of all plans and specifications of the proposed fill.

### **Sec. 90-87. Penalties for offenses.**

Each and every day's violation of any provision of this part 4 shall constitute a separate and distinct offense. Any person, firm, corporation or agent who or which violates any of the provisions of this part 4 or who or which fails to comply therewith shall be subject to a penalty as set forth in chapter 1, general provisions, article II, of this Code.

#### **Sec. 90-87.1. Special lot regulations.**

- A. *Side yards of corner lots.* The required front yard shall be provided on both streets; provided, however, that where in any block there are not more than two lots having frontage on the same street between two intersecting streets, any construction shall be subject to approval of a site plan by the planning and zoning board.
- B. *Obstruction to vision at intersection.* No obstruction to vision exceeding 30 inches in height shall be erected, planted or maintained on any lot within the triangle formed by the corner of the lot and two points which are 20 feet from the corner of the lot along the street lines on both streets. All plant materials shall be kept trimmed to ensure uninterrupted vision for motor vehicle and pedestrian traffic.
- C. *Through lots (double frontage).* Where a single lot under individual ownership extends from one street to another nearly parallel street or alley, the planning and zoning board shall decide which street will be considered as the front street.
- D. *Two or more buildings on a lot.* Two or more principal buildings located on a parcel in single ownership shall conform to all the requirements of chapter 90, part 5, zoning, which would normally apply to each building if each were on a separate lot. Minimum clearance between buildings must be ten feet.
- E. *Rear yard access in commercial districts.* There shall be a rear yard of 15 feet, together with access thereto at least 15 feet wide, both of which shall be free of structures, buildings, hedges, fences or other obstructions and which shall permit free and clear access to the rear of the premises for deliveries, utility service, garbage collection, fire and police apparatus and other lawful access.
- F. *Lots on the borderline of districts.* Where a lot located in a commercial district is immediately adjoining a residential zone, any building built thereon shall comply with the front yard requirements for the residential district to which it is adjacent and to the side yard requirements on the side adjoining the residential district, and the site plan review process shall require buffering against noise, light and other unfavorable factors affecting the residential district.
- G. *Awnings, canopies and marquees.* Awnings, canopies and marquees shall comply with the sign regulations and the building code and shall be subject to approval by the building inspector.

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- H. *Platting of lots.* No unplatted land shall be platted, nor any platted lands be replatted, nor shall any plat or replat be filed for record until and unless such plat or replat is first submitted to and approved by the Board of Commissioners of the Town of Redington Shores; nor shall any lot be subdivided except with the approval of the Board of Commissioners of the Town of Redington Shores, and in accordance with the following provisions and regulations:
- (1) If the title to one lot and a longitudinal fractional part of an adjoining lot or one lot and longitudinal fractional parts of lots on both sides thereof is vested in a single ownership, then, in either event, the same shall be considered as only one lot for the provisions set forth herein.
  - (2) If the title to two adjoining lots is vested in a single ownership and such owner, at his or her own option, elects to build on one of the lots, but nearer to the lot line as established herein, then after exercise of such option the same shall be considered as only one lot for the purposes set forth herein.
  - (3) If the title to two or more adjoining lots is vested in a single ownership, then the same may, at the option of the owner, be considered as only one lot; and after exercise of such option on the part of the owner as noted above and any action on the part of the owner or the board of commissioners, then the same shall thereafter be considered as only one lot for the purposes set forth herein.
  - (4) In order to exercise such options noted above, the owner shall file a written declaration of purpose and intent with the town clerk, who shall note the consolidation of the two lots on the legal records of the town. No fractional part of the consolidated lot may be sold as a full-size lot unless such part shall comply with the area regulations of chapter 90, part 5, zoning.
  - (5) If the title to two adjoining longitudinal fractional parts of two lots is vested in a single ownership and such fractional parts of lots are sufficient in size to constitute one lot as compared with other lots in the immediate vicinity, then the same shall be considered as only one lot for the purposes set forth herein.
  - (6) No replat or plat of land which is presently unplatted shall be approved in which there shall be lots containing less than 6,000 square feet of area or in which there shall be lots less than 50 feet in width at the front building line. This provision shall apply only in residential districts.
  - (7) No lot shall be subdivided or conveyed, as set forth above herein, other than as a whole except an adjoining longitudinal fractional part of a lot may be conveyed with a single whole lot; and an adjoining longitudinal fractional part of a lot may be conveyed to the owner of the adjoining whole lot as long as the provisions set forth herein are not evaded or violated and so long as a longitudinal fractional part of a lot is not left in a single ownership.
  - (8) The provisions and regulations contained above shall also be applicable to latitudinal fractional parts of lots or adjoining lots.
  - (9) All plat and replat applications shall be accompanied by a nonrefundable fee as required by the current town fee schedule, and shall be reviewed by the planning and zoning board, which shall make recommendations to the board of commissioners within 30 days of the formal filing of the request with the town clerk.

## ***PART 5. ZONING***<sup>7</sup>

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<sup>7</sup>Editor's note(s)—Adopted 10-27-1981 by Ord. No. 81-10 (Appendix A of the 1977 Code); amended in its entirety 12-12-2007 by Ord. No. 07-06.

*ARTICLE XXII. TITLE, PURPOSE AND APPLICABILITY*

**Sec. 90-88. Short title.**

This part 5 shall be known as the "Town of Redington Shores Zoning Ordinance."

**Sec. 90-89. Purpose and interpretation.**

- A. The purposes of these regulations are to reduce congestion and prevent overcrowding of the land; to secure safety from fire, flood and other danger; to promote health and the general welfare; to provide adequate light and air; to avoid undue concentration of population in order to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; to conserve the value of the property and the natural environment; and to encourage the most appropriate use of the land within the area delineated on the official zoning map. Such regulations shall be consistent with Chapter 26164, Laws of Florida, Special Acts, 1949, and as amended by Chapter 57-1730, Laws of Florida, Special Acts, 1957, all in accordance with a Comprehensive Plan developed pursuant to the Florida Local Government Comprehensive Planning Act, F.S. § 163.3177.
- B. In interpreting and applying the provisions of this part 5, they shall be held to be those which are reasonable for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.
- C. It is not intended by this part 5 to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this part 5, nor is it intended by this part 5 to interfere with or abrogate or annul any easements, covenants or other agreement between parties, except that if this part 5 imposes a greater restriction, this part 5 shall control.

**Sec. 90-90. Applicability.**

- A. No building, structure or land shall be used or occupied and no building or part thereof shall be erected, moved or structurally altered unless in conformity with the regulations of this part 5. However, the regulations of this part 5 shall not require any change to any building, structure or use legally existing at the effective date of this part 5 or any addition thereto except as regards nonconforming uses as provided for in section 90-114, provided that such use shall be in compliance with other public safety provisions of the Code of the Town of Redington Shores as to setbacks, off-street parking and Federal Flood Insurance Program hazard-reduction factors.
- B. Neither this part 5 nor any provision thereof shall apply to the use or construction by the Town of Redington Shores, Florida, of or upon lands or interest therein owned by said town or lands, parks, easements, rights-of-way, streets, alleys and thoroughfares dedicated or held for municipal purposes.

**Sec. 90-91. Codification.**

It is the intention of the town board of commissioners that the provisions of this part 5 shall become and be made a part of the Town of Redington Shores Code, and the publisher of the Town Code is hereby authorized to

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appropriately renumber or otherwise designate the provisions of this part 5 to accomplish proper inclusion into the existing Code.

## *ARTICLE XXIII. DEFINITIONS*

### **Sec. 90-92. Word usage; terms defined.**

For the purpose of this part 5, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" includes the word "premises"; and the word "shall" is mandatory and not directory. Said definitions are as follows:

*Abandon*—To discontinue a use for more than 180 consecutive days.

*Accessory use or structure*—A use or a structure (attached or detached) subordinate to the principal use or building on the same lot and serving a purpose customarily incidental to the use of the principal building. Accessory structures must not include cooking facilities.

*Acreage, gross*—Net acreage, when applicable, multiplied by 1.1 as recognition of a lot's or tract's approximate share of infrastructure land, exclusive of submerged lands or public road right-of-way.

*Acreage, net*—The fee simple (deeded) acreage contained in a given lot or tract as platted and recorded in the official records of Pinellas County, Florida.

*Advertising*—The action of attracting public attention to a product, sale, property location, business, organization, event, public matter, political candidacy or advocacy of an issue on a ballot.

*Advertising structure*—A structure erected or intended for advertising purposes, with or without advertisement display thereon, situated upon or attached to real property, upon which any poster, bill, printing, painting or device is fastened, affixed or displayed.

*Alley*—A through public right-of-way of less than minimum required street width which affords only a secondary means of access to abutting property.

*Alteration*—Any change, rearrangement, enlargement, extension or reduction of any structure or part thereof on the same site.

*Apartment house*—See "dwelling unit, multiple."

*Approved plans*—Plans and specifications which have met with the approval of the building inspector, the town building code and any ordinance and amendments thereto.

*Basement*—A story having part but not more than one-half of its height below grade. A "basement," as herein defined, is counted a story for the purpose of height regulations.

*Beach*—All lands fronting on the Gulf of Mexico seaward of the coastal construction control line, as established by the Florida Department of Natural Resources.

*Billboard*—See "sign, off-premises."

*Boardinghouse*—A building other than a hotel or motel where for compensation and by prearrangement meals or lodging and meals are provided for three or more persons, but not exceeding 20 persons.

*Building*—Any habitable structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animal, chattels or property of any kind.

*Building, height of*—The vertical distance from the design flood elevation to the highest point of the eave of a flat roof or to the declline of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

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*Carport/covered parking areas*—A roofed structure open at two or more sides, either attached to or apart from the main structure on a lot, and used to park and shelter motor-driven vehicles.

*Certificate of occupancy*—A certificate issued by the Town of Redington Shores for all residential dwellings and commercial and nonprofit establishments identifying the legal use of the property and any limitations thereto as established by ordinance or administrative procedure.

*Commercial/nonresidential (C-NR)*—All commercial uses permitted in any district, but excluding dwellings, hotels and motels, boardinghouses and any other use which provides overnight sleeping accommodations.

*Commercial tourist uses*—All uses permitted in the commercial tourist district identified in section 90-103.

*Commercial uses*—All business uses listed in the general commercial (C-NR) zoning district, and those residential uses that are transient and multifamily greater than three units.

*Community services laundry*—A building or portion of a building equipped with washing machines, drying and ironing machines, electric irons and other equipment and supplies used in the washing, drying and ironing of clothes, which are to be rented and used on the premises by the customer to launder his or her own washing.

*Condo-hotel*—A hotel comprised of units that are owned by an individual, corporation or any other legal entity, having mandatory membership of all units in the structure into an association comprised of all owners of all units within the same development. All units must be made available for guest rental on a daily, weekly or monthly basis. Each unit is part of a larger complex of similarly situated units and is not to be used as a time-share or fractional interest. In addition, in order for a structure to be considered as a condo-hotel, it must be used in accordance with the provisions of section 90-103 H. and applicable state laws, as amended.

*Court*—An open area or yard bounded on two or more sides by structural walls of a residential use building.

*Density*—The measure of permitted development expressed as a maximum number of dwelling or transient accommodation units per gross acre of land area.

*Design flood elevation*—The elevation of the "design flood," including wave height, relative to the datum specified on the community'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, § 1612.2.] Flood Insurance Rate Map base flood elevation, plus freeboard as defined in Part 2.

*District, zoning*—Any section of the town for which the regulations governing the use of building and premises or the height and area of buildings are uniform.

*Duplex*—A building designed to contain two dwelling units on a single lot under a single roof.

*Duplex townhouse*—A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot. The minimum lot size shall not be less than 2,520 square feet.

*Dwelling, townhouse*—A one-family dwelling attached in a series by common walls to at least two other one-family dwellings, with each dwelling located on a separate lot. Each townhouse must provide direct means of access from the outside. Furthermore, each dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. For the purpose of this part 5, a townhouse shall be a residential dwelling owned in fee simple.

*Dwelling unit*—Any building or portion thereof which is designed or used exclusively for residential purposes. Each dwelling unit shall contain kitchen, bath and living areas designed or designated for the use of a single individual or family.

*Dwelling unit, multiple*—One structure containing three or more dwelling units on a single lot.

*Dwelling unit, single-family*—A building designed for or occupied exclusively by one family.

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*Easement, subsurface*—A grant by a property owner to another party of the use of the subsurface of his or her land for a specific purpose, such as for a conduit or pipe.

*Easement, surface*—A grant by a property owner of the use of the surface of his or her land to another party for a specific purpose.

*Family*—A group of one or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house or hotel, as herein defined.

*Filling station*—Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any vehicular or marine motor fuel or heating oil or propane.

*Floor area*—The sum of the total area of all floors of a building.

*Floor area ratio (FAR)*—A ratio of square footage of gross floor area divided by the square footage of land area, as applied to nonresidential uses.

*Floors*—See "story."

*Frontage, street*—That portion of a plot of real estate abutting a public or private vehicular thoroughfare.

*Frontage, water*—That portion of a plot of real estate abutting the Gulf of Mexico, Boca Ciega Bay or any related waterways.

*Garage, commercial parking*—A building or portion thereof used for parking motor-driven vehicles owned by persons not residing on the same premises.

*Garage, condominium or apartment parking*—A structure accessory to a duplex or multiple dwelling used for parking motor-driven vehicles owned by persons residing on the same premises.

*Garage, private parking*—A building accessory to a single-family dwelling, designed or used for parking of not more than three motor-driven vehicles owned and used by the occupants of the dwelling to which it is accessory.

*Garage, public*—A building or portion thereof designed or used for servicing, repairing, equipping, hiring, selling or daily storage of motor-driven vehicles.

*Garage, storage*—A building or portion thereof designed exclusively for long-term storage of motor-driven vehicles.

*Grade*—For the purpose of regulating height of structures, excluding buildings the legal established grade shall be the highest point of that portion of any street bounding the land to be filled, altered or built upon.

*Gross floor area*—See "floor area."

*Gross land area*—For the purpose of computing density/intensity, that total land area within the property boundaries of the subject parcel, and specifically exclusive of any submerged land or public road right-of-way.

*Guest house*—A building where lodging only is provided for compensation to three or more, but not exceeding 20, permanent guests or tenants.

*Height*—The vertical distance between the design flood elevation to midpoint of a pitched roof or to the decline of a mansard roof over highest floors, or the top of a flat roof if no rooftop structures other than mechanical equipment exist; or if half-story is being measured, the vertical distance between grade to the midpoint of the half-story.

*Home occupation*—Any business or professional operation in or from a dwelling by a member or members of a family residing in said dwelling.

*Hotel and motel unit*—Each room or suite with bath facilities which can be or is ever rented as a separate rental unit shall be deemed to be a "hotel or motel unit." The minimum square foot area for hotel and motel units is 200 square feet.

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*Hotels and motels*—Commercial enterprises offering rooms or suites for rent, holding a valid business tax receipt as a hotel or motel and operating under the jurisdiction of the state department of business regulation, division of hotels and restaurants.

*Impervious surface*—A surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by stormwater. It includes limerock or clay as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

*Impervious surface ratio (ISR)*—A measure of the intensity of hard-surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the gross land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area.

*Infrastructure land*—Streets, roads, parks, beach and other municipally owned open land.

*Kennel*—Any of the conditions listed shall constitute a kennel for the purpose of this part 5: the maintenance of more than four adult dogs and/or cats over six months in age; the maintenance of more than one brood bitch maintained for active breeding; the production of more than two litters annually.

*Livestock maintenance*—The maintenance of animals other than those commonly considered as household pets, including fowl, grazing farm animals, including horses, and wild animals of a type normally found in zoos. These animals are not permitted within the Town of Redington Shores, except as may be specially permitted by the planning and zoning board.

*Living area*—The area actually occupied, including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features.

*Lodging house*—A building where lodging only is provided for compensation to three or more but not exceeding 20 permanent guests or tenants.

*Lot*—A parcel of subdivided real estate, improved or unimproved, platted and recorded in the office of the Clerk of the Circuit Court of Pinellas County.

*Lot, corner*—A lot having frontage upon two or more streets at their intersection.

*Lot coverage*—Includes the lot area covered by the ground floor of all principal and accessory uses and structures, including all areas covered by the roof of such uses and structures.

*Lot, depth of*—The mean horizontal distance between the front and rear lot lines.

*Lot, double frontage (through lots)*—A lot having a frontage on two streets, other than at any intersection of those streets.

*Lot, interior*—A lot other than a corner lot.

*Lot lines*—The lines bounding a lot.

*Lot of record*—A lot, the map of which has been recorded in the office of the Clerk of the Circuit Court of Pinellas County.

*Lot width*—The mean width measured at right angles to its depth.

*Marina*—Any dock, pier or wall area used for the support, rental, maintenance, servicing or storage of more than two boats not the personal property of the proprietor.

*Minimum standard of improvements*—Includes a paved road, connection with a water main providing a supply of potable water and a connection with the municipal sewer system.

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*Nonconforming use*—Any building or land lawfully occupied by a use at the time of passage of this part 5, or amendments thereto, which does not conform after the passage of this part 5, or amendments thereto, with the use regulations of the district in which it is situated.

*Open space*—Any portion of a lot or parcel unoccupied and open to the sky.

*Ornamentation, sign*—Any illustration, pictorial or other embellishment on signs or structures which relates to products or services of the business or is used to attract attention for business purposes.

*Parking space*—An improved land surface area, enclosed or unenclosed, required for parking one automobile. For computation and plan review purposes, the minimum standard is 200 square feet per required vehicle space, excluding passageways.

*Person*—Includes a natural person, corporation, general partnership, limited partnership, management group, owners' association, general association or any other group of two or more persons engaged in any cooperative effort for a common purpose.

*Plat*—A map prepared and sealed by a professional engineer or land surveyor designating parcel boundaries, lots, rights-of-way and easements, suitable for recording as an official public record.

*Premises*—An individual lot, including its building and accessory structures.

*Professional*—Practitioners of healing arts and sciences, architects, engineers, lawyers, accountants and other occupations requiring comparable academic training, experience and public recognition.

*Public/semipublic uses*—Those primary and secondary uses listed under the institutional, transportation/utility, recreation/open space, and preservation plan categories.

*Rental, transient*—The rental of a structural unit (dwelling/hotel/ motel/lodging house/guest house) in the RM-15 District or in the RD-15 district to a tenant for any period of time less than one month, or in the RS-7 District or the RS-10 District to a tenant for any period of time less than 181 consecutive days. As used in this definition, such term of "rental, transient" shall mean any rental of a dwelling unit, or any portion thereof, for less than the period of time as stated herein, and shall include any subletting or the use of such real property for overnight housing purposes, whether or not such overnight housing purposes involve consideration or remuneration specifically related to the housing of such tenant.

*Repair/maintenance*—The repair or replacement of existing materials in a structure in a manner which does not result in any rearrangement, enlargement, extension or reduction of any structure or part thereof.

*Replat*—A change in an existing plat which changes the existing boundaries of the platted lots for the purpose of creating more or fewer lots or to change the area and size of existing lots.

*Restorium, rest home or nursing home*—Any building and premises used for housing and caring for the aged, convalescents or physically unfit, except persons suffering from mental ailments and persons so ill as to require regular hospitalization.

*Retail business*—The sale of goods or services directly to the general public.

*Satellite antenna*—Any spherical, parabolic or dish-like antenna structure used for receiving television or other signals from orbiting satellites or other devices. The height of the antenna is the maximum elevation of the top of the structure above grade to which the antenna is capable of being raised. A satellite antenna shall be considered as an accessory structure unless it is an integral part of a public utility (e.g., telephone system).

*Seawalls*—Any hardening of the shore by the installation of a vertical wall where such structure is toed in within the waters of the town, county or state. This definition specifically excludes upland retaining walls located outside the waters of the town, county or state.

*Setback*—Minimum distances specified between the nearest vertical wall of any construction on a lot and any of the lot boundaries or seawalls.

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*Sign*—Any display of characters, letters, illustration or related ornamentation and the structure on which they are applied and supported, intended to draw attention to businesses, products or services and to promote their use or to identify properties, institutions or activities.

*Sign, animated*—A sign with action or motion, including flashing lights or other changes in color or form, but not including wind-activated pennants or flags.

*Sign, banner*—Any sign having characters, letters, illustrations or ornamentation applied to cloth, paper or sheeting of any kind hanging freely, not attached to solid backing or framing.

*Sign, billboard*—A sign and/or sign structure advertising an establishment, merchandise, service or entertainment provided at a place other than on the property on which the sign is located.

*Sign, canopy*—A sign attached, painted and/or made a part of an awning or other fixed shelter structure projected from a building.

*Sign, flat or wall*—A sign erected on the wall or parallel to it and extending not more than 12 inches from the wall and supported throughout its area by that building facade.

*Sign, marquee*—A sign attached, printed, affixed or otherwise made a part of the flat forward edge or vertical side edge of a marquee.

*Sign, off-premises*—A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located.

*Sign, painted, wall*—A sign painted on any outside wall of any building.

*Sign, pole (pylon or freestanding)*—A sign erected on a self-supporting advertising structure, including a pole or poles firmly installed into the surface of the ground, wholly independent of any building or other structure for support.

*Sign, political*—A sign supporting the election or defeat of a candidate seeking political office or urging passage or defeat of any issue, question or other matter in a public election or referendum.

*Sign, portable*—A sign readily movable (neither installed in the ground nor firmly affixed to a building or other structure). Examples are towable, A-frame or other signs that can be moved easily from the ground or are lightly attached to a structure.

*Sign, projecting*—A sign attached to and projecting from the wall of any building at any angle.

*Sign, roof*—A sign erected on or over the roofline of any building (cannot be part of a roof).

*Sign, swinging*—A sign projecting from any structure and suspended in such a manner that all sides of the sign are not firmly attached permitting the sign to swing in one or more directions.

*Sign, temporary*—A sign for a limited time or purpose, normally related to an occurrence of a predestined event, not permanently attached to a building or other structure and constructed of lightweight materials.

*Sign, window*—A sign painted, taped, glued or otherwise mounted on a window or door of a business establishment.

*Special exception*—A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare.

*Special use permit*—A permit issued by the planning and zoning board or the town clerk for uses defined as special uses within this part 5 in accordance with procedures specified in section 90-111 D.

*Spot zoning*—Any zoning different from the zoning of property on both sides of the subject property.

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*Story*—That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

*Story, half*—A space under a sloping roof which has the line of intersection of roof decking above the top floor level exceeding three feet in height if usable and in which space not more than two-thirds of the floor area is finished for use. A half story shall not contain independent apartments or living quarters.

*Street*—All property dedicated or intended for public or private street purposes or subject to public easements therefor. The minimum width shall be 35 feet.

*Street line*—A dividing line between a lot, tract or parcel of land and a contiguous street.

*Structure*—Anything constructed, erected or installed, whether permanent or portable, the use of which requires location on the ground or attached to something having a location on the ground. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building. It ("structure") includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. "Structure" also includes signs and swimming pools, etc.

*Supermarket*—A market in excess of 10,000 square feet of floor space specializing in groceries and household sundries.

*Tenant*—A person or persons occupying a dwelling unit to which he or she does not hold title. Where two or more persons simultaneously occupy such a dwelling unit under a common rental arrangement, the singular term "tenant" shall include all such persons.

*Tract*—A parcel of real estate, platted but not subdivided into lots, recorded in the office of the Clerk of the Circuit Court of Pinellas County.

*Transfer of development rights*—The conveyance of development rights, which are transferrable pursuant to the provisions of this Code, by deed, easement, or other legal instrument authorized by this Code, to another parcel of land or within the same parcel of land, and the recording of that conveyance pursuant to this Code.

*Transient accommodation unit*—An individual room or rooms within a transient accommodation use designed to be rented as a single unit for temporary occupancy of a limited duration, and without independent cooking or kitchen facilities.

*Transient accommodation use*—A facility containing one or more transient accommodation units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one month, more than three times in any twelve-month period. In determining whether a property is used as a transient accommodation use, such determination shall be made without regard to the form of ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, or other agreement, or payment of consideration.

*Transient rental*—See "rental, transient."

*Vacation rental*—Any dwelling unit or residence, including, but not limited to, any unit or group of units in a condominium, cooperative, or apartment building, that is rented in whole or in part to a transient occupant for a period of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place that may be rented to a transient occupant, but shall not include a hotel or motel as defined in this Code.

*Variance*—A modification of this part 5 or of regulations issued pursuant thereto when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this part 5 would result in unnecessary and undue hardship.

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*Vehicle*—Any automobile, trailer, motor home, truck, bus, motorcycle, moped or any other conveyance designed for operation on the streets or highways and normally requiring the issuance of a license plate or license tag.

*Yard*—An open space, other than a court, on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building, nearest wall or other vertical part of the structure shall be used.

*Yard, front*—A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building.

*Yard, rear*—A yard extending across the rear of a lot measured between side lot lines and being the minimum horizontal distance between the rear of the main building and the rear lot property line. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

*Yard, side*—A yard between the nearest wall or other vertical part of the structure and the side line of the lot and extending from the front line to the rear lot line.

(Ord. No. 08-04, 7-9-2008; Ord. No. 10-01, 7-14-2010; Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 4, 4-8-2015; Ord. No. 20-06, § 2, 8-12-2020)

Editor's note(s)—Ord. No. 10-05 also provided that it should be retroactive to and concurrent with the adoption of Ord. No. 08-04 on 7-9-2008.

## *ARTICLE XXIV. ESTABLISHMENT OF ZONING DISTRICTS*

### **Sec. 90-93. Districts enumerated.**

In order to classify, regulate and restrict the location of trades, industries and the location of buildings designed for specified uses, to regulate and limit the intensity of the use of lots and to regulate and determine the area of yards, courts and other open spaces surrounding buildings, the town is hereby divided into districts, of which there shall be 11 in number, known as:

RS-7	Low-density residential
RS-10	Medium/low-density residential
RD-15	Medium-density duplex residential
RM-15	Medium/high-density multiresidential
ROR-15	Residential/office/retail
CTF	Commercial tourist facilities
C-NR	General commercial
PUD	Planned unit development
PP	Outdoor recreation/public open space
PI	Public/semipublic institutional
GBO	Gulf Boulevard Overlay

**Sec. 90-93.1. Correlation of zoning districts and future land use plan categories.**

The table below shows the correlation between the town's zoning districts and future land use plan categories. The Gulf Boulevard Overlay District is not represented, as it is an overlay district addressing design standards and its boundaries are established in Figure 90-107-A [in section 90-107 A].

Future Land Use Plan Categories	Zoning Districts									
	RS-7	RS-10	RD-15	RM-15	ROR-15	CTF	C-NR	PUD	PP	PI
Residential Urban (RU)	X							X		
Residential Low Medium (RLM)		X						X		
Residential Medium (RM)			X					X		
Residential High (RH)				X				X		
Commercial General (CG)							X	X		
Resort Facilities Medium (RFM)						X		X		
Residential/ Office/ Retail (R/O/R)					X			X		
Institutional (I)								X		X
Transportation/Utility (T/U)										X
Recreation/Open Space (R/OS)									X	
Preservation (P)										

X = Zoning district is consistent with the future land use plan category.

Blank = Zoning district is not consistent with the future land use plan category.

(Ord. No. 10-01, 7-14-2010)

**Sec. 90-94. Zoning map.**

The locations and boundaries of these districts are established as shown on the current Zoning Map of the Town of Redington Shores. The zoning map is hereby made a part of this part 5. The zoning map shall be identified by the signature of the mayor-commissioner, attested by the town clerk and bear the seal of the town. The official zoning map shall be maintained on display in the Town Hall.

**Sec. 90-95. Interpretation of boundaries.**

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Planning and Zoning Board shall determine the location of such boundaries. Generally, district boundaries are either streets, alleys or lot lines unless otherwise shown.

## *ARTICLE XXV. DISTRICT USE REGULATIONS*

### **Sec. 90-96. General provisions.**

- A. Except as hereinafter provided, no building shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building or land be used which does not comply with all of the district regulations established by this part 5 for the district in which the building or land is located. No mobile home parks (trailer parks) shall be permitted in the Town of Redington Shores, Florida.
- B. No building or other facility, such as a swimming pool, shall be built nearer than 20 feet to a seawall; provided, however, that where a lot has a depth of less than 100 feet, the building or other facility may be constructed not nearer than a distance equal to 20 percent of the depth of the lot, but in no case less than 15 feet, in order that tieback access be protected. As an alternative to the above with regard to seawall tiebacks, a swimming pool may be constructed nearer to the seawall if the seawall cap is replaced with a new cap designed and certified to be adequate by a licensed Florida structural/civil engineer, at least two feet high, minimum, by a width to be designed and certified to be adequate by a licensed Florida structural/civil engineer, with adequate reinforcing and tiebacks flanking the swimming pool with adequate tieback anchors. The beam of such seawall cap shall be not less than the length of the swimming pool plus three feet on each side. In this instance, a swimming pool may be constructed within six feet from the water's edge of the pool to the water's side face of the seawall cap.
- C. On property fronting on the Gulf of Mexico, no seawall shall be constructed seaward of the coastal construction control line; no bearing wall shall be constructed less than 25 feet landward of that line; and no recreational facility, such as swimming pools, shall be constructed less than 18 feet landward of that line.
- D. The word "density," when used in this part 5, is an expression of the permitted number of structural units (dwelling/hotel/motel/lodging house/guest house) per net acre, as herein defined, and is expressed as units per acre or "u/a." The total number of units permitted on a lot or tract shall be calculated by multiplying the allowed density by the gross acreage, as herein defined, of the lot or tract. Less than whole numbers of total permitted units shall in all cases be rounded off to the next lower whole number. The exception is in the RD-15 land use district only, if a lot has an existing single-family dwelling, the lot may be developed for a duplex containing two living units, provided other dimensional lot requirements are met, in order to provide uniformity throughout the land use district. Under no circumstances shall the exception herein stated be deemed to permit more than three units on any combined two lots.
- E. All land use and land development shall be in accordance with the town's comprehensive plan, the countywide comprehensive plan and rules and these regulations. Where these regulations differ from the town's comprehensive plan or the countywide comprehensive plan and rules, the more restrictive of the two shall be applied.
- F. Spot zoning is not desirable and should be discouraged.

### **Sec. 90-97. RS-7 low-density residential district.**

The following regulations shall apply in the RS-7 low-density residential district:

- A. Permitted uses shall be as follows:
  - (1) Single-family detached dwellings.

- (2) Municipally owned or operated parks and playgrounds.
- (3) Accessory structures.
- B. Special uses requiring a permit shall be as follows:
  - (1) Home occupations.
- C. Transient rentals, as defined by the Code, are specifically prohibited in the RS-7 district.
- D. Minimum lot dimensions.
  - (1) Minimum lot dimensions shall be as follows:

Type	Lot Area of 3,500 to 4,999 Square Feet	Lot Area of 5,000 or More Square Feet
Lot width	45 feet	50 feet
Lot depth	75 feet	90 feet
Front yard	20 feet	20 feet
Side yard	5 feet	5 feet
Rear yard	15 feet	20 feet*
Height	2½ stories, not to exceed	2½ stories, not to exceed
	30 feet	30 feet
Lot coverage	40%	40%
Pervious surface	30%	30%
*NOTE: Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line.		

- (2) Every lot shall have an area of not less than 5,808 square feet, except that if a lot has less area than herein required and the plat thereof was of record at the time of passing of this part 5, such lot may be used for a single-family dwelling in conformity with other provisions of this section.
- (3) Maximum building height shall be two and one-half stories, not to exceed 30 feet.
- E. Minimum living area shall be as follows:
  - (1) First floor: 1,000 square feet.
  - (2) Second floor: 500 square feet.
- F. Maximum density. A maximum of seven and one-half residential dwelling units per acre are permitted within this district.
- G. Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.
- H. See also chapter 90, parts 1 and 2; §§ 90-108 and 90-138; and chapter 133, article I, business tax and business tax receipts.

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 5, 4-8-2015)

**Sec. 90-98. RS-10 medium/low-density residential district.**

The following regulations shall apply in the RS-10 medium/low-density residential district:

- A. Permitted uses shall be as follows:
  - (1) Single-family dwellings.
  - (2) Municipally owned or operated parks and playgrounds.
  - (3) Accessory structures.
- B. Special uses requiring a permit shall be as follows:
  - (1) Home occupations.
- C. Transient rentals, as defined by the Code, are specifically prohibited in the RS-10 district.
- D. Minimum lot dimensions.
  - (1) Minimum lot dimensions shall be as follows:

Type	Lot Area of 3,500 to 4,000 Square Feet	Lot Area of 4,001 to 4,999 Square Feet	Lot Area of 5,000 or More Square Feet
Lot width	40 feet	45 feet	50 feet
Lot depth	50 feet	75 feet	90 feet
Front yard	15 feet	20 feet	20 feet
Side yard	5 feet	5 feet	5 feet
Rear yard	10 feet	15 feet	20 feet*
Height	2½ stories, not to exceed 30 feet	2½ stories, not to exceed 30 feet	2½ stories, not to exceed 30 feet
Lot coverage	45%	40%	40%
Pervious surface	30%	30%	30%

\*NOTE: Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line.

- (2) Every lot shall have an area of not less than 4,356 square feet, except that if a lot has less area than herein required and the plat thereof was of record at the time of passing of this part 5, such lot may be permitted, if variance is warranted, a single-family dwelling in conformity with other provisions of this section.
  - (3) Maximum building height shall be two and one-half stories, not to exceed 30 feet.
- E. Minimum living area shall be as follows:
  - (1) First floor: 1,000 square feet.
  - (2) Second floor: 500 square feet.
- F. Maximum density. A maximum of 10.0 residential dwelling units per acre are permitted within this district.
- G. Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.
- H. See also chapter 90, parts 1 and 2; sections 90-108 and 90-138; and Chapter 133, article I, business tax and business tax receipts.

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 6, 4-8-2015)

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**Sec. 90-99. RD-15 medium-density duplex residential district.**

The following regulations shall apply in the RD-15 medium-density duplex residential district:

- A. Permitted uses shall be as follows:
  - (1) Single-family dwellings.
  - (2) Duplexes.
  - (3) Multifamily dwellings and townhouses, with the following limitations:
    - (a) Maximum building height shall be two stories or 30 feet.
    - (b) No such multifamily dwelling or townhouse shall exceed three living units in any structure.
    - (c) There shall be a maximum of one such structure (maximum of three living units) on any platted or replatted lot.
  - (4) Municipally owned or operated parks and playgrounds.
  - (5) Accessory structures and uses.
  - (6) Single-family semidetached in accordance with subsections G. and H. below.
- B. Special uses requiring a permit shall be as follows:
  - (1) Home occupations.
  - (2) Parking lots.
- C. Transient rentals, as defined by the Code, are specifically prohibited in the RD-15 district.
- D. Minimum lot dimensions shall be as follows:
  - (1) Single-family dwellings and duplexes shall be governed by the minimum dimensions for lots of 5,000 square feet or more as contained in section 90-97.
  - (2) Maximum density shall be 15 residential dwelling units per net acre.
  - (3) Maximum building height for single-family and duplex dwellings shall be two and one-half stories or 30 feet.
  - (4) Pervious surface shall be 30 percent of each lot.
- E. Minimum living area shall be as follows:
  - (1) First floor: 1,000 square feet.
  - (2) Second floor: 500 square feet.
- F. Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.
- G. In the event that any structure located in the RD-15 district is damaged or destroyed by a hurricane, tornado, fire, flood, wind, storm or other natural disaster, or if any owner of a structure desires to replace the structure, even if such structure has not been damaged or destroyed by any such natural disaster, it can be replaced, repaired or reconstructed in a manner which guarantees that each unit and all permitted accessory uses can be restored to the same number of units, and square footage as determined by established setbacks and building height. Replacement, repairs and reconstruction shall adhere to all flood management regulations in effect.

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- H. In accordance with subsection G above, a duplex structure in the RD-15 district and CTF district can be replaced with another duplex or, at the option of the owner, with a duplex townhouse. The single lot on which the duplex was located can be divided in two equal parts to allow each duplex townhouse to be located on a separate lot with each lot having frontage on a public right-of-way. Minimum setbacks for a semidetached structure shall be: side, five feet, one wall attached. Each development that includes a duplex townhouse shall submit a minor subdivision plat to the town for review, including a survey of the existing single lot and the proposed lots as divided, proposed structures and a means of maintenance of attached and common portions of the structure (i.e., the roof and common wall) by way of a homeowners' association or other legal document. Such lots can only be created if approved by the Building Commissioner, and if so approved, shall be noted in the town's records, and the lot configuration and homeowners' association or other legal document shall be recorded by the property owner in the records of Pinellas County, with a recorded copy filed with the town.
  - I. See also chapter 90, parts 1 and 2; sections 90-108 and 90-138; and chapter 133, article I, business tax and business tax receipts.

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 7, 4-8-2015)

### **Sec. 90-100. RM-15 medium/high-density multiresidential district.**

The following regulations shall apply in the RM-15 medium/high-density multiresidential district:

- A. Permitted uses shall be as follows:
  - (1) Single-family dwellings.
  - (2) Duplexes.
  - (3) Multifamily dwellings and townhouses.
  - (4) Municipally owned or operated parks and playgrounds.
  - (5) Accessory structures and uses.
- B. Special uses requiring a permit shall include the following:
  - (1) Home occupations.
  - (2) Private, nonprofit recreational uses or social uses where membership is limited to adjacent residential areas.
  - (3) Nonresidential use shall not exceed a floor area ratio (FAR) of forty hundredths (.40), nor an impervious surface ratio (ISR) of seventy hundredths (.70).
  - (4) Accessory off-street parking lots and retention facilities as part of an abutting office or commercial use are allowed as a special exception in the RM-15 zoning district. Such accessory uses are allowed when the abutting office or commercial use abuts Gulf Boulevard and gains access through the abutting office or commercial use.
- C. Transient rentals, as defined by the Code, are specifically prohibited in the RM-15 district.
- D. Single-family dwellings and duplexes:
  - (1) Minimum lot sizes for single-family dwellings and duplexes shall be 6,000 square feet.
  - (2) Other lot dimensions, height restrictions and minimum living areas for such structures shall be governed by those established for lots of 5,000 square feet or more contained in section 90-97.
- E. Multifamily dwellings and townhouses:

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- (1) Multifamily dwellings and townhouses shall be governed by the minimum lot dimensions established under the site plan review procedures described in section 90-110.
  - (2) Maximum density shall be 15 residential dwellings per net acre.
  - (3) Maximum building height shall be four stories of living area, and no building or structure shall exceed 45 feet in height, except that in the area east of Gulf Boulevard and north of 177th Terrace, the maximum height shall be two stories of living area, exclusive of ground-level parking and utility space, and no building or structure shall exceed 30 feet in height.
  - (4) Subject to site plan approval, height and density bonuses may be earned as follows:
    - (a) Under-building, off-street parking in an amount sufficient to constitute a significant addition to the basic requirements of this part 5, zoning, will earn a bonus of one additional living story, an additional ten feet in height, with a maximum density of 20 residential dwelling units per net acre.
    - (b) Side setbacks on those sides of the lot or tract perpendicular to Gulf Boulevard equal to one-half of the width of the lot or tract, but in no case less than 30 feet on the lesser side, will earn a bonus of one additional living story, an additional ten feet in height, with a maximum density of 20 residential dwelling units per net acre.
    - (c) A combination of under-building parking and additional setbacks as prescribed in subsection D.(4)(a) and (b) above will earn a bonus of two additional living stories, an additional 20 feet in height, with a maximum density of 25 residential dwelling units per net acre.
    - (d) Under no circumstances shall the maximum of six living stories, 65 feet height or a maximum density of 25 residential dwelling units per net acre be exceeded, except that in the area east of Gulf Boulevard and north of 177th Terrace, the maximum height shall be four living stories and 50 feet.
    - (e) Under no circumstances shall the density permitted exceed that allowed in the town and/or countywide future land use plan, whichever is more restrictive.
- F. Side setbacks as open areas. To ensure maintenance of open vistas, no structures or plantings will be permitted in the side setback open areas without prior approval of the planning and zoning board.
- G. Minimum living area shall be as follows:
  - (1) First floor: 1,000 square feet.
  - (2) Second floor: 500 square feet.
- H. See also chapter 90, parts 1 and 2; section 90-108 and 90-138; and chapter 133, article I, business tax and business tax receipts.

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 8, 4-8-2015)

### **Sec. 90-101. ROR-15 residential/office/retail district.**

In the ROR-15 residential/office/retail district, the following regulations shall apply:

- A. Permitted uses shall be as follows:
  - (1) Multiple-family dwellings.
  - (2) Commercial buildings.

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- (3) Combination multiple-family residential/office/retail buildings.
  - (4) For purely commercial buildings, all uses permitted in the C-NR district except automotive, bars, restaurants, lounges and all special uses requiring a permit.
  - (5) For combination residential/office/retail buildings, all uses permitted in the purely commercial buildings except fast-food service, bakeries, hardware stores, food stores, restaurants and office reproduction facilities.
- B. Special uses shall be as follows: None.
- C. Minimum lot dimensions and density.
- (1) All permitted uses shall be governed by the minimum lot dimensions established under site plan review procedures described in section 90-110, and residential density shall not exceed 15 units per net acre.
  - (2) Maximum height of all buildings in the ROR-15 zoning district shall be three stories, not to exceed 30 feet.
  - (3) Pervious surface shall be 20 percent of each lot.
  - (4) Transient accommodation uses shall not exceed 25 units per acre.
- D. Intensity regulations. Nonresidential uses shall not exceed a floor area ratio (FAR) of forty hundredths (.40), nor an impervious surface ratio (ISR) of eighty hundredths (.80).
- E. Mixed use shall not exceed, in combination, the respective number of units per acre and the floor area ratio permitted, when allocated in their respective proportion to the total lot area. Mixed uses shall not exceed a maximum impervious surface ratio (ISR) of eighty hundredths (.80).
- F. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts.

(Ord. No. 15-01, § 9, 4-8-2015)

### **Sec. 90-102. C-NR general commercial district.**

In the C-NR general commercial district, the following regulations shall apply:

- A. Permitted uses shall be as follows:
- (1) General commercial uses, limited to:
    - (a) Real estate.
    - (b) Travel agencies.
    - (c) Medical, dental and eye doctors, including other similar health-related professions.
    - (d) Professional services.
    - (e) Brokerage houses.
    - (f) Financial institutions.
    - (g) Studio schools: art, sculpture, music, dance, pottery and like instruction.
    - (h) Automotive service facilities, excluding body repair and major vehicular repair.
    - (i) Office reproduction services.

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- (j) Barbershops, salon/day spas, and beauty parlors.
  - (k) Laundromat and dry-cleaning pickup facilities.
  - (l) Shoe repair shops.
  - (m) Tailors.
  - (n) Pharmacies.
  - (o) Bakeries, selling at retail on premises.
  - (p) Hardware stores.
  - (q) Florists.
  - (r) Food stores.
  - (s) Restaurants.
  - (t) Variety stores, sundries.
  - (u) Stationery, book, tobacco shops.
  - (v) Liquor stores.
  - (w) Novelty stores.
  - (x) Television and appliance stores, sales and service.
  - (y) Specialty shops: men's, women's, children's clothing, shoes and similar apparel shops.
  - (z) Photographic supplies and studios.
  - (aa) Sporting goods stores.
  - (bb) Bars/restaurants/lounges.
  - (cc) Antique shops.
  - (dd) Gift shops.
  - (ee) Fast-food service, snack bars (non-drive-in or drive-through).
  - (ff) Drugstores.
  - (gg) Telecommunication towers and antennas.

[1] Telecommunication transmission towers or antennas and accessory buildings east of Gulf Boulevard, south of 180th Avenue, but north of Shells Restaurant, or west of Gulf Boulevard at Town Hall property and east of Gulf Boulevard between 174th Terrace Drive and 174th Avenue, properties zoned CNR, commercial, institutional, semipublic or public, or on existing buildings in excess of 86 feet zoned RM-15, west of Gulf Boulevard, north of Coral Avenue, but south of 180th Avenue West; also within the Town of Redington Shores in areas zoned RM-15 west of Gulf Boulevard, north of 174th Avenue, but south of 175th Terrace Drive.

[2] Towers and antennas that increase the height of any building or structure are prohibited from being attached to any new or existing structure. Structures to qualify for the supporting of antennas shall be a minimum of 86 feet in height. Antennas shall be attached to the sides and made obscure from vision with neutral color similar to that of the structure. Antennas preexisting this

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subsection used for the sole private use, such as emergency communication for that institution, shall be considered grandfathered.

[3] A permit shall be required as described in section 133-21\*<sup>8</sup>.

[4] Definitions. As used in this subsection, the following terms shall have the meanings indicated:

*Antenna*—Any exterior apparatus designed for telephonic, radio or television communications, through the sending or receiving of electromagnetic waves.

*FAA*—The Federal Aviation Administration.

*FCC*—The Federal Communications Commission.

*Tower*—Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna lattice towers, guy towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave, common carrier and cellular towers.

(2) Government/public service uses, limited to:

- (a) Police station.
- (b) Fire station.
- (c) Library.
- (d) Post office.
- (e) Town Hall.
- (f) Churches.

(3) Accessory uses and structures for all permitted uses.

B. Special uses requiring a permit shall be as follows:

(1) Commercial uses, limited to:

- (a) Garden supplies and plant nurseries.
- (b) Gas and service stations.
- (c) Marinas and light marine repair facilities.
- (d) Laundry and dry-cleaning facilities.
- (e) Department stores.
- (f) Furniture stores.
- (g) Supermarkets.
- (h) Parking garages.
- (i) Passenger car rentals.

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<sup>8</sup>\***Editor's note**—Former § 133-21, regarding required permits for telecommunications services, was superseded by the provisions of Ord. No. 01-08, adopted 7-10-2001. See now Ch. 133, Art. II, Local Communications Services Tax.

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- (j) Delivery services.
  - (2) Commercial recreation uses, limited to:
    - (a) Health clubs.
    - (b) Gymnasiums.
    - (c) Miniature golf courses.
    - (d) Movie theaters.
    - (e) Fishing piers.
    - (f) Tennis clubs.
    - (g) Shuffleboard clubs.
  - C. Minimum lot dimensions. All general commercial uses shall be governed by the minimum lot dimensions established under the site plan review procedures described in section 90-110.
    - (1) Maximum building height is three stories, not to exceed 30 feet.
    - (2) Pervious surface shall be 20 percent of each lot.
  - D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of 0.55, nor an impervious surface ratio (ISR) of 0.80.
  - E. Government/public service uses shall not exceed a maximum area of five acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.
  - F. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts.

(Ord. No. 15-01, § 10, 4-8-2015)

### **Sec. 90-103. CTF commercial tourist facilities district.**

The following regulations shall apply in the CTF commercial tourist facilities district:

- A. Permitted uses shall be as follows:
  - (1) Hotels and motels.
  - (2) Lodging and guest houses.
  - (3) General commercial uses permitted in the C-NR district.
  - (4) Accessory uses and structures for all permitted uses.
  - (5) Single-family dwellings.
  - (6) Duplexes.
- B. Special uses shall be as follows:
  - (1) Commercial recreation uses permitted with special permit in the C-NR district.
  - (2) Accessory off-street parking lots and retention facilities as part of an abutting office or commercial use are allowed as a special exception in the CTF commercial tourist facilities zoning district. Such accessory uses are allowed when the abutting office or commercial use abuts Gulf Boulevard and gains access through the abutting office or commercial use.

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- (3) Municipally owned parking lots.
  - C. Minimum lot dimensions. All permitted uses shall be governed by the minimum lot dimensions established under site plan review procedures described in section 90-110.
    - (1) Maximum height of all hotels and motels shall be the same as for multiple dwellings in the RM-15 district. A height and density bonus as described in the RM-15 district shall apply.
    - (2) In no case will the maximum of six living stories, not to exceed 65 feet in height, or 25 transient accommodation units per acre be exceeded. Each rental unit shall contain a minimum floor area of 200 square feet and shall contain complete bathroom facilities.
    - (3) All other permitted and special uses shall have a maximum height of three stories, not to exceed 30 feet.
    - (4) Pervious surface shall be 20 percent of each lot.
  - D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of .55, nor an impervious surface ratio of (ISR) .80.
  - E. Mixed use shall not exceed, in combination, the respective number of units per acre and the floor area ratio permitted, when allocated in their respective proportion to the total lot area. Mixed uses shall not exceed a maximum impervious surface ratio (ISR) of .80.
  - F. Height restriction and design criteria:
    - (1) Towers shall not exceed 70 feet in height from the ground base of the structure to the highest point of that structure.
    - (2) Towers and supporting structures shall be a neutral and nonglare color or finish so as to reduce visual obtrusiveness.
    - (3) All towers shall meet applicable standards of the FAA and FCC.
    - (4) Towers shall be set back from a residential area a distance equal to that of its height, plus 20 additional feet.
    - (5) All guides and accessories must meet the minimum setback required as set forth in the Building Code.
    - (6) Towers shall be enclosed by security fencing six feet in height, and a landscape buffer shall be installed.
    - (7) Towers shall be free of advertising.
  - G. Residential density regulations. The number of permitted residential units shall not exceed 15 units per acre.
  - H. Condo-hotels. A condo-hotel is a specialized form of transient accommodation use. Condo-hotels shall be allowed in any land use district where a hotel, motel or transient accommodation use would be allowed. Units in a condo-hotel are exempt from the prohibition of kitchens in transient accommodations, provided the structure of the condo-hotel and the units within the condo-hotel are constructed, maintained and used in accordance with the following criteria:
    - (1) All units in a condo-hotel shall be considered transient accommodation units and must be made available for rentals on a continual basis on a daily, weekly or monthly basis. If the occupancy of any such unit does not change more frequently than 12 times or more in any continuous twelve-month period, then a rebuttable presumption shall arise that the unit is not being used as a condo-hotel unit for transient accommodations.

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- (2) All units in a condo-hotel must have appropriate licenses as hotel units prior to any certificate of occupancy being issued for the structure. All licenses must be kept up-to-date annually.
  - (3) Business tax receipts for the rental of each unit from the Town of Redington Shores shall be required, and such business tax receipts must be maintained annually for all such units.
  - (4) All units in a condo-hotel shall be subject to all applicable tourist tax collection requirements.
  - (5) No unit in a condo-hotel shall be used for homesteading purposes.
  - (6) No home business tax receipt shall be issued for any unit in a condo-hotel.
  - (7) All units in a condo-hotel must be subject to requirements of mandatory membership in a common association and may be subject to rental by an exclusive rental agency selected by such condo association, or shall be subject to rental by the owner or by a rental agency selected by the unit owner, and all unit owners shall make such units available for rent through one of such rental agencies, or directly by the unit owner.
  - (8) No unit in a condo-hotel shall be used as a time-share or fractional-ownership unit.
  - (9) One unit in a condo-hotel structure may be used for the permanent, year-round occupancy by a person or family unit serving as the on-site manager. However, the occupant of such unit must have the ability to handle rentals and rent all other units in the building on a daily, weekly or monthly basis.
  - (10) A condo-hotel structure must be designed with and must contain a front desk lobby, internally oriented, and easily signed and accessible to members of the public.
  - (11) All condo-hotels must have sufficient signage viewable by the general public on adjacent streets advertising such structure as a rental facility, available for daily, weekly or monthly rentals.
  - (12) Units in a condo-hotel may not be occupied by the individual owners of such units for more than a total of 60 days in any twelve-month consecutive period.
  - (13) The books and records of the condo-hotel pertaining to the rentals of each unit in the condo-hotel shall be open for inspection by representatives of the Town of Redington Shores, upon reasonable notice, in order to confirm compliance with these regulations.
  - (14) Each unit in a condo-hotel structure shall be limited to a maximum of two bedrooms, a maximum of two bathrooms and a maximum square footage per unit not to exceed 850 square feet.
- I. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts.
  - J. *Vacation rentals.* All permitted vacation rentals must comply with the regulations set forth in section 90-116.

(Ord. No. 15-01, § 11, 4-8-2015; Ord. No. 20-06 , § 3, 8-12-2020)

### **Sec. 90-104. Planned unit development (PUD).**

#### **A. Purpose.**

- (1) It is the purpose of the planned unit development zoning district to allow for a creative and flexible approach to development, which may include a harmonious and cohesive mix of uses on a single site.
- (2) Further, it is the purpose of the planned unit development zoning district to promote implementation of the Gulf Boulevard Overlay District the objectives of which are:

- (a) To preserve, enhance or create public spaces that are distinctive, accessible and desirable.
  - (b) To create compact concentrations of compatible uses through the development of multiple uses within the same buildings, parcels or blocks.
  - (c) To create safe and welcoming pedestrian environments, particularly along and near Gulf Boulevard, through the use of streetscaping, traffic calming, and effective architectural design.
  - (d) To create a coherent design aesthetic for the town through attention to the placement, configuration and architectural detail of new construction.
- B. *Application of zoning.* Planned unit development zoning may be applied to:
- (1) Properties that are encompassed within the Gulf Boulevard Overlay District; or
  - (2) Properties that are sizable in area (generally four or more acres) and are proposed for development utilizing a creative approach not available through other zoning.
- C. *Submission of plans for review by town commission; advertisement required.* To allow town officials the opportunity to determine that a proposed development meets the articulated purposes and standards for planned unit development zoning, plans shall first be submitted to and reviewed by the Planning and Zoning Board of the Town of Redington Shores, which shall make recommendation concerning such proposed planned unit development to the town commission, and such plans shall then be submitted to and reviewed by the town commission in conjunction with any application for this zoning. Consideration of the development plans by the commission shall occur concurrently with consideration of the application for zoning and shall be advertised as part of such zoning. These provisions shall supersede the requirements of sections 90-110 and 90-126 of this Code.
- D. *Approval of zoning and plans by town commission.* In order for the town commission to approve planned unit development zoning and the associated development plans, it must find that the development advances the purposes of the zoning, complies with the standards of this Code and the town's comprehensive plan, is compatible with the surrounding neighborhood and the town and, if in the Gulf Boulevard Overlay District, the commission must find that plans are substantially consistent with the urban design guidelines. Furthermore, the commission may prescribe conditions of approval as determined necessary to ensure compliance with all standards, compatibility with the neighborhood and town, and substantial consistency with the design guidelines.
- E. *Design and use standards.*
- (1) *Uses.*
    - (a) The future land use plan category of the town's comprehensive plan shall be used to determine permitted and special uses within planned unit development districts, specifically:

Future Land Use Plan Category	Zoning Districts Permitted and Special Uses
Residential urban (RU)	All uses and special uses permitted within the RS-7 district
Residential low medium (RLM)	All uses and special uses permitted within the RS-7 and RS-10 districts
Residential medium/duplex (RM-D)	All uses and special uses permitted within the RD-15 district
Residential high (RH)	All uses and special uses permitted within the RD-15 and RM-15 districts
Commercial general (CG)	All uses and special uses permitted within the C-NR district
Resort facilities medium (RFM)	All uses and special uses permitted within the RS-7, RS-10, RD-15, RM-15, and CTF districts
Residential/office/retail (R/O/R)	All uses and special uses permitted within the RS-7, RS-10, RD-15, RM-15, C-NR, and ROR-15 districts
Institutional (I)	All uses and special uses permitted within the PI district

- (b) Within the Gulf Boulevard Overlay District, uses shall conform to the ground floor requirements specified in the urban design guidelines.
- (2) Density, floor area ratio and impervious surface ratio.
  - (a) The future land use plan category of the town's comprehensive plan shall determine the maximum density and intensity of uses within planned unit development districts, specifically:

Future Land Use Plan Category	Maximum Density (dwelling units per gross acre)	Maximum Floor Area Ratio	Maximum Impervious Surface Ratio
Residential urban	7.5	.40	.65
Residential low medium	10.0	.50	.75
Residential medium/duplex	15.0	.50	.75
Residential high	15.0 with allowances up to 25.0	.60	.85
Commercial general	0.0	.55	.90
Resort facilities medium	15.0	.65	.85
Residential/Office/Retail	15.0	.40	.85
Institutional	0.0	.65	.85

- (b) Use mixes consisting of residential and nonresidential uses shall not exceed, in combination, the respective number of units per acre and the floor area ratio permitted, when allocated in their respective proportion to the total lot area.
- (3) *Lot area, width and depth.* No minimum lot dimensions are required; however, lots shall be sufficiently proportioned to support the buildings and uses proposed and provide comfortable spatial relationships with surrounding buildings and uses.
- (4) *Setbacks.*
  - (a) Within the Gulf Boulevard Overlay District, setbacks shall be provided in conformance with the urban design guidelines.
  - (b) Outside of the Gulf Boulevard Overlay District:
    - [1] Building setbacks shall be determined through the course of development plan review.
    - [2] Setbacks shall provide appropriate spatial relationships between buildings and uses. That is, setbacks shall be based on the size, height and use of proposed buildings in relationship to other nearby buildings on and off site, and shall include consideration of all other land use and natural characteristics of the surrounding neighborhood that affect appropriate building placement.
    - [3] All setbacks shall be delineated or otherwise specified on the preliminary development plan. Approval of the preliminary development plan by the commission constitutes approval of such setbacks.
    - [4] Uniform front building setback lines shall be provided for single-family development.
    - [5] Garages shall not be situated forward of the front wall of single-family dwellings.
    - [6] No building shall be located closer than ten feet to any exterior boundary of the planned unit development.

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- [7] Setbacks are not required for accessory structures except as may be expressly designated on the preliminary development plan.
  - [8] If a zero lot line development is proposed, maintenance easements on adjoining lots shall be recorded to facilitate building maintenance.
  - [9] As an alternative to the positioning requirements contained in section 90-12 of this Code, docks, boat lifts and davits may be constructed continuously along the waterfront of planned unit development properties adjoining Boca Ciega Bay and its waterways, provided such structures pose no obstruction to navigation or conflict with the shared use of the water and:
    - [a] Have a minimum setback of 15 feet from the extension of the side property lines; or
    - [b] Are shared by adjacent properties and, accordingly, are constructed across the extension of the common side property line with no setback.
- (5) *Building height.*
- (a) Within the Gulf Boulevard Overlay District:
    - [1] Buildings or portions thereof located within 100 feet of the Gulf Boulevard right-of-way shall conform to the height criteria set forth in the urban design guidelines.
    - [2] Buildings or portions thereof located more distant than 100 feet from the Gulf Boulevard right-of-way shall not exceed 85 feet in height as measured from the crown of the adjoining road to the bottom of the eave of the primary roof.
  - (b) Outside of the Gulf Boulevard Overlay District, the maximum allowable height as measured from the crown of the adjoining road to the bottom of the eave of the primary roof shall be 75 feet, except that the maximum height for single-family dwellings shall be 40 feet.
- (6) *Architecture.*
- (a) Within the Gulf Boulevard Overlay District, buildings shall conform to the architectural standards contained in the urban design guidelines.
  - (b) Outside of the Gulf Boulevard Overlay District:
    - [1] Buildings other than single-family dwellings shall conform to the Spanish or Mediterranean architectural standards contained in the urban design guidelines. Furthermore, any such building over 200 feet in length shall be provided with vertical architectural breaks to provide visual interest and relief.
    - [2] Single-family dwellings are not required to conform to any specific architectural motif.
- (7) *Parking.* Off-street parking and loading shall conform to the requirements contained in section 90-108, except that development of properties located within the Gulf Boulevard Overlay District shall be guided by the parking standards set forth in the urban design guidelines, including those which may be less restrictive than section 90-108.
- (8) *Landscaping.*
- (a) Street trees shall align all public and private roadways. Within the Gulf Boulevard Overlay District, trees planted within the Gulf Boulevard/SR699 right-of-way will need the prior written approval of the Florida Department of Transportation. In all other areas, trees shall be planted in accordance with the terms of the urban design guidelines. Outside of the Gulf Boulevard Overlay District, deciduous shade trees shall align both sides of all roadways in planned unit development

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districts. Specifically, one tree shall be planted on each side of the roadway per 100-foot length of roadway. Palm trees may substitute for deciduous shade trees; however, if palm trees are used, one tree shall be planted on each side of the roadway per 30-foot length of roadway.

- (b) Any opaque fence or wall located within ten feet of a public or private street right-of-way shall be buffered on the right-of-way side with mass plantings of a variety of shrubs. The shrubs shall provide an interesting landscape buffer of varying textures and heights. Shrubs shall be selected that, at maturity, will attain a minimum height of three feet and will cover at least 50 percent of the length of the fence or wall.
- (9) *Signs.* Within the Gulf Boulevard Overlay District, all signs shall be placed in accordance with the standards contained in the urban design guidelines. Outside of the Gulf Boulevard Overlay District, signs shall be placed in accordance with the standards contained in section 90-112 of this Code.
- (10) *Density averaging.* Density averaging may be allowed upon approval by the town commission in accordance with the "Rules Concerning the Administration of the Countywide Future Land Use Plan."
- (11) *Storm preparedness.* Design and construction of all buildings and other site improvements shall take into account the town's coastal exposure to severe storms that may produce flooding and hurricane-force winds. In particular, roll-down shutters or shatter-resistant windows shall be installed during construction.
- (12) *Construction of streets, sidewalks and utilities.*
- (a) All streets, whether public or private, shall be constructed in accordance with Pinellas County specifications. Maintenance of private streets shall be the responsibility of the respective homeowners' or condominium owners' association.
  - (b) Streetlights shall be installed in accordance with the specifications of the town. All streetlights shall be shielded so that direct light is deflected away from residences. Maintenance of private streetlights shall be the responsibility of the respective homeowners' or condominium owners' association.
  - (c) Sidewalks aligning public and private streets shall be constructed in accordance with specifications of the Town of Redington Shores, including the urban design guidelines.
  - (d) Water lines and fire hydrants shall be installed and constructed in accordance with specifications of the Pinellas County Water Department.
  - (e) Storm drainage improvements shall be constructed in accordance with specifications of the Town of Redington Shores, and stormwater runoff shall conform to the requirements of the Southwest Florida Water Management District.
  - (f) Sanitary sewer lines shall be installed and constructed in accordance with specifications of the Pinellas County Utility Department.
  - (g) Locations of utilities, existing and proposed, including depicting all easements on the property, whether such are utility easements or private easements. Any property fronting on Gulf Boulevard shall show and provide a ten-foot-wide utility easement, for aboveground and below-ground utilities, along such portions of the property abutting Gulf Boulevard. The providing of such utility easement to the Town of Redington Shores shall be a condition that must be fulfilled prior to the issuance of any building permit.
- F. *Processing of plans.* All plans submitted for development in the planned unit development district shall be of sufficient clarity and detail to facilitate judgments by town officials regarding compliance with all applicable development standards.

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- (1) *Conceptual development plan.* The conceptual development plan provides an opportunity for the applicant and building official to have an informal and nonbinding exchange of information regarding the development proposal at an early stage in the development process. To initiate this review, the applicant submits three copies of a conceptual development plan to the building official. The building official in turn shall identify any major concerns and the need for additional support data. The conceptual plan shall, at a minimum, consist of the following information:
    - (a) Project name.
    - (b) North arrow, scale and date.
    - (c) Boundary survey.
    - (d) Site acreage.
    - (e) Existing and proposed streets.
    - (f) Existing and proposed drainage patterns.
    - (g) Proposed land uses, including number and location of dwelling units, and floor area and location of nonresidential uses.
    - (h) Density calculations for residential development and floor area ratio calculations for nonresidential development.
    - (i) Proposed building heights.
    - (j) Proposed parking locations.
    - (k) Existing and proposed driveway access locations.
    - (l) Pedestrian and open space areas.
    - (m) Phase lines, if the development is to be built in phases.
  - (2) *Preliminary development plan and architectural plans.*
    - (a) Following review of the conceptual plan, the applicant shall submit eight copies of a preliminary development plan to the building official. The preliminary development plan shall consist of the information enumerated in section 90-110 of this Code and such other information as may be necessary to facilitate determination by town officials regarding the development's compliance with this Code, the urban design guidelines, and applicable concurrency requirements.
    - (b) In addition, if the property is located within the Gulf Boulevard Overlay District, eight copies of architectural plans shall be submitted. The architectural plans shall consist of sufficient detail to facilitate determination by town officials regarding the development's consistency with the urban design guidelines.
    - (c) The building official, upon determining that the preliminary development plan and architectural plans meet all requirements for submission, shall coordinate with the town clerk the advertisement of the plans for review by the town commission. This plan review shall occur concurrently with the request for planned unit development zoning.
    - (d) As part of the aforementioned plan review, the town commission may grant waivers of development standards that do not affect density, floor area ratio or impermeable surface coverage.
  - (3) *Final building plans.* The final building plans shall consist of detailed site, engineering, architectural, landscaping and other plans as may be necessary to procure building permits. The applicant shall submit three complete sets of final building plans to the building official within one year of preliminary

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development plan approval. The applicant may, prior to the one-year expiration date, submit a written request for one extension of up to one additional year, which the town commission may grant for good cause. Review of any extension request shall take into account changed conditions, including the effect of new regulations on the project. If final building plans are not submitted within the aforementioned time frames, the preliminary plan approval shall expire and all subsequent development proposals shall be processed as new submissions.

- (4) *Amendment of an approved preliminary development plan.* The building official shall determine whether a proposed preliminary development plan amendment is a minor or major amendment based upon the type and magnitude of the proposed change, including the cumulative effect of multiple changes.
- (a) *Minor amendments.* The building official is authorized to approve minor plan modifications that do not present issues regarding neighborhood compatibility or consistency with the urban design guidelines. Any changes must be resubmitted in the form of a revised preliminary or final development plan.
- (b) *Major amendments.* Major amendments shall be subject to review by the town commission and shall be advertised as part of a zoning change. In order for the commission to approve a major amendment, it must find the amendment to be appropriate for and compatible with the neighborhood, compliant with this Code and the comprehensive plan and, if in the Gulf Boulevard Overlay District, it must find that the development remains substantially consistent with the urban design guidelines. The Commission may prescribe conditions of approval as determined necessary to ensure both neighborhood compatibility and compliance with all applicable development standards. The following modifications typically constitute major amendments:
- [1] Any change that denigrates the objectives of the urban design guidelines.
  - [2] Any change that increases density or floor area ratio (not to exceed that permitted by the future land use plan).
  - [3] Any change of land use that produces significant new or additional impacts.
  - [4] Any change that affects uniform setbacks approved on the preliminary development plan by the town commission.
  - [5] Any significant change to the size, height, location, or appearance of a building.
  - [6] Any change or changes that increase traffic generation rates in excess of ten percent of that approved on the preliminary development plan by the town commission.
  - [7] Any change that creates additional vehicular access points.
  - [8] Any reduction, relocation, or changed use of open space.
  - [9] Any change that affects existing conditions of approval.
  - [10] Any other change that produces significant impacts, such as, but not limited to, the alteration of fire lanes, a change affecting a public access easement, or a change that affects drainage flows or patterns.

G. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts; and section 90-113, satellite antennas.

(Ord. No. 15-01, § 12, 4-8-2015)

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**Sec. 90-105. PP outdoor recreation/public open space district.**

In the PP outdoor recreation/public open space district, the following regulations shall apply:

- A. Permitted uses shall be as follows:
  - (1) Public beach and public access thereto.
  - (2) Public parks and bayside public accesses.
  - (3) Public parking off-highway areas.
  - (4) Fishing piers and marinas.
  - (5) Miniature golf courses.
  - (6) Tennis, shuffleboard and swimming clubs.
  - (7) Accessory uses and structures for permitted uses.
- B. Special uses shall be as follows: None.
- C. Minimum lot dimensions. All permitted uses shall be governed by the minimum lot dimensions established under site plan review procedures described in section 90-110.
  - (1) The height limit for accessory structures shall be one story, not to exceed 15 feet.
  - (2) Pervious surface shall be 40 percent of each lot.
- D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of 0.25, nor an impervious surface ratio (ISR) of 0.60.
- E. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; chapter 133, article I, business tax and business tax receipts; and section 90-113, satellite antennas.

(Ord. No. 15-01, § 13, 4-8-2015)

**Sec. 90-106. PI public/semipublic institutional district.**

The following regulations shall apply in the PI public/semipublic institutional district:

- A. Permitted uses shall be as follows:
  - (1) Public buildings and support facilities.
  - (2) Public utility installations (sewer, water, drainage, etc.).
  - (3) Schools, libraries, churches.
  - (4) Fraternal, veterans, public service clubs.
  - (5) Accessory uses and structures.
- B. Special uses shall be as follows: None.
- C. Minimum lot dimensions.
  - (1) All permitted uses shall be governed by the minimum lot dimensions established under site plan review procedures described in section 90-110.
  - (2) The height limit for accessory structures shall be one story, not to exceed 15 feet, but public utility poles and lines or church steeples shall not be considered as structures for this purpose.

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- D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of sixty-five hundredths (0.65), nor an impervious surface ratio (ISR) of eighty hundredths (.80).
  - E. All transportation/utility and institutional uses shall require the appropriate corresponding plan designation.
  - F. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; chapter 133, article I, business tax and business tax receipts; and section 90-113, satellite antennas.

(Ord. No. 15-01, § 14, 4-8-2015)

### **Sec. 90-107. GBO Gulf Boulevard Overlay District.**

A. *Purpose.*

- (1) It is the purpose of the Gulf Boulevard Overlay District (GBOD) to establish a unifying set of development design standards that guide infill and redevelopment activities occurring within the town on properties located adjacent to portions of Gulf Boulevard. See Figure 90-107-A for the GBOD limits.
- (2) Implementation of the design standards will create a pedestrian-friendly and aesthetically cohesive town; a desirable place to live, work, and play that is known for its distinctive coastal character. This coastal character is fostered through a building's size and mass, placement, relationship to other buildings and ancillary facilities, and overall appearance.
- (3) Further, the objectives of the overlay district are:
  - (a) To preserve, enhance or create public spaces that are distinctive, accessible and desirable.
  - (b) To create compact concentrations of compatible uses, through the development of multiple uses within the same buildings, parcels or blocks.
  - (c) To create safe and welcoming pedestrian environments, particularly along and near Gulf Boulevard, through the use of streetscaping, shading, protection from weather, traffic calming, and effective architectural design.
  - (d) To create unifying design treatments throughout the district through attention to the placement, configuration and architectural detail of new construction.

**Figure 90-107-A**



B. *Definitions.* For the purpose of this district, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" includes the word "premises"; and the word "shall" is mandatory and not discretionary. Said definitions are as follows:

*Alignment*—The configuration of the building facades cooperating to define open space in much the same way as walls define a room.

*Arcade*—A series of arches linked together, usually as an element of a building and covering a sidewalk.

*Arcade frontage*—Certain lines designed for arcades on the ground story. The arcade length is measured as the distance along the building facade. The depth is measured back from the building facade. The height is measured from the sidewalk to the ceiling of the arcade.

*Awning*—An ancillary lightweight structure of wood, metal or canvas, cantilevered from a building facade and providing shade to the building windows, doorway openings, and spatial containment for pedestrians.

*Back building*—An ancillary segment of a building extending from a principal building into a rear yard. A back building may connect the main building to an outbuilding.

*Balcony*—An unenclosed, habitable structure, usually cantilevered from a facade or an elevation, providing private outdoor space to an apartment.

*Bands of windows*—A horizontal series of three windows or more, separated only by mullions, that forms a horizontal band across the facade of a building.

*Bays*—Openings formed by the supports of the arcade or colonnade.

*Build-to line*—A line appearing graphically on the site development plan and/or stated as a setback dimension, along which a building facade must be placed.

*Canopy sign (awning sign)*—A sign that is mounted on, painted to, or otherwise attached to an awning.

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*Canopy tree*—A large-scale deciduous or evergreen shade tree used as part of streetscape plantings to define space, buildings, and shade sidewalks.

*Cap*—A horizontal cross member at the top of a window frame in semicircles, arches, or triangular shapes.

*Colonnade*—A series of columns similar to an arcade but spanned by straight lintels instead of arches (see "gallery").

*Configuration, building*—The three-dimensional form of a building, including the form and materials of roofs, walls, openings, and other elements.

*Cornice*—Any crowning projection.

*Crosswalk*—The axis of pedestrians crossing a thoroughfare. The crosswalk typically to connect sidewalks at the corners of blocks.

*Detached single-family house*—A freestanding building, designed for or occupied exclusively by one family.

*Diagonal parking*—A pattern of parking where the vehicle is stored at an angle to the curbline.

*Door, entry*—A primary entrance that provides security at the main building entry point.

*Driveway*—A vehicular accessway within a private lot connecting a garage to a thoroughfare.

*Dwelling, multifamily*—A dwelling where three or more dwelling units are contained in one structure on a single lot or parcel and attached by common vertical walls.

*Dwelling, single-family detached*—A dwelling unit on a single parcel or parcels attached to one or more one-family dwellings connected by common vertical walls.

*Dwelling, single-family attached*—A one-family dwelling on a single lot attached to two or more one-family dwellings that are on single lots attached by common vertical walls.

*Eave*—The junction of the wall of a building and an overhanging roof. To avoid discouraging pitched roofs, the designated maximum building height should be measured to the eave, and not the ridge of the roof.

*Facade, primary*—The elevations of a building usually set parallel to a frontage line.

*Fenestration*—The arrangement, proportioning, and design of windows and doors in a building.

*Frontage lot*—That portion of a lot, between the facade and the lot line, that fronts onto a public open space or a thoroughfare.

*Frontage width*—The measure of the lot line that coincides with the right-of-way of a thoroughfare. In a corner condition, a frontage width is measured at the more important of the two thoroughfares.

*Gable*—The orientation of a pitched roof that shows the vertical, triangular side rather than the sloped.

*Gallery*—A roofed promenade where the columns are set at regular intervals.

*Garage door ratio*—The vertical surface area of the garage (the doors and their surrounds) relative to the rest of the facade.

*Gate*—An exterior door connecting one outdoor space within another.

*Green*—A public open space available for unstructured recreation, generally contained by building facades, landscaped with grassy areas and trees.

*Head-in parking*—A pattern of parking where the vehicle is stored at a ninety-degree angle to the curbline.

*Lawn*—Grassed lands controlled by mowing. A lawn is a uniform, durable groundcover suitable for playing fields.

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*Liner building*—A building conceived specifically to mask a parking lot or a parking structure from the frontage.

*Lintel*—A supporting wood or stone beam across the top of an opening, such as that of a window or door.

*Live-work building*—A townhouse or stand-alone structure, generally owner-occupied, with the first story available as commercial space. This space is controlled by the building's owner and may be leased to an independent business owner.

*Loft*—A high-ceilinged and internally well-lit dwelling with few partitions reaching the ceiling.

*Loggia*—An open-air room within the mass of a building, with ceiling and floors, but no wall on at least one side.

*Main building*—The principal building on a lot, disposed to provide the facade on the frontage.

*Mullion*—A vertical member dividing a window or opening.

*Off-street parking*—A parking area located within a lot, generally to the rear of a building frontage, masking it from the public space.

*On-street parking*—A single line of parking located along the curblin of a thoroughfare, accessible directly from a moving lane.

*Out building*—A secondary building associated with a principal building by ownership and shared lot.

*Parallel parking*—A pattern of parking where the vehicle is stored parallel to the curblin. Parallel parking permits a narrower street section and creates the most positive sidewalk experience of the possible patterns, but it requires a difficult driving maneuver and provides the lowest density of parking per linear foot of street frontage.

*Parapet*—A low guarding wall at any point of sudden drop, such as the edge of a terrace, roof or balcony.

*Park*—A large open area available for recreation, usually located at the neighborhood edge, and fronted by buildings. Its landscape comprises paved paths and trails, some open lawn, trees and open shelters, all naturalistically disposed and requiring limited maintenance.

*Passage*—A pedestrian connector passing between buildings.

*Pedestrian shed*—A determinant of urban size, defined as the area described by a radius equaling the distance that can be covered by a five-minute or one-quarter-mile walk at an easy pace.

*Pedestrian way*—The portion of the thoroughfare right-of-way that is dedicated to uses other than vehicular movement and parking. The pedestrian way includes the sidewalks, arcades, and planting areas of streetscapes.

*Placement, building*—The location of a building on its lot. Placement is determined by dimensional setback or build-to requirements measured from the lot boundary lines.

*Playground*—A small open area specifically designed and equipped for the play of small children. A playground is usually fenced and may include an open shelter.

*Plaza*—A public space set at the intersection of important streets, set aside for civic purposes and/or commercial activities.

*Porch*—An open-air room appended to the mass of a building with floor and roof, but no walls on at least two sides.

*Public realm (space)*—Those parts of the urban fabric that are held in common, such as plazas, squares, parks, thoroughfares and civic buildings.

*Rear lane*—A vehicular accessway located to the rear of a lot providing access to parking and outbuildings as well as easements for utilities. Rear lanes are paved as lightly as possible, to driveway standards or with shell.

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*Retail frontage*—Certain frontage lines designated for mandatory retail on the regulating plan. These building facades are subject to special adaptation for retail use at the ground story.

*Roof*—That element of a building that covers the top of a building, as the walls cover the sides.

*Roof overhang*—The overhead cantilever of an architectural element beyond the building wall.

*Roof slope*—The angle of the roof, usually stated as a ratio of the vertical to the horizontal (e.g., "4:12" that is, a four-foot vertical rise across each twelve-foot horizontal run).

*Shared parking*—The policy wherein day/night and weekday/weekend schedules of two or more uses allow the parking to be shared by more than one use or building.

*Sign, monument*—A sign not attached to a building, where the entire base of the sign is in contact with or close to the ground, and the sign is independent of any other structure.

*Sign, wall*—A sign applied directly to the exterior face of a building, with the exposed face within the plane of the facade or parallel to the facade. This category includes those signs painted onto or applied directly to the surface of a building's exterior face.

*Streetscaping*—An assemblage of landscapes, walks, and curbs between the private lot line and the public right-of-way or vehicular frontage.

*Thoroughfare*—An urban element that provides a major part of the public open space as well as moving lanes for vehicles. A thoroughfare is endowed with two attributes: capacity and character.

- (1) Thoroughfare capacity — The number of vehicles that can move safely through a segment of a thoroughfare within a given time period.
- (2) Thoroughfare character — The suitability of a thoroughfare as a setting for pedestrian activities and as a location for a variety of building types.

*Vehicular circulation*—The combination of moving and parking lanes within thoroughfares. The network of thoroughfares also constitutes the majority of the public realm available to pedestrians.

*Vehicular way*—The portion of the thoroughfare that is occupied by vehicles, usually consisting of the moving lanes and the parking lanes. The vehicular way, together with the pedestrian way, fills the right-of-way.

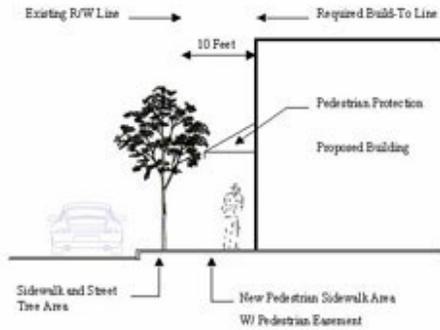
*Vertical height*—The height as measured to the highest point of a building or specific component.

*Walk*—A lightly paved path of grass, gravel or sand within a garden or open space.

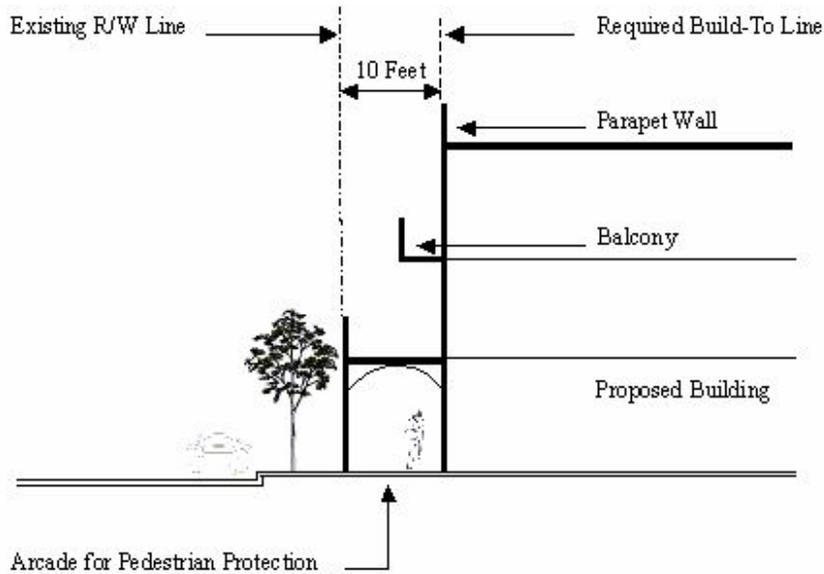
- C. *Permitted uses.* Uses within the GBOD shall be limited as identified within the underlying zoning districts included in this chapter.
- D. *Special uses.* Special uses within the GBOD shall be limited as identified within the underlying zoning districts included in this chapter.
- E. *Building placement standards.* All newly constructed buildings and substantial building renovations exceeding 50 percent appraised value identified within this section shall meet the intent of FEMA regulations through the standards and requirements of the PCCLB coastal construction code and Part 2 of the town's Code.
  - (1) *General requirements.* Enhance the harmony and character of the community by establishing standards for placement and detailing among the various structures.
  - (2) *Build-to and setback requirements.*
    - (a) All commercial and mixed use structures adjacent to the Gulf Boulevard right-of-way may be built with their primary facade located along a build-to line, measured ten feet from the right-of-way line, or such greater distance as may be required if necessary to accommodate large palms or

shade trees planted street-side in order to be consistent with other plantings in the surrounding area. See Figure 90-107-B.

**Figure 90-107-B**



- (b) All commercial and mixed use buildings adjacent to Gulf Boulevard may have an arcade, gallery, porch, or awning to provide pedestrian protection. Buildings taller than two stories shall provide balconies on all floors above the first floor. See Figure 90-107-C.



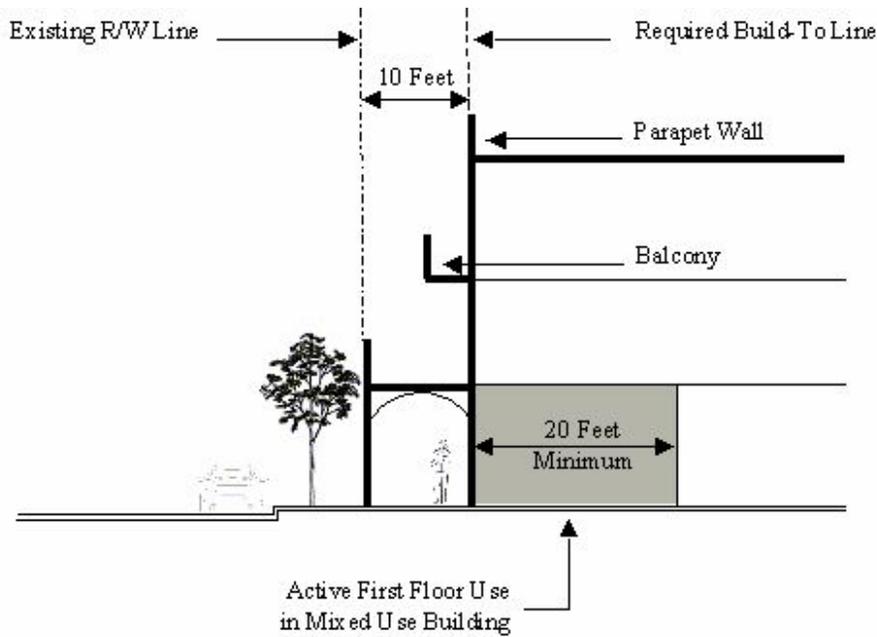
**Figure 90-107-C**

(3) *Building ground floor use requirements.*

- (a) The ground floor of all commercial and mixed use buildings located along Gulf Boulevard may include street-front retail, restaurants, office, commercial, civic or other residential or nonresidential uses as limited by the underlying zoning district provisions listed in this chapter.
- (b) Ground floor nonresidential development areas shall be a minimum of 20 feet in depth from the primary facade of the building. See Figure 90-107-D.

- (c) All development areas shall be constructed according to necessary standards for protection from flooding.

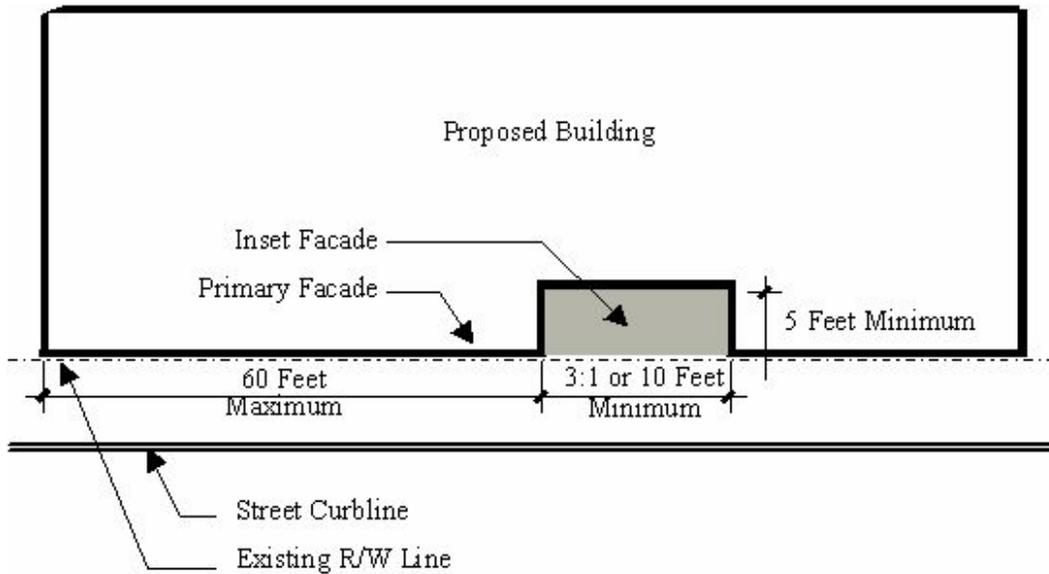
Figure 90-107-D



(4) *Building width requirements.*

- (a) The maximum continuous facade of any building fronting the Gulf Boulevard right-of-way shall be 60 feet. See Figure 90-107-E.
- (b) Buildings wider than 60 feet must be architecturally defined as a series of smaller, repetitive units, with insets located within the primary facades.
- (c) The inset facade shall be recessed a minimum of five feet from the front of the primary facade.
- (d) The ratio of the width of a primary facade to an inset facade shall be no greater than three to one (3:1), or a minimum of ten (10) feet.

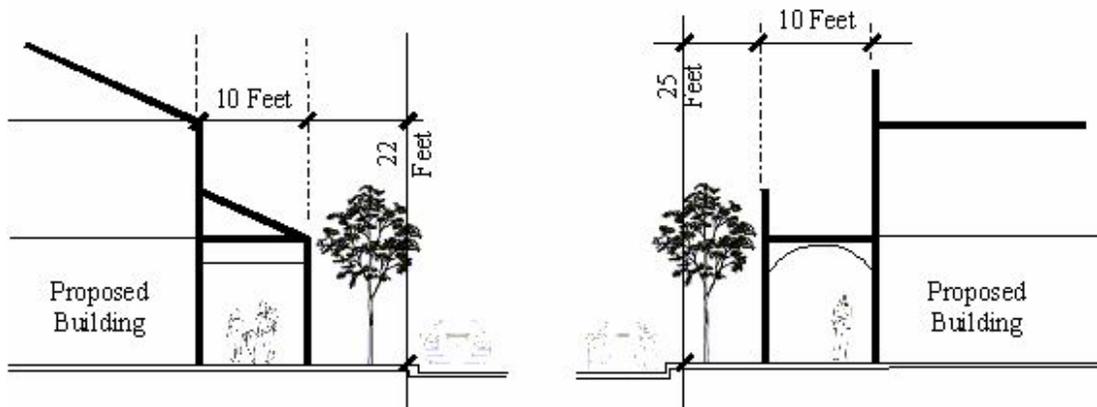
Figure 90-107-E



(5) *Building height requirements.*

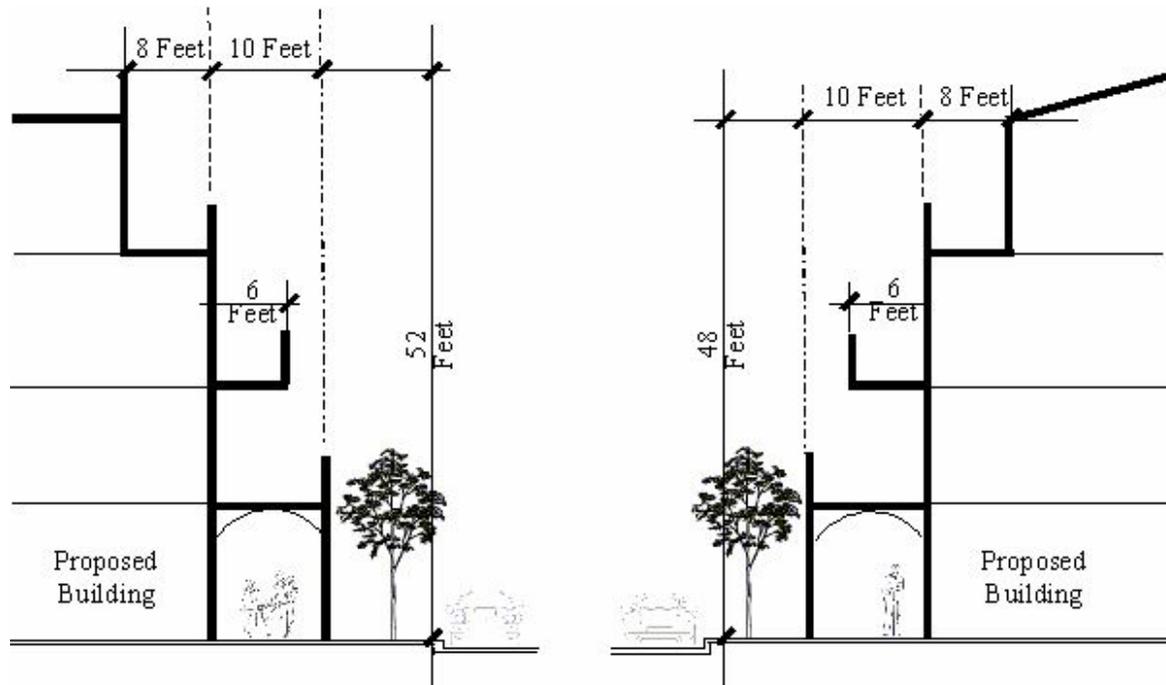
- (a) All newly constructed buildings located along Gulf Boulevard shall be a minimum of two stories in height, and measure no greater than 25 feet, as measured from right-of-way finished grade to the top of the parapet on a flat roof or 22 feet as measured to the top edge of the eave on a pitched roof. See Figure 90-107-F.

Figure 90-107-F



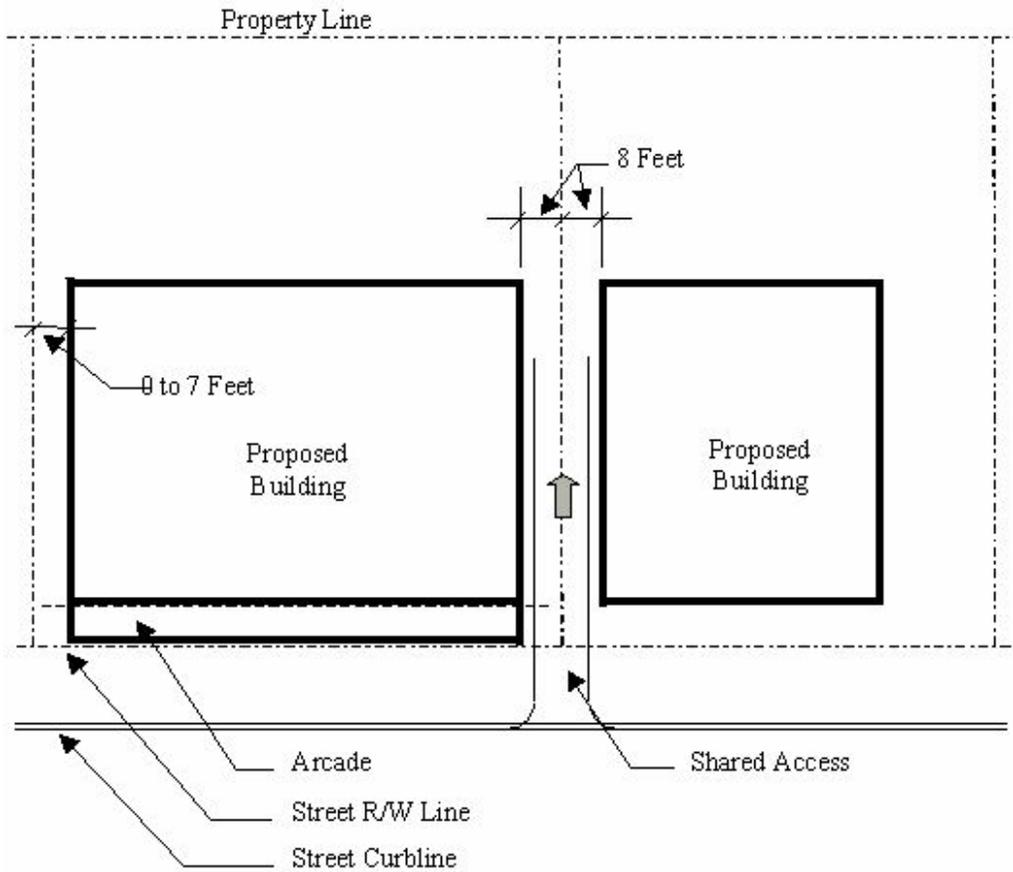
- (b) All newly constructed buildings located along Gulf Boulevard may be a maximum of four stories in height, and measure no greater than 52 feet, as measured from right-of-way finished grade to the top of the parapet on a flat roof or 48 feet as measured to the top edge of the eave on a pitched roof. See Figure 90-107-G.

Figure 90-107-G



- (c) If the building is four stories, the primary facade of the highest floor must be set back eight feet from the primary facade of the lower three stories. Balconies on the third floor may extend up to six feet from the build-to line towards the right-of-way line.
  - (d) A newly constructed one-story building may be permitted for commercial uses if it meets the requirements for minimum building heights and the finished floor level is located at sidewalk level.
  - (e) The maximum interior height dimension for the first floor story of a building shall be 14 feet, as measured from the finished floor to the finished ceiling. First floor ceiling-to-floor heights in all newly constructed multistory buildings must be greater than the ceiling-to-floor height of any upper floor.
- (6) *Building setback requirements.*
- (a) *Side yard setbacks.*
    - [1] A minimum seven-foot-wide building setback shall be provided for all parcels fronting Gulf Boulevard. The setback may be reduced to 0 feet on one side in cases where shared access is provided on the opposite side yard, and building construction design and techniques do not impact adjacent properties. See Figure 90-107-H.
    - [2] Adjacent parcel sideyard setbacks may be dedicated as a one-way access lane for the parcels, if a minimum sixteen-foot clear width between side-walls exists, property owner easements are identified and recorded in the public records of Pinellas County, and access management and site plan approval provisions are approved by the town.

Figure 90-107-H



(b) *Rear yard setbacks.*

- [1] A minimum 25-foot wide building setback shall be provided for all parcels that are adjacent to an accessible right-of-way, or the rear or side yard lot line of another parcel.
- [2] A minimum 45-foot wide building setback shall be provided for parcels adjacent to a public waterway.
- [3] Alternative design solutions may be proposed for the narrow lot depth parcels located adjacent to the Boca Ceiga Bay. Reduction of this setback may be approved by the town if an acceptable alternative design solution is provided.

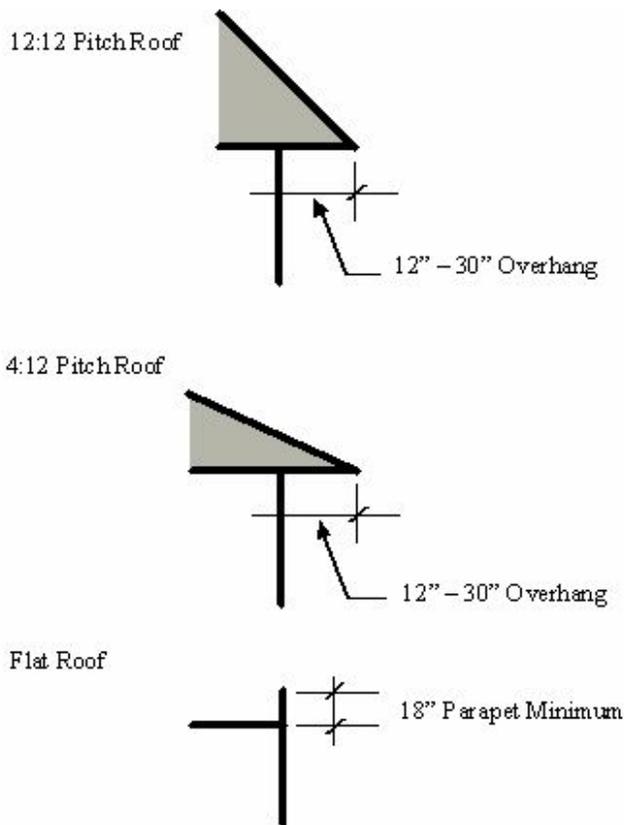
F. *All newly constructed building configuration standards.*

(1) Buildings fronting gulf boulevard general requirements.

- (a) An approved architectural building character type is required, with a preference towards masonry structures.

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- (b) Structures shall include stucco exterior coating, pitched roofing, arcades with semicircular arches, and other standard motifs and details appropriate for tropical and subtropical climates.
  - (c) A building canopy, awning or similar form of weather protection may be provided, with a minimum projection of six feet over the fronting walk.
- (2) *Nonresidential and mixed-use buildings.*
- (a) Building materials and techniques.
    - [1] Nonresidential and mixed-use buildings fronting Gulf Boulevard shall be constructed using brick, cast concrete, stucco, stone or other masonry material similar to those listed if appearance and durability is approved by the town.
    - [2] Regular or decorative concrete block may be used on building walls not visible from a public street.
    - [3] All ancillary structures shall be clad in materials similar to the primary structure.
    - [4] All stucco surfaces shall be knockdown finished.
    - [5] All window installations shall be set to the inside of the building facade wall.
    - [6] Any overhanging eave lines may expose rafters.
    - [7] All rooftop equipment shall be enclosed in building material that matches the structures of the main building or is visually compatible with the structure. Rooftop equipment shall not be visible from Gulf Boulevard.
  - (b) *Building roofs.*
    - [1] Pitched roofs shall be clad in Spanish tiles, barrel tiles, colored standing seam metal, slate or similar materials.
    - [2] Main roofs on buildings shall be, where possible, symmetrical hips or gables with a pitch of between 4:12 and 12:12. See Figure 90-107-I.
    - [3] All pitched roofs must have an overhang of at least 12 inches and can extend to a maximum of 30 inches beyond the face of the facade.
    - [4] Flat roofs are permissible on nonresidential or mixed-use buildings. Flat roofs must be raked at the minimum slope necessary to shed water and meet other construction requirements.
    - [5] Buildings with flat roofs must include parapets that shall be no less than 18 inches in height and not greater than 36 inches in height, measured along the face of the facade. The top of this parapet shall be no less than 18 inches higher than the adjacent finished roof surface. Building parapets shall be treated as unique topping elements on the facades of flat roof buildings. Special attention shall be used in articulations, signage, details, inlays, friezes or other appropriate design elements.

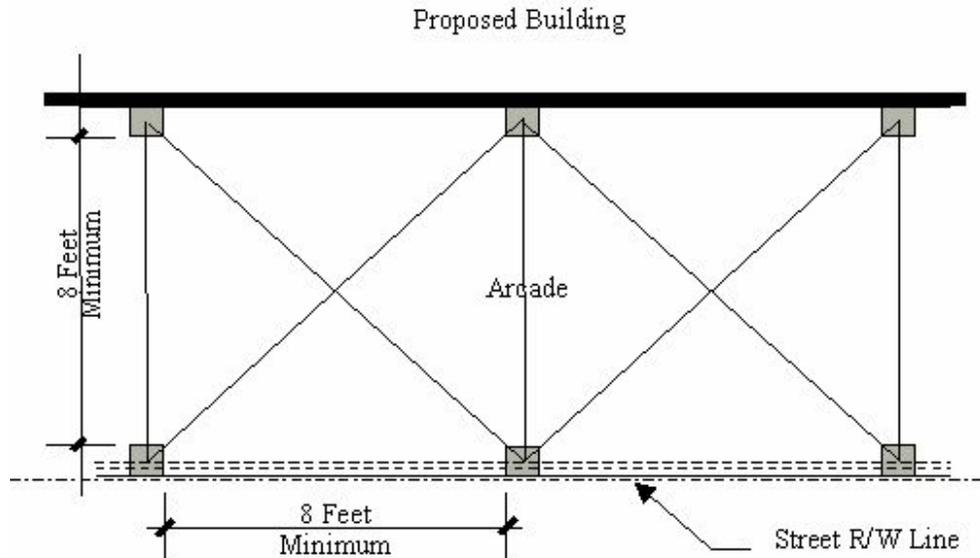
Figure 90-107-I



(c) *Building windows and doors.*

- [1] A minimum of 50 percent of the linear dimension of the building's primary facade shall include windows or doors. Primary facade walls shall not continue uninterrupted without a window or functional public access doorway for a distance greater than 12 feet.
- [2] First-floor windows shall be clear or transparent glass. Mirrored or reflective glass of any kind is prohibited. Stained glass shall be used sparingly in special cases primarily as an architectural accent.
- [3] Window sills shall be located no higher than 42 inches above building finish floor level.
- [4] Window headers shall be located no lower than eight feet above adjacent building finish floor level.
- [5] Window types shall include bay, casement, clerestory, dormer, and double hung. Single-pane and tilt windows are permissible if the glass panes have mullions within.
- [6] The minimum vertical proportion of a window shall be 1.5 times its width.
- [7] Bands of windows are permissible.
- [8] Window treatments shall include caps, lintels, and sills.
- [9] The principal doorway or building entrance inset for public entry into a building shall be from Gulf Boulevard. Corner entrances may occur where appropriate on corner lots.

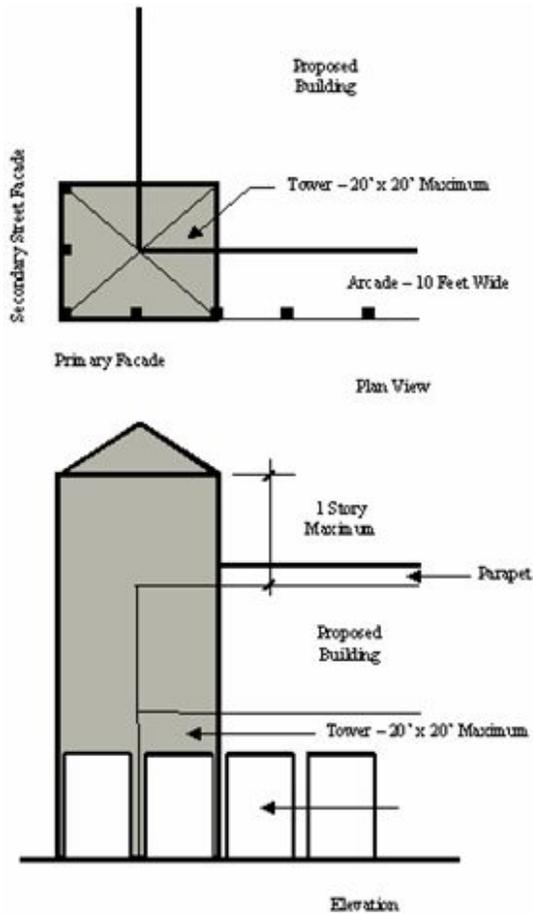
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- [10] Door types shall include entry, French, patio, and storm.
- (d) *Building chimneys.*
- [1] Exterior chimneys shall be finished in brick, stucco or stone.
- [2] Chimney hoods and caps shall be terracotta, brick, or stucco.
- [3] Chimney shafts shall be integrated to the design of the building.
- (e) *Building arcades, galleries, porches, and awnings.*
- [1] All newly constructed buildings located along Gulf Boulevard shall include physical extensions (i.e., other than minimum limits of required arcades) that project into the intermediate zone between the build-to line and the edge of the public right-of-way that serve for additional pedestrian protection.
- [a] These extensions shall include arches, galleries, porches, awnings, or other physical extensions from the primary facade.
- [b] These extensions shall extend no less than one-third the length of the primary facade and must, at a minimum, provide protection for all entries into the building that are not covered by an arcade. It is recommended that additional protection be provided for all openings, including windows.
- [2] Awnings must extend a minimum of six feet from the primary facade of the building.
- [3] Porches must extend a minimum of seven feet in width from the primary facade.
- [4] All buildings greater than two stories in height, and with a primary facade greater than 60 feet in width, must have a continuous arcade or colonnade for the full length of that facade.
- [a] The front (exterior) edge of an arcade shall sit along the Gulf Boulevard right-of-way line.
- [b] The interior dimension of an arcade shall be a minimum of eight feet wide. See Figure 90-107-J.
- [c] The proportions of the arcade bays shall be vertical and at least ten percent greater than the width of the bay at its widest point. The minimum height for an arcade bay opening shall be ten feet. The minimum width for an arcade bay opening shall be eight feet.



**Figure 90-107-J**

- [5] Towers are permitted at the corners of buildings that are located at the intersection of Gulf Boulevard and any connecting street. See Figure 90-107-K.
- [a] The design of a tower shall be architecturally continuous with the primary building.
  - [b] A tower shall be built above the intersecting primary facade and intersecting street facade, and may extend up to one story above the maximum primary building height.
  - [c] A tower must have a square footprint whose width cannot be greater than  $\frac{1}{6}$ th the width of the building, and a maximum of 20 feet.
  - [d] A tower may be accessible, or inhabited if compliant with other provision of this Code.
  - [e] Towers shall be constructed with sufficient open space at ground level in order that such tower not constitute sight line obstructions.

Figure 90-107-K



(3) *Single-family residential buildings.*

(a) *Materials and techniques.*

- [1] Residential building walls shall be wood clapboard, primed board, brick, stone, stucco, approved vinyl siding, Hardiplank, or similar approved material.
- [2] Garden (freestanding exterior) walls may be of brick, stone or stucco matching the main building.
- [3] Residential roofs, including the roofs of porches, shall be clad in wood shingles, standing seam metal, slate, barrel tile, asphalt shingles or a similar approved material.
- [4] All rooftop equipment shall be enclosed in building materials that match the materials of the main building, or are otherwise compatible with the design of the structure.

(b) *Front yard porches.*

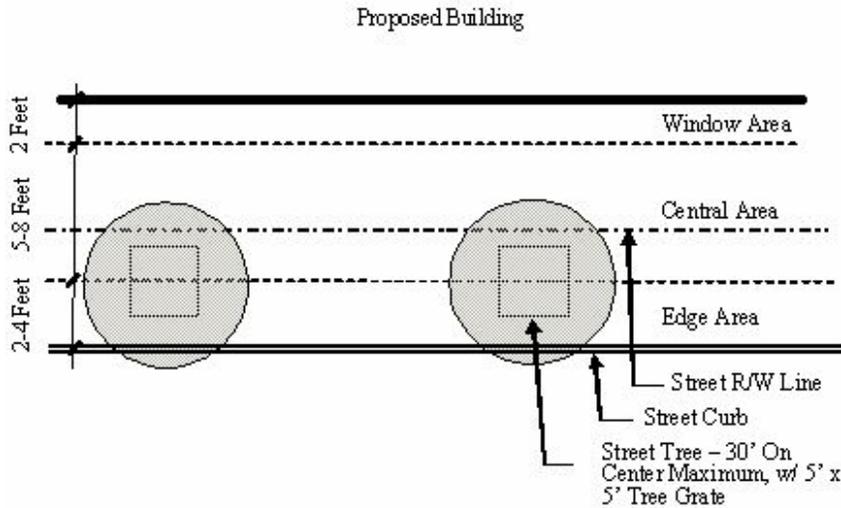
- [1] Usable porches shall be a dominant element.
- [2] Porches shall be at least six feet in depth and located along at least 50 percent of the primary facade of the building. A greater percentage of primary facade length is recommended, as well as the location of porches on one or more side facades if possible.

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- (c) *Garage doors.*
    - [1] Garage doors that are facing the right-of-way shall be designed with individual door openings for each vehicular space.
    - [2] The visible width of the garage, when viewed from the right-of-way, shall be no more than 40% of the lot width. For sites that include frontage on both Gulf Boulevard and an ancillary side street, ingress and egress shall occur from the side street. For narrow sites with only frontage on Gulf Boulevard where the forty-percent maximum width limits site design options, up to two twelve-foot wide garage doors are allowed.
    - [3] Where driveways and garages are located on the Gulf Boulevard frontage, the garage opening shall be set back a minimum of 20 feet from the right-of-way line.
    - [4] Where driveways and garages face other street frontages, the garage opening shall be set back a minimum of 15 feet from the right-of-way line.
    - [5] When the side of a single-family residence faces another street frontage, and the driveways and garage occur to the side, the side yard setback shall be a mandatory 20 feet for the frontage containing the garages and/or car ports.
  - (d) *Roofs.*
    - [1] Main roofs on buildings shall be symmetrical hips or gables with a pitch of between 4:12 and 12:12.
    - [2] All pitched roofs must have an overhang of at least 12 inches and can extend to a maximum of 30 inches beyond the facade, and may extend into required setbacks.
  - (e) *Walls.*
    - [1] Two different wall materials may be combined horizontally on the facades of the building, with the heavier material (i.e., masonry, brick, stucco, stone, etc.) installed below.
    - [2] When two materials are combined horizontally on one facade and terminate at the outside corner of the facade, both materials must continue for a minimum distance of three feet around the corner onto the side facade.
    - [3] Moldings or other elements shall be used to indicate the transition at the joint between a wall and an overhanging pitch roof.
  - (f) *Windows and doors.* Moldings or other surrounds on windows and doorways shall be used.
  - (g) *Chimneys.* Exterior chimneys shall be finished in brick, stucco or stone.
- G. *Public realm design.* The creation of compatible public realm design elements along the Gulf Boulevard parcels located within the GBOD limits may be considered as a responsibility of both private developer and town, depending upon the identified application. Ultimately, private redevelopment projects must demonstrate that they meet local requirements for approval. The town shall seek implementation of the identified standards, through town funding, private developer contribution as appropriate fair share, or combination thereof where possible.
- (1) *General street design.* The private developer(s) shall design and construct public realm improvements to Gulf Boulevard to implement the provisions of this section.
    - (a) Streets shall be designed as the primary public space within the community and shall be designed to the scale of the pedestrian.
    - (b) Gulf Boulevard shall be designed to include appropriately selected street trees planted in a manner appropriate to their placement and function.

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- [1] Gulf Boulevard shall have trees that complement the facades of the structures, that provide for visual access to storefronts and signage, and that shade the sidewalks.
  - [2] Residential streets shall provide for an appropriate street canopy, designed to shade both street and sidewalk during summer months and serve as a visual buffer between street and the adjacent dwellings.
  - [3] Required shade trees shall provide 14 feet six inches of clearance over the roadway.
  - (c) On-street parking is preferred and shall be provided wherever possible. Use of on-street parking shall credit towards on-site parking requirements.
  - (d) Within designated areas of Gulf Boulevard, parallel parking shall be acceptable if approved by the Florida Department of Transportation.
  - (e) Within all other areas, on-street parking is allowed except where expressly prohibited.
- (2) *Traffic calming.*
- (a) Every opportunity should be taken to implement the full compliment of traffic calming techniques within the town as follows:
    - [1] Narrowing the visual field.
    - [2] Narrowing or deflecting the roadway.
    - [3] Altering the height of the roadway surface.
  - (b) This is particularly important along the length of Gulf Boulevard, where the use of such techniques will need to be negotiated between the town, private developers, and the Florida Department of Transportation, as appropriate.
  - (c) On other streets located within the town, however, the town and private developers should implement these techniques on an incremental basis as timing, demand, and resources permit.
- (3) *Curb cuts.*
- (a) Adjacent properties shall be designed to share ingress and egress points where possible to reduce the number and interval of existing curb cuts in the town through cross-access easements.
  - (b) Corner properties with ingress and egress to intersecting streets shall have access occur from the secondary intersecting street as opposed to Gulf Boulevard right-of-way.
  - (c) Continuous, paved right-of-way access should be eliminated and parking redesigned throughout the entire length of Gulf Boulevard right-of-way.
- (4) *Bicycles.* New development should be designed to enhance mobility within the town through increased design emphasis for bicyclists from both within and outside the community.
- (a) Indicate through signage, lanes and street markings, desirable locations for bicycle use.
  - (b) Provide bicycle storage racks and other facilities for temporarily storing bicycles on private property and in the public realm.
- (5) *Mass transit.* New development activity that exceeds a minimum of 50 percent of the existing property appraised value should be designed to support trolley/bus stop locations within the community. These locations and facilities will link with adjacent commercial, restaurant or civic uses through construction of covered waiting areas.

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- (6) *Sidewalks.* New development activity that exceeds a minimum of 50 percent of the existing property appraised value shall improve and/or enhance existing sidewalks within the GBOD along Gulf Boulevard and intersecting secondary streets fronting the project.
- (a) A minimum eight-foot wide sidewalk shall be provided along Gulf Boulevard.
  - (b) A minimum five-foot-wide sidewalk shall be provided along intersecting secondary streets.
  - (c) The paved areas along Gulf Boulevard should be thought of as including three distinct elements: the edge area closest to the street and/or parking; the central area used primarily for walking; the area closest to the private property lines used for access to these properties, window shopping, and outdoor dining.
    - [1] The edge area, adjacent to the roadway, should be used for street trees, street furniture, lighting fixtures, trash receptacles, and other elements. This band should be between two feet and four feet wide, depending on the size, type and nature of the trees and/or street furniture placed there. All street furnishings, palms and shade trees must maintain a minimum of four-foot offset to the face of the curb.
    - [2] The central area should be dedicated to pedestrian use. Surfaces should be durable, and not overly ornate. Few, if any, impediments should be found within the realm, which should be at least five feet wide and might extend to be as large as eight feet in high traffic areas.
    - [3] The area closest to the private property lines should allow enough space for people to stop and stand and look at these properties. A portion of the build-to line setback may support outdoor cafe seating. At a minimum, this element of the sidewalk should be at least two feet wide.
    - [4] A combination of the sidewalk areas identified in subsection G.(6)(c)[2] and [3] above may be approved by the town for use as part of outdoor cafe seating.
- (7) *Street trees.* Street trees shall be planted along all primary streets within the town. New development shall install and maintain the installations. See Figure 90-107-L.
- (a) Street trees should be installed a maximum of 30 feet on center, and be located within planting strips or tree wells. Such trees may require a variance from the Florida Department of Transportation Design Engineer if located within the limits of clear sight.
  - (b) The minimum width for all planting strips is five feet.
  - (c) The minimum dimensions for tree wells are five feet by five feet, and shall utilize tree grates to permit pedestrian access.

Figure 90-107-L



- (8) *Lighting.* New development shall include lights that are installed as part of a single unified fixture comprising both pedestrian and street lighting.
  - (a) All lights shall be designed, installed and maintained to protect sea turtle nesting patterns.<sup>9</sup>
  - (b) Additional pedestrian lights shall be located at critical intersections or high-intensity areas, as warranted on an as-needed basis.
  - (c) All site lighting shall be designed to eliminate glare to adjacent properties, minimize spill over by providing shielding and other appropriate design and construction techniques.

H. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; chapter 133, article I, business tax and business tax receipts; and § 90-113, satellite antennas.

( Ord. No. 15-03, § 1, 2-10-2016 )

### Sec. 90-108. Parking regulations and requirements.

All off-street parking and loading shall conform to the following requirements:

- A. *Locations.* Off-street parking or loading lots may be developed in any required side, front or rear yards. Parking garages shall conform to the minimum yard requirements for principal buildings of the district in which they are located. Required parking may be off the site of the principal structure and separated from the site of the principal structure by up to 400 feet; and must meet and be approved under the standards of this [subsection] K.(4)(e).
- B. *Lot surfaces/drainage.* Parking lots designed for 20 or more vehicles shall be designed for storm runoff pollution control. Appropriate pollution control facilities may include pervious bituminous concrete surfaces and on-site retention of stormwater. Performance criteria shall be included in the site plan application.

<sup>9</sup>**Cross Reference:** See also Ch. 56, Animals, Art. II, Protection of Sea Turtles.

- C. *Dimensions.* Each parking space shall measure a minimum of ten feet wide and 20 feet deep, exclusive of maneuver space. The marking of parking spaces is required in lots designed for more than four vehicles. The developer, at his or her option, may increase the number of parking spaces by designating and marking up to 25 percent of the required spaces for smaller vehicles. Spaces for smaller vehicles shall measure a minimum of nine feet wide and 20 feet deep, exclusive of maneuver space. Total required space for parking will, however, be based on the ten-foot-by-twenty-foot dimension plus maneuver space for normal vehicles for the required number of spaces.
- D. *Vehicular access.* Vehicular access to street, pedestrian areas and landscaped areas shall be restricted and controlled by curbs or concrete bumpers. Unrestricted access to streets shall not exceed 25 feet per access point.
- E. *Illumination.* Lots shall be adequately illuminated if designed for use by more than four vehicles after dark.
- F. *Egress.* Excluding single-family and duplex residences, all off-street parking areas shall be designed so that no vehicle is required to back into a public or private street or through drive to obtain egress. For the purposes of this provision, drives or aisles serving more than 25 vehicles and which are not internal to a parking bay but serve one or more parking bays are considered to be through drives.
- G. *Landscaping.* Eight percent of the area of parking lots shall be devoted to landscaping encompassing trees and shrubs and a mechanical irrigation system. Landscaping arrangement shall contribute both to buffering between adjacent properties and to effective traffic control for safety.
- H. *Loading areas.* Loading areas shall comprise one space for every commercial or multiple-residence building of 5,000 square feet or more, plus one additional space for each additional 25,000 square feet of gross building space. Each loading space shall be at least 400 square feet in area.
- I. *Residential zone restriction.* A garage designed for more than three vehicles is not permitted as an accessory use for a single-family dwelling.
- J. *Off-street parking areas.*

(1) The schedule of off-street parking shall be as follows:

Use	Required Spaces
Business and professional offices, retail	1 for each 200 square feet of floor area used for transacting business
Churches, auditoriums and places of assembly	1 for each 3 seats
Funeral homes	1 for each 100 square feet of parlor space
Hospitals and guest houses	1 for each 2 patients, or rooms for rent
Hotels and motels	1 for each sleeping room, plus 1 for every 3 units or fraction thereof
Medical or dental offices	8 for each doctor
Residential dwellings	2 per dwelling unit
Restaurants, taverns, nightclubs	1 for each 4 seats, plus 1 for every 3 employees, but in no event less than 1 for each 50 square feet devoted to patron use, plus 1 for each 400 square feet of other space
Social halls, clubs and lodges	1 for each 200 square feet of floor area

(2) For combined permitted uses located in a single enterprise, required parking shall be calculated separately. However, if under the site plan review procedures described in section 90-110 it can be demonstrated that separate calculation will result in more parking than is necessary because

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of shared clientele or because of nonoverlapping hours of use, the requirements may be adjusted accordingly.

- K. *Gulf Boulevard Overlay District (GBOD) parking standards.* The following parking standards are provided for use within the district limits where appropriate.
- (1) *General conditions.* Parking lots shall not interrupt key pedestrian routes, or otherwise negatively impact Gulf Boulevard. The Building Official shall review and make recommendation to the Planning and Zoning Board during site plan review process.
  - (2) *Location.*
    - (a) Vehicular parking areas may be located at the rear of buildings or within the interior of blocks. However, vehicular parking areas may be approved by the town in side yard areas and/or fronting right-of-way where needed.
    - (b) When located alongside a building, the vehicular parking areas shall not occupy more than one-third of the entire lot or block frontage, whichever is smaller.
  - (3) *Landscaping.* All landscaping shall meet or exceed provisions within this chapter. Additionally:
    - (a) All parking areas will be screened from public rights-of-way by landscape plantings and/or masonry walls.
    - (b) Screening shall be a minimum of three feet in height at time of installation and be designed to accommodate either FDOT or town safe visibility criteria at access points.
  - (4) *Shared parking.*
    - (a) All nonresidential uses within the GBOD can meet their parking requirements through the use of non-designated on-street parking (in front of the individual use as a credit to one-half car per full space towards required parking count) or designated spaces located within accessible private lots with available extra space to designate to the intended users, and an agreement as outlined in this [subsection] (4)(e).
    - (b) All designated spaces must be located in lots within a reasonable walking distance, a maximum of 400 feet from the primary entrance of the use, and approved by the town.
    - (c) Nonresidential uses may also meet their requirements through the use of a valet service that has access to off-site parking spaces sufficient to accommodate the need of the combined uses, based upon town approval.
    - (d) All residential uses must accommodate required parking on-site. However, for upper-story residential apartments located within mixed-use buildings, parking requirements may be met with designated spaces in adjacent shared parking lots.
    - (e) The joint use of shared off-street parking spaces must be designated by agreement between the users and the owner. The applicant shall submit a detailed traffic report prepared by a professional engineer using the Institute of Traffic Engineers (ITE) latest edition for trip generation and shared parking use. The report will identify the specific uses, hours of operation and stipulations acceptable to the town. Such shared use agreements shall be subject to final approval by the Town Commission and after execution, recorded by the requesting party with each parcel of property involved so as to run with the land.
  - (5) *Trash dumpsters.*
    - (a) All trash dumpsters shall be stored and screened from the Gulf Boulevard right-of-way and adjacent residential uses.

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- (b) Trash dumpsters shall be located in an accessible service area and enclosed within an opaque fence/wall with gates. Such gates shall remain closed at all times other than when being picked up.

( Ord. No. 15-02, § 1, 11-12-2015 ; Ord. No. 15-03, § 3, 2-10-2016 )

### **Sec. 90-109. Boat, vessel, watercraft and trailer parking.**

- A. It shall be unlawful for any person to place or park more than one boat and one trailer upon any lot, piece or parcel of land in the town. It shall not be deemed a violation of this section if no more than two personal watercraft are stored on a lot as long as they are on a trailer designed to accommodate two personal watercraft and as long as such trailer is the only trailer stored on such lot, piece or parcel of land in the town. Placing or parking such equipment upon any right-of-way or easement within the town is expressly prohibited.
- B. Boats, vessels, watercraft and trailers placed or parked upon the owner's or occupant's property shall be maintained in a neat, clean and presentable manner, and the area beneath the equipment shall be kept in a neat condition, and no accumulation of trash, weeds or overgrown grass shall be allowed under, near or around the equipment.
- C. It is further provided, notwithstanding any of the provisions contained in subsection A. of this section, that any resident of the town may park or store more than one boat, vessel, watercraft or trailer if such equipment is in an enclosed garage or enclosed carport out of view of the general public.
- D. Notwithstanding the above provisions, any resident of the Town of Redington Shores may obtain a permit from the town clerk to allow a guest or guests of such resident to park a boat, vessel or watercraft upon such resident's property for a period not to exceed 14 days in any calendar year.
- E. It shall be unlawful to violate the provisions of this section, and any person, firm or entity violating the provisions of this section shall be subject to a fine of up to \$500.00 or incarceration for a period not to exceed 60 days in the Pinellas County Jail, with each day of violation being a separate violation of the provisions of this section.

### **Sec. 90-110. Mandatory site plan review.**

All applications for new construction or substantial improvement, other than single-family detached houses and duplex units east of Gulf Boulevard, whether permitted or special, shall be subject to site plan review by the planning and zoning board for recommendation, and by the town commission for final approval or denial, which application shall be processed in accordance with the provisions of section 90-124.

- A. *Site plan requirements.* A site plan shall depict the following:
  - (1) The locations of buildings and their relation to property lines.
  - (2) Driveways and parking areas.
  - (3) Pedestrian walks and landscaping.
  - (4) Elevations and/or renderings, if required.
  - (5) Locations of utilities, existing and proposed, including depicting all easements on the property, whether such are utility easements or private easements. Any property fronting on Gulf Boulevard shall show and provide a ten-foot wide utility easement, for aboveground and below-ground utilities, along such portions of the property abutting Gulf Boulevard. The providing of

such utility easement to the Town of Redington Shores shall be a condition that must be fulfilled prior to the issuance of any building permit.

- (6) Spot locations of major trees in excess of eight inches in diameter, and waterways.
  - (7) Topography to the one-foot contour interval.
  - (8) Elevation of lowest habitable floor of building in relation to mean sea level.
  - (9) When appropriate, the coastal construction control line and the flood zone boundaries of the most current flood insurance rate map (FIRM).
  - (10) Facilities for control of runoff water.
  - (11) Soil types.
- B. *Site plan design criteria.* The following criteria shall be considered by the planning and zoning board for conformance to the design criteria, after adequate review of the site plan and inspection of the site in question:
- (1) Density and design harmonious with the environment and meeting the zoning district requirements. The use must be appropriate to the neighborhood with regard to street width, alignment and traffic access. Parking areas and yards shall be screened with evergreen planting where necessary for privacy and noise control. Planted buffer strips up to 20 feet in width may be required. Opaque fencing may, at the discretion of the board of commissioners, be allowed where necessary.
  - (2) The location of buildings and structures on the site and the provision of minimum front, rear and side yards shall be established based on desired standards for the neighborhoods. Desired standards may be at variance with prevailing standards. Such yards must be designed to conserve scenic amenities, particularly where water frontage is involved.
- C. *Guidelines.* The following criteria shall serve as guidelines:
- (1) Guideline yard standards for new construction of principal structures shall be as follows:

Number of Stories	Front (feet)	Side (feet)	Rear (feet)
1 - over nonhabitable garage/storage	20	5	20
2 - over nonhabitable garage/storage	25	10	25
3 - over nonhabitable garage/storage	30	15	30
4 - over nonhabitable garage/storage	35	20	35
5 - over nonhabitable garage/storage	40	25	40

Height Standards

District	Building Height (feet)	Building Height (stories)
RS-7	30	2.5
RS-10	30	2.5
RD-15	30	2.5
RM-15	45 <sup>1, 2, 3, 4</sup>	4 <sup>1, 2, 3, 4</sup>
ROR-15	30	3
C-NR	30	3
CTF	45 <sup>1, 2, 3, 4</sup>	4 <sup>1, 2, 3, 4</sup>

PUD	85 <sup>5, 6</sup> 75t <sup>5, 7</sup>	
PP	15	1
PI	15 <sup>8</sup>	1
GBOD	22/25 <sup>9</sup> 48/52 <sup>10</sup>	2 <sup>9</sup> 4 <sup>10</sup>

Notes:

<sup>1</sup> Except for properties east of Gulf Boulevard and north of 177th Terrace where a maximum of two stories, not to exceed 30 feet is permitted.

<sup>2</sup> A height bonus may be permitted for parking of ten feet and one story through site plan approval.

<sup>3</sup> A height bonus may be permitted for parking and setbacks of 20 feet and two stories through site plan approval.

<sup>4</sup> A maximum of six habitable stories, not to exceed 65 feet, and 25 density units per net acre shall be permitted, except for properties east of Gulf Boulevard and north of 177th Terrace where the maximum permitted shall be four habitable stories, not to exceed 50 feet.

<sup>5</sup> Buildings within the GBOD shall comply with the design requirements of the district.

<sup>6</sup> Buildings located more than 100 feet from the Gulf Boulevard right-of-way.

<sup>7</sup> Buildings located outside the limits of the GBOD, except that single-family residential dwellings shall not exceed 40 feet.

<sup>8</sup> Excluding public utility poles, lines, and church steeples.

<sup>9</sup> Minimum within ten feet from Gulf Boulevard right-of-way, to establish pedestrian arcade/protection area.

<sup>10</sup> Maximum with building stepback and architectural treatments contained within the district standards.

(2) Corner lots may be considered to have two front yards. Yard standards less than the guidelines may be approved if there is a finding that the proposed yards are in harmony with the neighborhood, comprise the most appropriate use of the land and, furthermore, that the yard reduction serves the greater public interest. Accessory structures may be located in yards based upon the standards of section 90-3 F.

(3) Traffic circulation:

- (a) Unrestricted access to streets is not allowed. Generally curb cuts are limited to a maximum of 25 feet.
- (b) Access to streets should take into consideration sight distance and alignment.
- (c) All sites must provide for emergency vehicle access.
- (d) Separate ingress and egress is encouraged.
- (e) Traffic collection to reduce access points to Gulf Boulevard is encouraged.
- (f) Maneuver lanes between rows of parked autos shall be at least 20 feet in width.
- (g) Traffic lanes shall conform to the same design standards as public streets as regards alignment on intersection.

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- (h) All buildings, exclusive of single-family and duplex dwelling districts, must provide for pedestrian circulation. Hard-surfaced pedestrian walks a minimum of four feet wide shall be provided generally as follows:
    - [1] Along public rights-of-way.
    - [2] Along access corridors to buildings.
    - [3] At interconnecting points where significant numbers of people will seek to walk.
  - (i) See also section 90-108, parking regulations and requirements.
  - (4) Landscaping. All uses shall be landscaped.
    - (a) Required landscaping may encompass the following:
      - [1] Street trees or shrubs.
      - [2] Foundation planting.
      - [3] Planting islands to define curb cuts.
      - [4] Perimeter planting to define and beautify sites.
      - [5] Parking lot and walkway landscaping.
      - [6] Buffer strips and screening for privacy.
      - [7] Landscaping for underutilized acreage.
      - [8] Landscaping for recreation space.
      - [9] Landscaping for erosion control.
    - (b) See also part 6, resources; vegetation and environmentally sensitive lands, article XXIX and article XXX, landscaping.
  - D. *Site plan approval criteria.* The planning and zoning board shall have the option to recommend to the town commission approval as submitted, approval with conditions or disapproval of any submitted site plan, and the town commission shall have the option to approve, approve with conditions, or disapprove any submitted site plan. In approving a site plan with conditions, the written conditions become an appendage to the site plan. No building permit may be issued until the conditions are incorporated in the site plan, and no certificate of occupancy may be issued until all the conditions are satisfied. Conditions may include modifications to the layout or transfer of development rights. They may also relate to the use of the facility, including activities conducted therein, occupancy or hours of use.
  - E. *Exceptions.* In a Commercial Tourist Facilities (CTF) Zoning District in the Town of Redington Shores, mandatory site plan review shall not be required as to single-family or duplex residences which are being altered only for the purpose of general repair and maintenance, up to a maximum expenditure of \$2,500.00. However, no expansion of present residential premises by conversion of breezeways, carports, garages, patios, covered parking areas or parking areas in order to provide additional living area shall be permitted without mandatory site plan review. In addition, any enclosure which would negate code parking otherwise required on the property shall not be permitted. Any general maintenance, repairs or changes to the premises which involve a total expenditure of over the amount of \$2,500.00 shall require a mandatory special exception review, but the property owner shall only be required to provide a current certified survey for such review. Nothing contained in these exceptions shall be deemed to authorize new construction or second-level additions without mandatory site plan

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review, and all such construction shall have drawings certified with the seal/stamp of a Florida-registered architect/engineer.

(Ord. No. 15-01, § 15, 4-8-2015)

Editor's note(s)—Former subsection E., transfer of development rights, was repealed 7-14-2010 by Ord. No. 10-01; said ordinance also provided for the redesignation of former subsection F. as subsection E. See now section 90-115.

## **Sec. 90-111. Regulations governing home occupations and other special uses.**

### *A. Home occupations.*

- (1) Home occupations shall include the following:
  - (a) Art studio.
  - (b) Dressmaking.
  - (c) Teaching with musical instrument limited to a single pupil at a time.
  - (d) Tutoring for not more than two students at a time.
  - (e) Foster family care (for not more than four children simultaneously).
  - (f) Boarding of not more than two persons.
  - (g) Other approved home occupations as approved by the board of commissioners.
- (2) Home occupations shall not be interpreted to include the following:
  - (a) Retail wholesale outlets.
  - (b) Barbershops and beauty parlors.
  - (c) Kennels.
  - (d) Commercial and professional offices.
  - (e) Restaurants.
  - (f) Automotive repairs.
- (3) Licenses for home occupations shall be issued by the town clerk in accordance with the provisions of chapter 133, taxation, of the Code of the Town of Redington Shores.
- (4) Personnel employed shall be limited to members of the immediate family residing on the premises; no mechanical equipment which will create noise, smoke or odor may be installed; no commodity may be sold on the premises; commercial vehicles may be parked or stored only in an enclosed garage where they are totally obscured from view; not over 25 percent of any one story of a residence may be used for home occupation; frequent or regular pickup or delivery of materials or merchandise is prohibited; any activity which will create congested or excessive vehicular traffic or the congregating of persons which would disrupt the peace and quiet of a residential neighborhood is prohibited; one nonilluminated sign not larger than two square feet attached to the building may be displayed; establishment of a home occupation to avoid payment of a higher business tax receipt fee shall be considered a violation of this part 5 and chapter 133, taxation, article I, business tax and business tax receipts, of the Code of the Town of Redington Shores.

### *B. Other special uses.*

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- (1) Private, nonprofit recreational uses or social uses where membership is limited to adjacent residential areas in the RM-15 district. Standards shall be as follows:
    - (a) The use, including accessory structures, shall be no closer than 25 feet to any property line.
    - (b) The property line shall be screened by a ten-foot landscaped strip.
  - (2) Commercial uses and commercial recreation uses in the C-NR district. standards shall be as follows:
    - (a) The use shall not be closer than 50 feet to any residential district.
    - (b) The property line shall be screened by a ten-foot landscaped strip.
    - (c) A six-foot solid privacy fence or wall may be permitted as necessary to provide buffering for the residential district.

C. *Transient rentals.* Transient rentals, as defined in this part 5, shall be deemed to constitute the operation of a commercial tourist facility and are specifically prohibited in the RS-7, RD-15, RS-10 and RM-15 districts. Under special circumstances, a special use permit for such transient rentals in other residential districts may be granted for specified limited periods of time. The participation, either directly or indirectly, in such transient rentals by any person acting either as an owner, agent, broker or any other form of representative shall constitute participation in the operation of a commercial tourist facility. The advertising or use of any such property for transient rental, by any formal method, including the Internet, shall be deemed to be conducting the operation of a transient rental. Any violation of this provision shall be subject to a fine of \$500.00. Each day of violation shall constitute a separate violation. The penalties contained in this provision shall be the exclusive penalties applicable to a violation of this transient rental subsection, and no other fines, penalties or provisions contained elsewhere in the Town of Redington Shores Code of Ordinances shall apply to violations of the transient rental subsection.

D. *Authority for issuance of special permits.*

- (1) The town clerk is authorized to issue special use permits for home occupations, portable signs and temporary parking of recreation vehicles/housecars.
- (2) All other special use permits shall be subject to approval of the planning and zoning board.
- (3) Fees for special use permits shall be in the same amounts as those established for business tax receipts in chapter 133, taxation, of the Code of the Town of Redington Shores.

(Ord. No. 08-04, 7-9-2008; Ord. No. 10-0514, 7-14-2010; Ord. No. 11-03, 5-25-2011)

## **Sec. 90-112. Signs.**

- A. *Prohibited signs.* The following types of signs or advertising structures are not permitted in the Town of Redington Shores in any zoning district:
- (1) Animated or flashing light signs of such size, intensity of lighting or degree of animation as to present a garish appearance or to constitute a traffic hazard by diverting motorists' attention.
  - (2) Billboards.
  - (3) Off-premises signs.
  - (4) Banner signs.
  - (5) Portable signs, except for sandwich board signs in the C-NR, ROR-15 and CTF zoning districts.
  - (6) Roof signs (where the location of an existing structure makes the placement of other signs not feasible, variances may be granted for the construction of roof and/or projecting signs).

(7) Projecting signs.

(8) Swinging signs.

B. *Sign permits.*

(1) All signs six square feet or more in area require permits issued by the building department. Erection and construction of signs shall conform to the Florida Building Code.

(2) All sandwich board signs require annual permits issued by the town clerk.

C. *Signs permitted in single-family (RS-7 and RS-10) and duplex (RD-15) residential districts shall be in accordance with the following:*

Type	Maximum Sign Area (square feet)
Home occupation signs (1 per business)	2
Sale or rental signs (1 per property)	6
Individual name and/or street number signs (up to 2 per property)	2
No trespassing private property, etc.	2
Construction signs while under construction (1 per property)	6

D. *Signs permitted in multifamily (RM-15, ROR-15, PUD) residential districts shall be as follows:*

(1) All those in subsection C. above.

(2) Institutional name signs, as follows:

Type	Maximum Sign Area (square feet)
For buildings of fewer than 20 dwelling units or any buildings on lots less than 100-foot front (1 per property)	24
For buildings of 20 or more dwelling units and on 100-foot front lots or more (up to 2 per property)	24

E. *Signs permitted in commercial tourist facilities (CTF), general commercial (C-NR) and residential/office/retail (ROR-15) districts:*

(1) All those in subsections C. and D. above.

(2) Institution and business signs for businesses occupying premises with frontage as follows:

Frontage	Maximum Total Sign Area (square feet)	Maximum Size of Individual Sign (square feet)
50 linear feet or less	40	20
51 to 100 linear feet	60	32
101 to 125 linear feet	90	40
More than 125 linear feet	96	48

NOTE: Business properties with frontage on two streets may have signs on each street in accordance with the frontage on that street. For premises fronting Gulf Boulevard where no signs are displayed on the side street frontage, 25 percent of the frontage may be applied to computing Gulf Boulevard frontage. These same provisions shall apply to business properties with frontage on Boca Ciega Bay.

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- (3) Sandwich board signs for businesses occupying premises, provided that:
- (a) Sandwich board signs shall be no larger than 30 inches in width and 48 inches in height. No material such as papers, balloons, windsocks, etc. or other items prohibited by the Code may be added to such sign. The height of such signs may not be artificially increased above the allowed maximum by placing material under the base of such sign.
  - (b) No more than one sandwich board sign per business is permitted.
  - (c) Sandwich board signs may be placed no closer than ten feet from another such sign.
  - (d) Sandwich board signs shall not be placed in the public right-of-way, in any parking space or drive aisle, or in such a way to obstruct vehicular traffic sight, or to block any door or required ADA route.
  - (e) Sandwich board signs may only be used during the hours when the business is open to the public and must be brought in at the close of business or in the event of high wind conditions.
  - (f) No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists or pedestrians.
  - (g) No sandwich board sign shall swing, rotate, twirl or contain any moving parts.
  - (h) Sandwich board signs shall not contain lights of any kind.
- F. *Signs permitted in outdoor recreation/public open space and public/semipublic institutional districts:*
- (1) Commercial uses will be in accordance with subsection E. above.
  - (2) Noncommercial uses may have signs up to 20 square feet in area.
- G. *Temporary signs.* A temporary sign/banner will require a permit for use for a special event. The permit will include the date when the sign will be removed, which is no later than three days after the event. Maximum dimensions are four feet in height by eight feet in width. No more than one sign is permitted for any site. Small temporary window signs (restaurant menus, "open" and "closed" signs, daily specials, etc.) less than ten square feet in aggregate may be posted without permit.
- H. *Pole signs.* Pole signs or other types of freestanding signs are permitted where district requirements are met. Only one such sign is permitted per property. Multibusiness buildings and shopping centers are considered to be one property. National flags and state flags on poles are permitted in the same manner as pole signs. The maximum flag size is 32 square feet and may be in addition to a pole sign.
- I. *Double-faced signs.* In calculating maximum sign area allowances, only one side of double-faced signs will be considered.
- J. *Number of signs per district.*
- (1) For multifamily residential districts (RM-15 and PUD), up to two signs are permitted for buildings with less than 100 linear feet frontage and up to four for those with 100 linear feet or more frontage.
  - (2) For resort facilities medium and commercial general districts, up to two signs are permitted for businesses with 50 linear feet or less of frontage, up to three signs for those with 51 linear feet to 125 linear feet of frontage and up to four signs for those with more than 125 linear feet of frontage. Multiple window signs may count as one sign if the aggregate area does not exceed the individual sign area maximum for that property.
  - (3) Shopping centers and multibusiness buildings, (commercial general), are permitted one pole/freestanding sign plus one wall, canopy/marquee or window sign for each business. Uniform design of signs in each instance is encouraged. The pole/freestanding sign for the shopping

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center/multibusiness building may also contain identification of the individual businesses located therein, but all signs shall not exceed aggregate sign area allowed for the business.

- (4) Parking and directional signs will not count as part of the allowable total. The area of a canopy/marquee sign is considered to be only the actual sign area and not necessarily the overall area of the canopy/marquee.

K. *Design of signs.*

- (1) Design of signs shall be harmonious with the environment and compatible with the structures in the area. In no case will any sign exceed eight feet in its vertical dimension or 16 feet in width. Pole/Freestanding signs will not extend more than 15 feet above grade for single-story buildings or 21 feet for multiple story buildings. Signs fixed to the building may not extend above the roofline. Marquees are considered to be within the roofline.
- (2) No sign will employ words, shapes or colors which might be confused with any authorized traffic sign, signal or device.
- (3) No sign advertising products, services or places other than those located on the premises may be erected except upon approval by the board of commissioners.
- (4) No wall sign shall cover more than ten percent of the area of the wall to which it is applied. It will not extend more than 12 inches from the surface. Window signs shall not cover more than 20 percent of any glass area.
- (5) It shall be unlawful for any person to display false or misleading information in any sign.
- (6) Each sign shall be strongly constructed and securely anchored to withstand wind pressure as required by Florida Building Codes, as adopted, or alternatively as designed by a professional engineer (P.E.).

L. *Placement of signs.*

- (1) All signs must be placed within the limits of the property to which they apply. Freestanding signs are not permitted closer than ten feet to the legal right-of-way of the road. Where the placement of existing structures makes the ten-foot setback for freestanding signs impractical, variance procedures may be applied. However, no sign may project beyond the property line.
- (2) Freestanding signs in areas where pedestrian traffic is expected must have the lowest edge at least eight feet above grade.
- (3) Access to buildings. No sign shall be erected or maintained so as to prevent free ingress or egress through any door, window or fire escape or to prevent access from one part of a roof to any other part. No sign of any kind shall be attached to a standpipe or fire escape.
- (4) Traffic or visual obstruction. No sign or supporting structure shall be erected so as to obstruct free and clear vision at street and driveway intersections.
- (5) Painting or posting signs. No sign may be painted, posted, nailed or otherwise affixed to any part of sidewalks, curbs, pavements, trees, lampposts, utility poles, hydrants, bridges, etc., within the limits of any public right-of-way.
- (6) All signs and surrounding premises shall be maintained in good condition by the owner.

M. *Electrical signs.*

- (1) The construction and maintenance of all signs using electrical illumination shall be subject to town requirements for approval of plans and for inspection.
- (2) Neon or similar electrical signs shall be located and protected to ensure that they do not endanger life or property.

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- (3) Sign illumination will be focused directly on the sign and shielded to assure that it does not throw light which could interfere with the vision of motorists or pedestrians or cause a nuisance for adjoining properties.
  - (4) No electrical sign shall be maintained which shall cause interference with radio or television receivers.
  - (5) Illuminated tubing or strings of lights around open sale areas, on fences or on other property or building edges are not permitted.

N. *Political signs.*

- (1) No political signs of any nature may be placed within the limits of any public right-of-way or on any public place.
- (2) Political signs for qualified candidates for any office in any election in which electors of the town may vote are allowed for any candidate and may be displayed in the nonresidential districts in the town.
- (3) Political signs shall not exceed four square feet in area.
- (4) The building inspector is hereby authorized to remove any political sign posted in the town in violation of this article and to notify the candidate or the person responsible for posting the sign.

O. *Removal of signs.*

- (1) Removal upon terminating of business or vacating of property. All signs must be removed within 60 days. If not removed, the town will remove them after ten days' written notice to the owner of the property. Cost of removal will be borne by the property owner. Sign structures which have intrinsic property value may remain in place if they otherwise meet ordinance requirements (or are under approved variances) and are properly maintained. Sign information relating to the terminated business must be removed. If the signs are relevant to a new occupant of the property, a single 60-day extension may be granted upon request to the building inspector. Any additional extension(s) would require approval of a variance.
- (2) "For Sale," "For Rent," "For Lease" or "Sold" signs shall be removed immediately after closing.
- (3) The town building inspector is hereby authorized to remove any sign that is not properly maintained or is unsafe or hazardous after giving written notice to the owner of the sign at least ten days prior to removal. He or she is also authorized to cause to be removed any signs constructed or modified after December 14, 1983, which are in violation of provisions of this article, unless variances were approved and/or permits issued prior to such construction or modification. Cost of removal will be borne by the property owner.

P. *Nonconforming signs.*

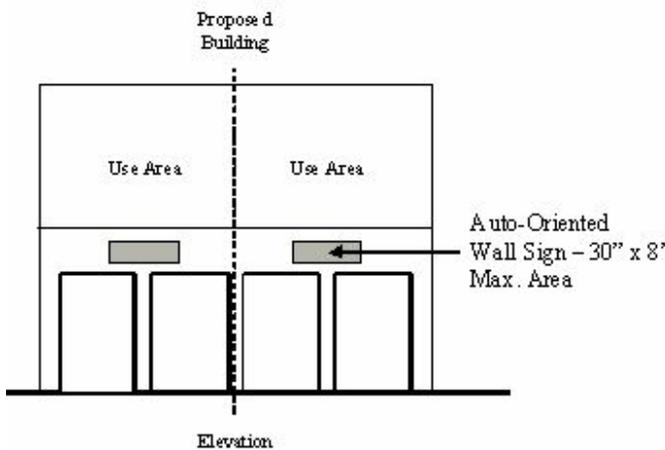
- (1) Except for prohibited signs, previously approved signs in place prior to enactment of this part 5 and not in conformance thereto may continue in place if properly maintained without meeting the requirements of this article. Any replacement sign must meet the provisions of this article. Damaged signs must be removed from the premises within seven days unless repaired or replaced.
- (2) Failure to comply with the provisions of this part 5 shall constitute basis for revocation of business tax receipts.

Q. *Gulf Boulevard Overlay District sign standards.*

- (1) *General.*
  - (a) Nonresidential uses along Gulf Boulevard may be permitted one sign oriented towards automobile traffic and one that is oriented towards pedestrian traffic.
  - (b) All signs shall be externally illuminated, not translucent or internally illuminated.

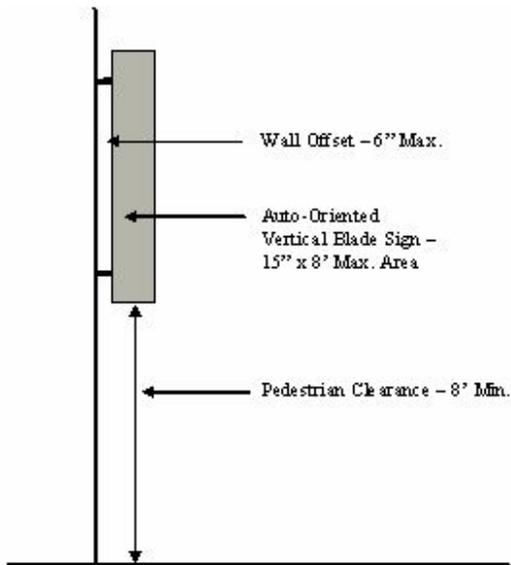
- (c) All signs must be designed concurrently and coherently with the facade or shopfront with which it is to be associated, sharing overall composition, material and color.
- (2) *Auto-orientated signage.*
  - (a) Auto-oriented signage can be of the following types: wall sign, vertical blade sign, canopy sign and window sign.
  - (b) Wall signs and vertical blade signs must be affixed to the primary facade of the building, immediately above the designated commercial use.
  - (c) Canopy signs must be affixed to the canopy or awning immediately in front of the commercial use.
  - (d) Auto-oriented wall signs and window signs shall be no more than 30 inches in height and eight feet in length.

**Figure 90-112-A**



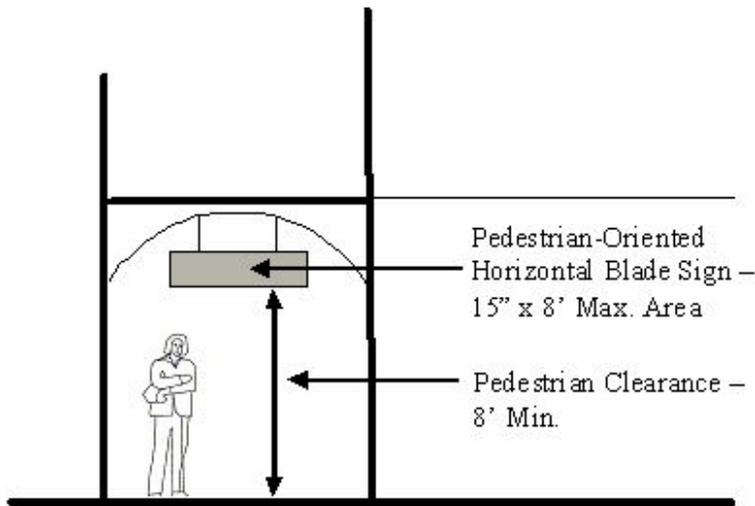
- (e) Window signs shall not occupy more than 25 percent of the available transparent glass area. Window signs must be within the windows of the designated use and may include use of neon lighting.
- (f) Canopy signs must fit along the vertical edge of the canopy, and may not extend more than six inches in height and ten feet in length.
- (g) Vertical blade signs shall be no more than eight feet in height and 15 inches in length, and shall be offset from the wall up to a maximum of six inches.

Figure 90-112-B



- (h) When more than one commercial use is contained within a building, all of the commercial uses must use the same type of auto-oriented signage.
- (i) Each use along Gulf Boulevard that has a distinct street number must portray that number adjacent to the appropriate entryway.
  - [1] Such number should be wall- or window-mounted, no less than four feet and no more than eight feet above adjacent grade, and should be placed so as to be visible from Gulf Boulevard.
  - [2] The individual numbers shall be no less than five inches and no more than eight inches in height.
  - [3] If the numbers are contained within a frame, the frame should be no more than one inch wider and higher than the enclosed numbers.
- (3) *Pedestrian-oriented signage.* Pedestrian-oriented signage may be of the following types: wall sign, horizontal blade sign, and window sign.
  - (a) Wall signs must be affixed to the wall of the structure, in front of the designated commercial use.
  - (b) Blade signs must hang overhead within arcades or porches, in front of the designated commercial use. These signs can also be supported by horizontal brackets that project from the wall of the structure.

Figure 90-112-C



- (c) Window signs must be within the windows of the designated commercial use. Neon lights can be used for these signs.
- (4) *Noncommercial signs.* Each building along Gulf Boulevard may be permitted to have one auto-oriented sign identifying the building, such as the name or address of the building.
  - (a) Such signs can be wall or vertical blade signs.
  - (b) Wall signs shall be no more than 30 inches in height and no more than eight feet in width.
  - (c) Vertical blade signs shall be no more than eight feet in height and no more than 15 inches in width or extension.
- R. *Permit required; exceptions.* No person shall erect, construct or alter within the town any sign containing six square feet or more of area without first having obtained a permit for the construction of such sign. Plans for the construction or alteration of signs submitted in accordance with section 90-2 of this chapter will clearly show the design, coloring and wording of the proposed sign.
- S. *Building code to govern construction.* The erection or construction of signs shall be in accordance with the Florida Building Codes, as adopted.
- T. Signage utilized by the Town of Redington Shores for special events shall be exempt from all provisions of this section.

(Ord. No. 19-02 , § 1, 6-12-2019)

### Sec. 90-113. Satellite antennas.

- A. Satellite antennas and related guy wires shall be considered accessory structures and shall meet setback requirements. They will be fixed-point structures. No more than one satellite antenna per property shall be permitted.
- B. Satellite antennas shall be installed and maintained in compliance with requirements of the Florida Building Code and National Electrical Code. A building permit shall be required prior to construction and installation.

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- C. Satellite antennas shall be appropriately finished to avoid bright light reflection and to blend with surroundings. No advertising or signage of any type is permitted on satellite antennas. Satellite antennas mounted above the roofline shall be of open web or mesh construction. Solid antenna dishes may be used in ground or pole mountings where no part of the antenna extends beyond the roofline at its nearest point.
  - D. The maximum height of the antenna shall not exceed 15 feet above grade, except where roof-mounted or pole-mounted adjacent to the roof where it will not extend more than 15 feet above roof level at its nearest point.
  - E. All poles or other brackets extending into the ground on which satellite antennas are mounted shall be securely anchored to conform to the Florida Building Code for like structures, so that in the event of flooding, such ground mounts shall not come out of the ground. The plans and specifications for such mounts shall be submitted to and approved by the building inspector prior to any installation.
  - F. For single-family and duplex residences (RS-7, RS-10, RD-15), satellite antennas are permitted only within the rear yard buildable area for principal or accessory structures. Where roof mounting or pole mounting above the roofline is necessary, such installation will only be made in the rear half of the roof area.
  - G. For multifamily residences (RM-15), retail office, residential structures (ROR-15), motels, hotels (CTF), commercial structures (C-NR) and public institutional structures (PI), satellite antennas are permitted in buildable area for principal or accessory structures but not forward of the principal structure.
  - H. Construction and installation of satellite antennas shall be considered in site plan review as described in section 90-110, except for existing single-family and duplex residences.
  - I. No variances may be granted which would allow satellite antennas in the required front yard setback.
  - J. Satellite antennas legally in existence at the date of enactment of this section shall be considered "grandfathered." Satellite antennas not otherwise in compliance with this part 5 shall be removed at the owner's expense.

#### **Sec. 90-114. Nonconforming uses.**

- A. Buildings existing at the time this part 5 becomes effective; alteration or change of use. The lawful use of a building, which use existed at the time of the effective date of this part 5, may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to less restricted use.
- B. Buildings which become nonconforming through zoning change. Whenever the use of a building becomes nonconforming through a change in the zoning ordinance or district boundaries, such use may be continued; and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.
- C. Discontinuance of a nonconforming use. In the event that a nonconforming use of any building or place is discontinued for a period of six months, the use of the same shall thereafter conform to the use permitted in the district in which it is located; provided, however, that the board of commissioners may permit a continuation of such nonconforming building or premises.
- D. Alteration of building housing nonpermitted use. No existing building devoted to a use not permitted by this part 5 in the district in which such building is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building is located.

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- E. Restoration of nonconforming uses damaged by any cause. When a building, the use of which does not conform to the provisions of this part 5, is less than 51 percent damaged without design or connivance of the owner thereof by fire, explosion, hurricane or any cause, it may be restored, provided that the same meets with the provisions of the town building code and the permit issued thereunder.
  - F. Special exception. Where an individual single-residence is located in a zoning district permitting single residences, but does not meet criteria as to lot size or flood protection, and is destroyed or damaged beyond 51 percent of total value by a disaster not of the owner's design, connivance or contribution, a building permit may be issued by the building department for reconstruction or replacement of a like single-family residence meeting flood protection and minimum setback criteria for the district in which the property is located.
  - G. In the event that any residential structure is damaged or destroyed by a hurricane, tornado, fire, flood, windstorm, or other natural disaster, it can be repaired or reconstructed in a manner which guarantees that each unit and all permitted accessory uses can be restored to the same square footage and structure footprint upon the lot or lots which existed immediately prior to such disaster. Repairs and reconstruction shall adhere to all other Town Code provisions and flood management regulations in effect. In the event that such flood regulations require the elevation of a structure, the town shall permit the height of the structure to be increased the minimum necessary to accommodate the required flood elevation. If the repairs or reconstruction cannot be made in accordance with the current Town Code provisions, the town shall grant the owners relief from such code provisions to permit the same number of grandfathered units, and all existing legally permitted accessory uses, to be constructed on the same structure footprint upon the lot or lots which existed prior to the disaster, provided such restoration does not create a greater nonconformity than that which existed prior to the disaster.

### **Sec. 90-115. Transferable development rights.**

- A. Applications for transferable development rights shall be processed in accordance with the provisions of section 90-124. Applications will be subject to review by the planning and zoning board, which shall pass its recommendation to the town board of commissioners, who shall, in its sole discretion, taking into consideration the existing density of other parcels in the vicinity of the receiving parcel, ingress and egress to the receiving parcel, and other such factors, make the final determination as to whether to allow the transfer of development rights as requested, or as modified.
- B. Transfer of development rights shall be subject to the following:
  - (1) The permitted uses within any given future land use plan category shall be consistent with those permitted uses enumerated for each future land use plan category, and no transfer of development rights shall be permitted which is inconsistent with the permitted uses of a given future land use plan category.
  - (2) There shall be no transfer of development rights from existing developed property, irrespective of whether or not that property has been developed to the maximum density/intensity permitted under the future land use map and this Code, except for archaeological, historical, architectural preservation, or Leadership in Energy and Environmental Design (LEED) building certification purposes, pursuant to the enumerated policies and locations as set forth in the Comprehensive Plan and this Code. For the purpose of this provision, any lot or parcel which has been developed to a density that is less than its maximum density shall be considered to be an "existing developed property."
  - (3) Transfer of development rights is permitted between all future land use plan categories except for transfer to the preservation and recreation/open space categories.
  - (4) The maximum permitted density/intensity of the future land use plan category for any parcel of land to which development rights are transferred shall not exceed an additional 20 percent of the otherwise

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maximum permitted density/intensity allowed for each respective future land use plan category applicable to such parcel.

- (5) Where development rights are transferred from a sending parcel, that property shall only be used in a manner and to the extent specified in the transfer and recording mechanism. Any parcel from which development rights are transferred will be limited to the use and density/intensity that remains after the transfer. In particular:
  - (a) The residual development rights on the sending parcel will be limited to the remnant use and density/intensity available under the future land use map designation, and not otherwise transferred.
  - (b) Neither the use nor density/intensity of a sending parcel shall be double-counted, and the transfer of development rights shall not result in any combination of use or density/intensity above that which was otherwise permitted under the future land use map designation for each of the sending and receiving parcels, when taken together.
  - (c) A sending parcel from which all development rights are transferred shall not thereafter be available for use except consistent with the permitted uses and density/intensity standards of the recreation/open space category, except for sending parcels classified as preservation or required to be classified as preservation as a function of the transfer, in which case such parcels shall be limited to the permitted uses and density/intensity standards of the preservation category.
- (6) Where all development rights have previously been transferred from a sending parcel, no additional development rights shall be transferable from that sending parcel.
- (7) There shall be no transfer of development rights from or to submerged land, or from outside the coastal high hazard area into the coastal high hazard area.
- (8) The sending parcel must be located within the Town of Redington Shores unless it is owned by the Town of Redington Shores or another unit of local government.
- (9) Where development rights cannot otherwise be determined for the preservation or recreation/open space category based on these provisions for transfer of development rights, such categories shall be assigned a maximum density/intensity of one dwelling unit or five percent floor area ratio per acre, or both, as is applicable based on the permitted uses to be utilized in the receiving parcel for any transfer of development rights under the future land use map and this Code.
- (10) Where an entire parcel of property is located in a preservation or recreation/open space category, and the development rights of such parcel have not been and cannot be transferred, such property shall be permitted a minimum beneficial use subject to the various provisions set forth in the future land use map and this Code, but private property shall not be taken without due process of law and the payment of just compensation.
- (11) All transfers of development rights shall be recorded, in a form approved by the countywide planning authority, in the public records with the Clerk of the Circuit Court for Pinellas County, and a record copy of same to be filed with the Pinellas Planning Council.
- (12) All applications for transfer of development rights shall be on a form, as required by the building official, and shall be accompanied by the payment of a fee, as enacted, and as may be from time to time amended, by the town commission, by resolution.

(Ord. No. 10-01, 7-14-2010)

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## Sec. 90-116. Vacation rentals.

### A. *Applicability and purpose.*

- (1) This section shall apply to all permitted vacation rentals located in the Town of Redington Shores, Florida, including any grandfathered use of vacation rentals in zoning districts other than Commercial Tourist Facilities (CTF) and Planned Unit Development (PUD) with a Future Land Use category of Resorts Facilities Medium (RFM).
- (2) The purpose of this section is to provide additional regulations pertaining to vacation rentals to preserve the quiet nature and atmosphere of residential areas and to ensure to the town's residents the tranquility and peaceful enjoyment of their neighborhoods. These regulations shall be in addition to and shall not supplant other provisions in this Code that may apply to vacation rentals; and in the event of a conflict, the more restrictive provision shall control. Nothing in this section shall be deemed to create an enforceable right or private right of action against the town.

### B. *Definitions.* For purposes of this section, the following definitions shall apply:

- (1) *Peer-to-peer or platform entity* shall mean any person, service, business company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.
- (2) *Property owner* shall mean the person who, or entity that, owns the property being used or occupied as a vacation rental.
- (3) *Responsible party* shall mean the person or entity authorized by the property owner to obtain a certificate of use for a vacation rental, and who will be:
  - (a) Responsible for ensuring compliance with all regulations related to vacation rentals; and
  - (b) Available to respond 24 hours per day, seven days per week to an issue that arises relating to the vacation rental.

The property owner may serve as responsible party.

- (4) *Transient occupant* shall mean any person who rents or occupies any dwelling unit or residence or part thereof for less than 30 days or one calendar month whichever is less, and any guest or invitee of such person.

### C. *Certificate of use required.* No property owner, responsible party, or peer-to-peer or platform entity shall offer as a vacation rental or allow any person to rent or occupy as a vacation rental any property in whole or in part within the Town of Redington Shores, unless a certificate of use has first been obtained in accordance with the provisions of this section. A property may be offered as a vacation rental immediately upon submission of an application for certificate of use, unless and until such time as the application is thereafter rejected or revoked.

- (1) *Application.* A complete certificate of use application shall be submitted to the town. The application must be signed under oath or affirmation, and shall include the following:
  - (a) The address and legal description of the vacation rental property;
  - (b) Name address and phone number of the property owner;
  - (c) Name, address, and phone number of the responsible party;
  - (d) Name and contact information for the peer-to-peer or platform entity or entities on which the vacation rental is, or will be, listed for rent;

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- (e) Statement that the responsible party is, or will be, remitting all applicable local Pinellas County business and tourist taxes; or that a peer-to-peer or platform entity through which vacation rentals are booked will be remitting all such taxes associated with the vacation rental on the responsible party's behalf;
  - (f) Statement that the responsible party has the permission of the property owner and authority to offer the property as a vacation rental and act as the responsible party;
  - (g) Statement as to whether the entire property, or just a part thereof (i.e., a room or rooms) will be used as a vacation rental;
  - (h) Statement that insurance coverage will be in effect at all times while the property is being used as a vacation rental to cover liability for injury or harm to transient occupants or other invitees, and acknowledging that a standard homeowner's or renter's insurance policy may not necessarily provide such liability coverage while the property is used as a vacation rental;
  - (i) Statement acknowledging that the vacation rental must be registered with the Florida Department of Revenue, or successor agency, for purposes of collecting and remitting applicable state taxes and all such state taxes have been, or will be, paid;
  - (j) Statement acknowledging that a vacation rental license, issued by the Florida Department of Business and Professional Regulation, or successor agency, must be obtained; and
  - (k) Statement acknowledging that the property is, and will be at all times during which it is used as a vacation rental, maintained in compliance with the vacation rental standards set forth in subsection D. below;
  - (l) Statement acknowledging that copies of any executed rental contract in existence prior to August 12, 2020, which contains provisions contrary to this section but are otherwise permissible under Town Code, along with evidence of any deposit received in conjunction with such contract(s), must be submitted to the Town with the initial certificate of use application. The property owner or responsible party must also execute the corresponding affidavit, as may be amended by the town from time to time, which is attached hereto as Exhibit A. Failure to submit such affidavit and documentation shall result in all rentals being subject to the terms of this section despite the date such rental agreement was entered into by the parties.
  - (m) A building sketch(s) shall be provided by floor showing a floor layout. The sketch shall be drawn to scale, showing all bedrooms and sleeping areas.
- (2) *Supporting documentation.* The responsible party shall maintain all required licenses, records, and other documentation sufficient to demonstrate that the statements and information required by subsection (1) above are true and accurate.
  - (3) *Providing false information.* Providing false or misleading information in an application for a certificate of use is grounds to deny or revoke the certificate of use. A determination that false or misleading information was provided in an application is appealable to the town commission, provided that such notice of appeal be filed with the town clerk within ten days of the denial or revocation of the certificate of use.
  - (4) *Annual renewal.* The certificate of use shall be renewed annually. A certificate of use may not be renewed if there are any outstanding fines or liens for violations of Town Code.
- D. *Vacation rental standards.* The following vacation rental standards shall govern vacation rentals in the Town of Redington Shores:
- (1) *Duties of peer-to-peer or platform entity.* For each vacation rental listed or offered, a peer-to-peer or platform entity shall:

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- (a) Provide notice of the requirements of this section to any person or entity listing or offering a vacation rental on its service or platform by including a summary of such requirements in a format acceptable to the town on its service of platform;
  - (b) Only provide payment processing services, or otherwise facilitate payment for a vacation rental that has a valid certificate of use in accordance with this section. A peer-to-peer or platform entity shall not be held liable pursuant to this subsection where it:
    - (i) As part of its vacation rental listing registration process, informs the responsible party that a certificate of use must be obtained before offering a vacation rental in the town; includes a link to the town's webpage where a certificate of use application can be located; requires the responsible party to confirm that such party has been advised of the town's regulations, including the certificate of use requirement; and provides a dedicated field to enable the responsible party to input the certificate of use number before such party completes registration and lists a vacation rental on the service or platform;
    - (ii) Provides the town on a monthly basis a report disclosing for each vacation rental listing the information entered by the responsible party in the certificate of use dedicated field, or whether the responsible party left that field blank; the total number of vacation rental listings on the service or platform during the prior month; and the total number of nights that vacation rentals listed on the service or platform were rented during the prior month.
  - (c) Comply with administrative subpoenas or other appropriate legal process from the town seeking information relating to persons or entities listing or offering vacation rentals on its service of platform;
  - (d) Maintain records demonstrating that the requirements of this subsection have been satisfied and such records shall be subject to inspection by the town upon request pursuant to the issuance of an administrative subpoena or other appropriate legal process, provided however, that certain confidential information, such as social security numbers, credit card information, and names of minors, shall not be subject to inspection upon request of the town; and
  - (e) Make available to the town for inspection upon request pursuant to the issuance of an administrative subpoena or other appropriate legal process all records relating to any suspected violations of state or local law associated with any vacation rental property in the Town of Redington Shores, provided, however, that certain confidential information, such as social security numbers credit card information, and names of minors, shall not be subject to inspection upon request of the Town of Redington Shores.
- (2) *Duties of responsible party.* For each vacation rental, the responsible party shall:
- (a) Provide written notice to transient occupants, prior to occupancy of the vacation rental, of the vacation rental standards set forth herein and other applicable laws, ordinances, or regulations concerning noise, public nuisance, vehicle parking, solid waste collection, and common area usage. This information shall also be made available to each transient occupant inside the subject property;
  - (b) Ensure compliance with all provisions of this section, including the vacation rental standards set forth herein, and promptly address and report any violations of this section or of such other law or regulation of which the responsible party knows or should know to the town or law enforcement, as appropriate, as well as to the peer-to-peer or platform entity;
  - (c) Ensure that any violations regarding the rental of the property are able to be promptly addressed and resolved 24 hours a day/seven days per week; and

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- (d) Maintain a register with names and dates of stay of all guests, including, but not limited to, all transient occupants and their invitees.
- (3) *Maximum occupancy.* Maximum overnight occupancy for vacation rentals shall be up to a maximum of two persons per permitted bedroom, plus two additional persons per property up to a maximum of 12 persons excluding children under six years of age. At all other times maximum occupancy for vacation rentals shall not exceed the maximum overnight occupancy of the vacation rental plus four additional persons per property, up to a maximum of 16 persons, excluding children under six years of age. For purposes of this subsection, "overnight" shall mean from 10:00 p.m. until 7:00 a.m. the following day. Notwithstanding the foregoing, at no time may the occupancy of a vacation rental exceed the maximum occupant load for the property under the Florida Building Code.
- (4) *Solid waste handling and containment.* Solid waste containers sufficient to handle the maximum occupancy permitted shall be maintained in accordance with chapter 127. All regulations regarding screening and storage of solid waste containers shall apply to vacation rentals. For purposes of this section, and as required in section 127-4 all solid waste containers shall be placed near the curb or alley no earlier than 6:00 p.m. of the evening preceding the collection day and must be removed not later than 7:00 p.m. of the day of collection.
- (5) *Advertising and signs.* Signs shall only be allowed to the extent permitted by the regulations in the code applicable to the relevant zoning district. Any advertisements or signs pertaining to vacation rentals that are inconsistent with the requirements, restrictions and regulations of the certificate of use or these vacation rental standards shall be deemed prima facie evidence in any enforcement action that a vacation rental is being operated in violation of this section.
- (6) *Posting of certificate of use.* Whenever a property is being used as a vacation rental, the certificate of use required by this section shall be available in a conspicuous location that is clearly visible to guests within the vacation rental and shall include at a minimum the name, address and phone number of the responsible party and the maximum occupancy of the vacation rental.
- (7) *Parking and vehicles.* All parking must comply with chapter 140, and all other applicable sections of this Code. In addition all vehicles associated with the vacation rental whether in the possession or control of the property owner, responsible party, or transient occupant, shall only be parked within a driveway or in a designated parking area on the subject property. Transient occupants shall not be permitted to park more than two vehicles at any one time on the subject property during the rental period, unless the property has additional lawfully permitted parking spaces sufficient to park additional vehicle(s) without encroaching on town right-of-way.
- (8) *Noise.* All transient occupants shall abide by chapter 101 of this Code, which prohibits unreasonably loud, excessive, unnecessary, or unusual noise. In addition outdoor amplified sound at a vacation rental shall not be permitted at any time.
- (9) *Public nuisance.* The responsible party and all transient occupants shall abide by all applicable state and local public nuisance laws and ordinances, including, but not limited to, F.S. §§ 823.05 and 823.10 and article II of chapter 103 of this Code.
- (10) *Pets.* If the responsible party permits transient occupants to have pets at the vacation rental, such pets shall be at all times secured within the property lines or on a leash but shall not be tethered. Continual nuisance barking by pets is prohibited. The keeping of pets shall be subject to the regulations of this section and chapter 56 of this Code regarding animals.
- (11) *Swimming pool safety features.* If there is a swimming pool onsite, the responsible party shall ensure that the swimming pool has in place at least one of the pool safety features listed in F.S. § 515.27, (i.e., pool safety barrier pool safety cover pool alarm or door latch/alarm) prior to use of the property as a vacation rental by any person under the age of six. The responsible party shall be deemed to have

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complied with this provision if the pool safety feature is put in place at the time that the property is turned over to any transient occupant occupying the vacation rental. This provision shall not apply to a vacation rental with a community swimming pool onsite, such as in a condominium. Compliance with this provision shall be in addition to compliance with article V of chapter 90 of this Code pertaining to swimming pool fences.

E. *Enforcement.* The requirements of this section shall be enforced in accordance with the following:

- (1) *Penalties.* Any person operating a vacation rental without a certificate of use or in violation of the vacation rental standards or any other provisions in this section shall be subject to the penalties set forth in section 1-16 and for the civil infractions as provided below, or both, and to all other enforcement measures authorized in this Code or by other applicable law:
  - (a) Failure to obtain certificate of use for vacation rental.
    - (i) First offense - \$100.00;
    - (ii) Second offense - \$1,000.00;
    - (iii) Third offense and subsequent violations thereafter - \$2,500.00.
  - (b) Violation of vacation rental standard or any other provision of section 90-116.
    - (i) First offense - \$100.00;
    - (ii) Second offense occurring within 12 months of the first offense - \$1,000.00;
    - (iii) Third offense occurring within 12 months of the most recent two preceding offenses - \$2,500.00 and revocation of the certificate of use.
  - (c) Revocation of a certificate of use pursuant to this section shall be for a period of 12 months. Any certificate of use revoked pursuant to this section shall be appealable to the town commission provided that such notice of appeal be filed with the town within ten days of the written notice of revocation. The notice of appeal must be in writing and filed with the town clerk. The appeal shall be accompanied by a fee as specified by resolution of the town commission.
- (2) *Joint and several liability.* The property owner of the vacation rental property shall be liable for any violations of this section any rule or regulation promulgated under this section. In addition whenever two or more persons commit such a violation, each violator shall be jointly and severally liable for any fines or other damages assessed. This applies to situations where a property owner, responsible party, peer-to-peer or platform entity, or transient occupant, or any combination thereof, are together responsible for a violation of this section. It is provided however, that where a peer-to-peer or platform entity does not itself commit a violation of this section, it shall not be held jointly and severally liable, nor shall it be held vicariously liable for any violations committed solely by the responsible party or transient occupants. In addition where a peer-to-peer or platform entity complies with subsection D.(1)(b)(i) and (ii), it shall not be held jointly and severally liable for providing a listing for, or collecting a fee for listing, any vacation rental.

( Ord. No. 20-06 , § 4, 8-12-2020; Ord. No. 21-03 , § 1, 2-10-2021)

## **ARTICLE XXVI. ENVIRONMENTAL PERFORMANCE STANDARDS**

### **Sec. 90-117. Pollution performance standards.**

All uses, existing and proposed, in all zoning districts are subject to the following performance standards and procedures:

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- A. *Air pollution.* No person shall cause or permit an air emission from any source of air pollutants in violation of standards enforced by the Pinellas County Department of Environmental Management. No smoke emission from any combustion source shall be permitted which is darker than shade No. 1 of the Ringelmann Smoke Chart. No open burning is permitted within the Town of Redington Shores unless a special permit is issued. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which may constitute a nuisance or which can cause any damage to health, to animals, vegetation or other forms of property or which can cause any excessive soiling.
  - B. *Noise.* No person shall cause or permit a noise emission from any source in violation of standards enforced by the Pinellas County Department of Environmental Management Code. No outdoor public address system, audible from any property line, is permitted in the Town of Redington Shores except by one-time permit for a special civic purpose.
  - C. *Outdoor storage.* No person shall cause or permit outdoor storage of materials, objects, debris, litter, disassembled motor vehicles, household furnishings, gravel, fill dirt or construction materials on any lot within the Town of Redington Shores with the exception of construction sites where the temporary storage of building materials is essential. Storage of firewood in quantities not to exceed one cord is permitted, provided that it shall be neatly stacked, screened and maintained, and further provided that the owner shall take all reasonable measures to eliminate invasion by termites, vermin or other pests.
  - D. *Odor.* No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable, without instruments, at the property line of the lot from which they are emitted.
  - E. *Radioactivity and electrical disturbance.* The standards for radioactive emissions shall be those of the United States Federal Atomic Energy Commission. No electrical disturbance is permitted affecting the operation of any equipment.

**Sec. 90-118. Standards governing flood and beach erosion control.**

No new use shall be issued a building permit unless it is found to be in complete compliance with the standards of the coastal construction requirements of the Florida Department of Natural Resources and with part 2 of this chapter.

**Sec. 90-119. Standards governing waterfront and underwater lands.**

- A. All areas within the corporate limits of the Town of Redington Shores which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district. Accretions to lots in zoned districts shall be subject to the same zoning regulations as the original lots. Dimensions as shown on the zoning district map shall apply.
- B. Standards governing beach access. Under site plan review the planning and zoning board may require the dedication of access to the public beach in the form of an improved, dedicated ten-foot right-of-way.

**Sec. 90-120. Land dedication for public use; cash contribution in lieu thereof.**

The standard for land dedication for public use shall be calculated for all new residential and commercial use in the town in land dedication units (LDUs) as follows:

- A. Each \$50,000.00 in value of land and buildings equals one LDU.

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- B. Each new dwelling unit, motel or hotel rental unit or new or improved commercial structure shall be required to dedicate 100 square feet of real property per one LDU or a cash contribution of \$500.00 per one LDU.
  - C. All dedications of public use property shall be at the option of the planning and zoning board, which will generally not consider dedications of less than one acre in size, unless there is a clear public interest to accept a smaller parcel.
  - D. All such funds or land accepted by the Town of Redington Shores shall be used for park and recreational facility capital development, and any other uses deemed by the town commission to be aesthetically pleasing enhancements to the visual environment in the town, such as landscaping of traffic medians, streets or other such matters. Such funds shall not be used for park maintenance or operating recreation programs.
  - E. For the purpose of this article, no credit shall be given for privately owned or maintained park or recreational facilities existing or proposed within the site to be developed.
  - F. All dedications of park land or cash payments in lieu thereof shall be received by the town prior to the issuance of a building permit.
  - G. The town commission can waive any LDU payment of any amount over \$100,000.00 for any single applicant for any single project in the following situations:
    - (1) When the project will provide to the town, in the discretion of the town commission, an increase in the tax base of the town or an economic improvement in the town sufficient to justify the waiver of any LDU amounts over the first \$100,000.00.
    - (2) When the applicant agrees in the development of its property to provide parks, green space or waterfront access available to the general public of the town, deemed sufficient to the town commission to justify waiving any LDU fees over the amount of \$100,000.00.

### **Sec. 90-121. Natural resource protection.**

The following requirements must be met in order to protect trees, wetland vegetation and dune systems:

- A. All development and redevelopment must be consistent with F.S. ch. 161, Beach and Shore Preservation.
- B. All developments must meet the requirements of Chapter 17-27 F.A.C., Mangrove Protection Regulations, of the Department of Environmental Regulations.
- C. Developments shall utilize native vegetation to stabilize shoreline and to provide native wildlife habitat. The use of punk trees, Australian pine trees and pepper trees shall be prohibited.
- D. All new development and redevelopment must be consistent with the Pinellas County Tree Protection Ordinance.
- E. All development must meet the requirements of Chapter 17-312 F.A.C., Dredge and Fill, of the Department of Environmental Regulations.

### **Sec. 90-122. Water quality protection measures.**

The Town of Redington Shores adopts by reference the standards and regulations set forth in the Pinellas Aquatic Preserve Management Plan.

- A. All new development and redevelopment which may affect tidal circulation/flushing must provide sufficient hydrographic information prior to development approval.

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- B. All projects which may inhibit tidal circulation shall include measures to maintain or improve tidal circulation/flushing.
  - C. All new development and redevelopment must be consistent with the Department of Environmental Regulations Chapter 17-312.

## *ARTICLE XXVII. ADMINISTRATION AND ENFORCEMENT*

### **Sec. 90-123. Interpretation and municipal comprehensive plan.**

The zoning ordinance is a principal implementation process of the legally adopted municipal comprehensive plan. In interpreting the ordinance, the planning needs and objectives as identified in the municipal comprehensive plan shall be considered in any determination relative to the administration of this part 5.

### **Sec. 90-124. Procedure for amending code and/or Comprehensive Plan.**

- A. *State law controlling.* The provisions of the Florida Statutes shall be adhered to on all matters pertaining to any changes in the Comprehensive Land Use Plan (CLUP) designation and/or the zoning classification of any property or district or the boundaries of any district within the town.
- B. *Application for change of land use/zoning.* Any property owner, the planning and zoning board or the town commission may initiate an action to effect a change in the CLUP designation and/or the zoning classification of real property by filing written application with the town clerk. The application shall contain:
  - (1) The signature of the property owner(s) when the property owner is the person initiating the request. If the property owner is represented by an agent, proof of the agency shall be made a part of the application.
  - (2) The names and addresses of all owners of the property sought to be affected by the change.
  - (3) An accurate legal description of the property to be sought to be affected by the change.
  - (4) The CLUP designation and the zoning classification of said property at the time of the application.
  - (5) The CLUP designation and/or the zoning classification proposed for said property.
  - (6) The names and addresses of the owners of other properties lying within 300 feet of said property.
  - (7) When the application is initiated by the property owner, a certification of title stating that the applicant is the title holder of record of the property described in the application and setting out all mortgagees and lienholders. The certification shall be signed by an officer of a reputable title company.
  - (8) Statement of reasons for granting the requested change in CLUP designation and/or zoning classification. The reasons may include but are not to be limited to:
    - (a) Change of conditions in the area.
    - (b) Community need for additional lands with the CLUP designation and/or zoning classification proposed.
    - (c) Benefits to the community.
  - (9) Any application for a rezoning shall be accompanied by a site plan showing the intended use and structure of the property sought to be rezoned.
  - (10) Application forms; fees.

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- (a) Applications for the following actions shall be on forms as may be prescribed from time to time by the board of commissioners, and shall be accompanied by the fees as indicated in the town's currently adopted fee schedule, copies of which may be obtained at Town Hall.
  - (b) The town's fee schedule may be revised by the town commission from time to time by resolution. However, any such resolution must be proposed at one meeting, but not enacted until a subsequent meeting of the town commission.
- (11) Failure of an applicant or his representative to be present at a scheduled proceeding shall be sufficient cause to deny the request on the basis of lack of evidence.
- (12) Withdrawal of an application must be made in writing over the signature of the applicant. If the applicant elects to withdraw the application after the town has commenced any work in processing the application, the applicant shall not be entitled to any refund of any fee that has been submitted.
- C. *Amending this regulation.* The town clerk shall refer applications to amend this regulation to the planning and zoning board for comment.
- (1) *General requirements.* The planning and zoning board shall hold a hearing on each application to amend this regulation or the comprehensive plan and thereafter submit to the Redington Shores Town Commission a written recommendation.
  - (2) *Requirements for CLUP and zoning amendments.*
    - (a) All applications for change in CLUP designation and/or zoning classification shall be forwarded to the Planning and Zoning Board for the Town of Redington Shores for review and recommendation to the town commission.
    - (b) The town shall adhere to the procedures of the Florida Statutes pertaining to notice requirements in the holding of any required hearings in considering any CLUP or zoning amendments.
    - (c) The planning and zoning board shall receive all direct testimony and evidence whether favorable or unfavorable to the application.
    - (d) Following the planning and zoning board review of the application and of pertinent testimony and evidence presented, the planning and zoning board shall make recommendation thereon which shall be presented to the town commission. The planning and zoning board recommendations shall include a summation of the testimony and evidence presented to the planning and zoning board.
  - (3) *Decision by town commission.*
    - (a) *Generally.* The town commission shall hold a hearing on the proposed amendment and may enact or reject the proposal or enact a modified proposal that is within the scope of matters considered in the hearing.
    - (b) *Changes in CLUP designations.* Applications concerning or involving a proposed change in CLUP designation shall be considered by the town commission in hearings noticed and conducted in accordance with the requirements of the Florida Statutes.
    - (c) *Zoning application.* Applications for change in zoning classification of real property that do not include or involve a change in the CLUP designation of that property shall be decided by the town commission at public hearing, duly noticed and scheduled in conformance with the requirements of the Florida Statutes.
- D. *Records and proceedings.*

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- (1) All records of any proceedings shall be filed with the town clerk to be held as a part of the public records of the Town of Redington Shores Planning and Zoning Board.
  - (2) All hearings shall be recorded in the following manner:
    - (a) Minutes shall be kept in which applications, findings of fact, recommendations and all decisions shall be recorded.
    - (b) Whenever possible, all hearings shall be recorded by electronic recording device.
    - (c) Any person may request a verbatim transcript. The person so requesting shall furnish a reporter to take such transcript, bearing the cost thereof, and shall deliver a certified copy of the transcript to the town clerk who shall file it with the records of other proceedings on the application.

(Ord. No. 08-03, 6-11-2008)

### **Sec. 90-125. Building department established.**

- A. There is hereby established in the Town of Redington Shores a department to be called a "building department," which shall be under the direction and supervision of a licensed building official, in accordance with part 1 of this chapter or amendments thereto. Any reference herein to the building inspector or the building official shall be interpreted to mean the building official, or his designee.
- B. No building permit shall be issued unless the use of the proposed structure and the installation and construction thereof shall be in accordance with the provisions of pertinent town ordinances.

### **Sec. 90-126. Planning and zoning board established; procedures, powers and duties.**

- A. *Establishment.* There is hereby created a new Planning and Zoning Board of the Town of Redington Shores, which board shall have all of the duties and responsibilities of the prior planning and zoning board and the prior Board of Adjustment of the Town of Redington Shores, which prior planning and zoning board and prior board of adjustment are declared to cease in existence as of the date of passage of this chapter. The board of commissioners shall nominate and vote approval of members of the planning and zoning board, which shall consist of five members and two alternates who shall reside in the Town of Redington Shores. The members of the planning and zoning board may be removed from time to time by the board of commissioners and shall be removed if any member misses three consecutive meetings. Vacancies shall be filled by the board of commissioners for the unexpired term of any member whose term becomes vacant. The initial appointment of members to the newly created planning and zoning board shall be conducted as follows: Nominations shall be made by the commissioners from districts I and III, and the mayor-commissioner, for an initial term of two years; and nominations shall be made by the commissioners from districts II and IV for an initial term of one year. The commission at large shall nominate one alternate member for an initial term of one year (designated as alternate member A), and one alternate member for an initial term of two years (designated as alternate member B). Thereafter, nominations shall be made by the commissioners from districts I and III in the odd-numbered years, and nominations shall be made by the commissioners from districts II and IV in the even-numbered years. The mayor/commissioner shall nominate the fifth member of the planning and zoning board, with such nomination being made in the odd-numbered years. All subsequent terms shall be for a period of two years. In addition, the commission at large shall nominate the two alternate members for two-year terms, with one position being appointed in the even-numbered years, and with one position being appointed in the odd-numbered years.
- B. *Procedures.* The board of commissioners shall appoint the chairperson of the planning and zoning board and may redesignate the chairperson from time to time. The planning and zoning board shall establish and

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(Supp. No. 8)

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promulgate rules and regulations for its own procedures and not inconsistent with the provisions of this part 5. The planning and zoning board shall hold regularly scheduled meetings on a certain scheduled day and time each month. Such meetings may be cancelled in the event there is no business to come before the board. The planning and zoning board may appoint one of its members to serve as secretary.

- C. *Quorum.* Three or more members of the board shall constitute a quorum; however, recommendation for approval of any site plan or any other substantive matter, as herein provided for, shall require the affirmative votes of three members of the board. No board member shall act in a case in which he or she has a personal interest. If any member of the board is unable to attend a meeting, alternate member A shall constitute a regular member of the board for such meeting; and if two members are unable to attend a meeting, alternate member B will also constitute a regular member of the board for such meeting.
- D. *Records.* The town clerk or representative shall attend all meetings of such board and shall make a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote, which record shall be filed in the office of the town clerk and shall be open to the public.
- E. *Powers and duties.* It shall be the duty of the planning and zoning board to:
  - (1) Serve as the town's local planning agency.
  - (2) Investigate and recommend to the board of commissioners proposed amendments to the municipal comprehensive plan and to prepare a comprehensive review of the municipal comprehensive plan in June 1983, and every three years thereafter, in accordance with the Local Government Comprehensive Planning Act.
  - (3) Investigate and make recommendations to the Board of commissioners on any proposed changes or amendments in this part 5, zoning, or in the boundaries or districts herein established or necessary building permit renewal actions.
  - (4) Investigate and make recommendations to the board of commissioners on all building applications requiring site plan reviews as encompassed in section 90-110.
  - (5) Investigate and make recommendations to the board of commissioners on any applications which shall be made for the approval of plats or replats of land within the town. No unplatted land shall be platted, nor shall any platted land be replatted, until there shall first have been submitted to the planning and zoning board a preliminary plat of the proposed subdivision, and the planning and zoning board shall investigate such plat or replat and make its recommendations to the board of commissioners.
  - (6) Consider and grant or deny applications for all types of special use permits for the various zoning districts as specified in article XXV, other than those issued by the town clerk in accordance with section 90-111 D. In order to authorize special use permits under the terms of this part 5, the board must find:
    - (a) That the nature of the special use is in keeping with the intent of this part 5.
    - (b) That the use is compatible and harmonious with the surrounding neighborhood and will not create any nuisance, hazard or hardship.
  - (7) Receive and make a recommendation to the Board of Commissioners concerning applications for transfer of development rights, as provided for in section 90-115.
  - (8) Consider and make recommendations to the board of commissioners on applications for special exceptions, as defined herein; including recommendations as to when special exceptions should be granted with appropriate conditions and safeguards or denied when not in harmony with the purpose and intent of this part 5.

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- (a) In recommending any special exception, the board shall find that such grant will not adversely affect the public interest.
  - (b) In recommending any special exception, the board may recommend appropriate conditions and safeguards in conformity with this part 5. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this part 5.
- (9) Consider and make recommendations to the board of commissioners on appeals when it is alleged that there is error in any order, requirement, decision or determination made by the building inspector or other administrative official in the enforcement of this part 5 or any regulation issued pursuant thereto or when, in the opinion of the board, the interpretation of the building inspector or other official should be modified or reversed.
- (10) In recommending authorization of any special use permit, special exception, or other such matters, THE PLANNING AND ZONING BOARD shall provide a reasonable period of time, which in no event shall exceed a period of one year, during which action on such approval must be commenced. The commencement of such action shall be deemed to have occurred upon obtaining any required building permits and commencing substantial construction and keeping such construction underway, or commencing the activity for which any such special exception or special use permit has been granted. Upon timely application within such period of time, the planning and zoning board may recommend extension of any such period of time for an additional period of six months. Any approval on which action has not been commenced within the period of time allowed by the board of commissioners, or within a period of one year if no such reasonable period of time has been set forth by the board of commissioners, shall be deemed to have been withdrawn and shall be void, and any action or approval thereon shall be deemed void.
- F. *Zoning requests requiring site plan review as specified in sections 90-110 and 90-124.* For the purposes of determining what constitutes a variance, all site planning design criteria, traffic circulation and landscaping standards contained in section 90-110 comprise nonbinding guidelines for the town planning and zoning board, and any proposed deviations from those guidelines do not constitute a variance under this part 5.
- G. *[Appeals.]* All applicants for appeals to the planning and zoning board must submit an application form. This application form is available at the Town Hall.
- (Ord. No. 09-01, 3-11-2009; Ord. No. 10-01, 7-14-2010; Ord. No. 10-04, 9-9-2010; Ord. No. 12-01, 4-11-2012)

### **Sec. 90-127. Appointment of special magistrate for variance requests; powers and duties.**

The board of commissioners shall appoint such special magistrate as may be deemed necessary or required from time to time to hear variance requests filed with the town. Such special magistrate shall have the following powers and duties:

- A. Authorize such variance, as herein defined, from the terms of this part 5, other than those establishing zoning and density, as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this part 5 would result in unnecessary and undue hardship and when the requested variance meets all the requirements set forth herein.
- B. In order to authorize any variance from the terms of this part 5, the special magistrate must find:
  - (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
  - (2) That the special conditions and circumstances do not result from the actions of the applicant.

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- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this part 5 to other lands, buildings or structures in the same zoning district.
  - (4) That literal interpretation of the provisions of this part 5 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this part 5 and would work unnecessary and undue hardship on the applicant.
  - (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - (6) That the grant of the variance will be in harmony with the general intent and purpose of this part 5, and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- C. In granting any variance, the special magistrate may prescribe appropriate conditions and safeguards in conformity with this part 5. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this part 5.
  - D. In authorizing any variance, the special magistrate shall provide a reasonable period of time, which in no event shall exceed a period of one year, during which action on such approval must be commenced. No variance shall be good for a period exceeding one year from its authorization, unless action has been commenced for construction in accordance with the variance. The commencement of such action shall be deemed to have occurred upon obtaining any required building permits and commencing substantial construction and keeping such construction underway. Upon timely application within such period of time, the special magistrate may extend any such period of time for an additional period of six months. Any approval on which action has not been commenced within the period of time allowed by the special magistrate, or within a period of one year if no such reasonable period of time has been set forth by the special magistrate, shall be deemed to have been withdrawn and shall be void, and any action or approval thereon shall be deemed void.
  - E. Under no circumstances, except as permitted above, shall the special magistrate grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or by any use expressly or by implication prohibited by the terms of this part 5 in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
  - F. This section shall apply to any variances hereinafter or heretofore granted. Any variance that has been granted prior to the effective date of this section shall have a period of one year from the effective date of this section in which action on such variance shall be commenced. Action on such variance shall be deemed to have been commenced upon the issuance of a land development permit (building permit) for the construction for which the variance was granted, and by continuing to keep such land development permit current, as required by the building code. Any variance heretofore granted for which action is not commenced pursuant to this section within a period of one year of the effective date of this section shall be deemed to be vacated and void.
  - G. Additional variance procedures for communication towers.
    - (1) In the event an applicant for a tower or antenna is required to apply for a variance to the section or other related section of the Town Code, in addition to the variance criteria set forth above, the following additional criteria shall be used:
      - (a) The variance, if granted, will result in the opportunity for co-location and thereby reduce the number of towers necessary to provide telecommunication services within the town.

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- (b) The proposed location must have a commercial, institutional or public/semipublic regulatory land use classification. In addition, the applicant must demonstrate to the reasonable satisfaction of the board that no existing tower or structure can accommodate the applicant's proposed tower or antenna.

- (2) Appeals may be made by the applicant to the board of commissioners.

(Ord. No. 10-04, 9-9-2010)

Editor's note(s)—Ord. No. 10-04 also provided for an effective date of 11-1-2010.

**Sec. 90-128. Reserved.**

**Sec. 90-129. Appeals to planning and zoning board.**

- A. Any person aggrieved or any officer or bureau of the Town of Redington Shores affected by any decision of the building department of said town may appeal therefrom to the planning and zoning board. Appeals to the planning and zoning board, other than those initiated by either elected or appointed officials of the town, shall be accompanied by a fee as required by the town's current fee schedule, which shall not be refunded for failure to grant the relief requested. All applicants for appeals to the planning and zoning board must submit an application form, which application form is available at the Town Hall. Notice of appeal shall be in writing and filed with the town clerk within ten calendar days after the date of the hearing or entry of the order, whichever is later.
- B. Procedure. Whenever a notice of appeal has been filed, the building department shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- C. Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the planning and zoning board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by a court of competent jurisdiction, on application or notice to the officer from whom the appeal is taken and on due cause shown.
- D. Appearance and oath. Any party may appeal in person or by agent or by attorney. The presiding officer of the board may administer oaths and may compel the attendance of witnesses by subpoena.
- E. Recommendations of the planning and zoning board shall be in writing and shall indicate the vote upon the recommendation; shall specify in what manner any modification is made, the conditions upon which it is made and the reason therefor; shall be filed in the office of the town clerk and shall be open to public inspection.
- F. An adjustment from the FAR and ISR standards of this part 5 may be granted by the board of commissioners upon recommendation by the planning and zoning board. An adjustment under this subsection shall only be recommended by the planning and zoning board governing body or its designee when substantial competent evidence in the official record of the hearing supports all of the following findings:
  - (1) A literal interpretation of the provisions of the FAR and ISR standards of these rules will deprive the applicant of rights commonly enjoyed by other properties in the same future land use category and will work unnecessary and undue hardship on the applicant.
  - (2) The alleged hardship is unique and singular with regard to the property for which the adjustment is sought and is not that suffered in common with other property similarly located.

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- (3) The alleged hardship is not self-imposed by the applicant, and the situation sought to be relieved by the adjustment does not result from an illegal act or result from the actions of the applicant, resulting in self-imposed hardship.
  - (4) The adjustment, if allowed, will not substantially interfere with or injure the rights of others whose properties would be affected by allowance of the adjustment.
  - (5) The adjustment, if allowed, will be in harmony with, serves the general intent and purpose of and is consistent with the countywide future land use plan and rules, the town's comprehensive plan and these regulations.
  - (6) The adjustment, if allowed, will be the minimum adjustment that will make possible the reasonable use of the land, building or structure.
  - (7) The adjustment, if allowed, will not confer on the applicant any special privilege that is denied by the countywide future land use plan and rules, the town's comprehensive plan or these regulations or other lands, buildings or structures in the same land use classifications.
  - (8) The adjustment, if allowed, shall not constitute an amendment to the town's comprehensive plan or land development regulations or to the countywide comprehensive plan.
  - (9) An amendment to another land use category under the countywide future land use plan has been considered by the applicant and the town, and it has been determined that such an amendment would not meet the objective of the adjustment and would not be appropriate.

(Ord. No. 09-01, 3-11-2009; Ord. No. 10-04, 9-9-2010; Ord. No. 12-01, 4-11-2012)

### **Sec. 90-130. Appeals from decisions of planning and zoning board and special magistrate.**

Any person aggrieved or any officer of the Town of Redington Shores affected by any decision of the planning and zoning board or the special magistrate may appeal therefrom to the board of commissioners. Notice of appeal shall be in writing and filed with the town clerk within ten calendar days after the date of hearing to be appealed from was held or entry of an order, whichever is later. For the purpose of this section, the term "person aggrieved" shall be defined as any contiguous, adjacent property owner, or other person directly impacted by the ruling who is determined by the board of commissioners to have standing. Whenever a notice of appeal has been filed, the planning and zoning board or the special magistrate shall forthwith transmit to the board of commissioners all of the papers constituting the record upon which the action appealed from was taken. Any determination of standing of a party to bring the appeal may be made by the board of commissioners prior to or at its hearing. The review and hearing of the board of commissioners shall be by certiorari proceedings. The only issues to be heard and decided are (1) whether procedural due process is accorded, (2) whether the essential requirements of the law have been observed, and (3) whether the findings and judgment are supported by competent substantial evidence. Every decision of the board of commissioners shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. Appeals to the courts may require a formal verbatim transcript. It is the appellant's burden to obtain such transcript, which might require a certified court reporter. Tapes of board of commissioners' meetings are normally maintained, and upon written request of the person deciding so to appeal and payment of any fees as required by the town's current fee schedule, a copy of any such tape which has been maintained will be produced.

(Ord. No. 10-04, 9-9-2010; Ord. No. 12-01, 4-11-2012; Ord. No. 17-01 , § 1, 7-12-2017)

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**Sec. 90-131. Enforcement; violation and penalty.**

- A. *Unlawful to construct without a permit.* It shall be unlawful for any person to construct, repair, remodel, alter or convert any building or structure, except ordinary repairs and maintenance not affecting structural qualities, without first obtaining both a zoning permit and a building permit required by this part 5 and other ordinances of the Town of Redington Shores.
- B. *Unlawful to use premises without a zoning permit.* It shall be unlawful for any person to use permanently or part-time any building, structure or parcel of land without first obtaining a zoning use permit therefor as required by this part 5 and other ordinances of the Town of Redington Shores.
- C. *Each day constitutes an individual violation.* Each day an individual violates any of the provisions of this part 5 or order of the building inspector or order or subpoena of the planning and zoning board shall be considered a separate and distinct offense.
- D. *Penalties.* Any individual violating any of the provisions of this part 5 or order or subpoena of the planning and zoning board shall, upon conviction thereof, be punished as set forth in chapter 1, general provisions, article II. When a co-partnership or a corporation violates any of the provisions of this part 5, the member of the co-partnership responsible for said violation and the managing officer of the corporation guilty of the violation or who directs the same to be done shall be punished in the same manner as the punishment prescribed for an individual in this section. Every person who aids or assists in the violation of the provisions of this part 5 shall be punished as a principal.

*ARTICLE XXVIII. RESERVED*

**Secs. 90-132—90-137. Reserved.**

***PART 6. RESOURCES; VEGETATION AND ENVIRONMENTALLY SENSITIVE LANDS<sup>10</sup>***

*ARTICLE XXIX. GENERAL PROVISIONS*

**Sec. 90-138. Intent and purpose.**

- A. It is the legislative intent of this part 6 to protect and preserve the appearance, character, value and safety of the town's urban area and nearby properties and, by so doing, promote the general welfare of the community.
- B. The purpose is to improve the appearance of properties within the town through the protection, installation, and maintenance of trees and landscaping for screening and aesthetic effects, and to recognize the importance of such trees and landscaping, in the enhancement of property values, the improvement of air quality, and their contribution to the cooling of our environment. It is also recognized that native tree and landscape species are most compatible with the town's climate and soil conditions, require less irrigation and fertilization than do exotic species, and therefore help to conserve water and reduce the pollution in stormwater runoff, which in turn helps to maintain the water quality of Boca Ciega Bay and the Gulf of

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<sup>10</sup>Editor's note(s)—Adopted 9-14-2004 by Ord. No. 04-09; amended in its entirety 12-12-2007 by Ord. No. 07-06.

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Mexico. Therefore, the use of native tree and landscape species, and removal of exotic invasive trees and vegetation, is strongly encouraged. The planting of exotic invasive trees and vegetation is to be prohibited.

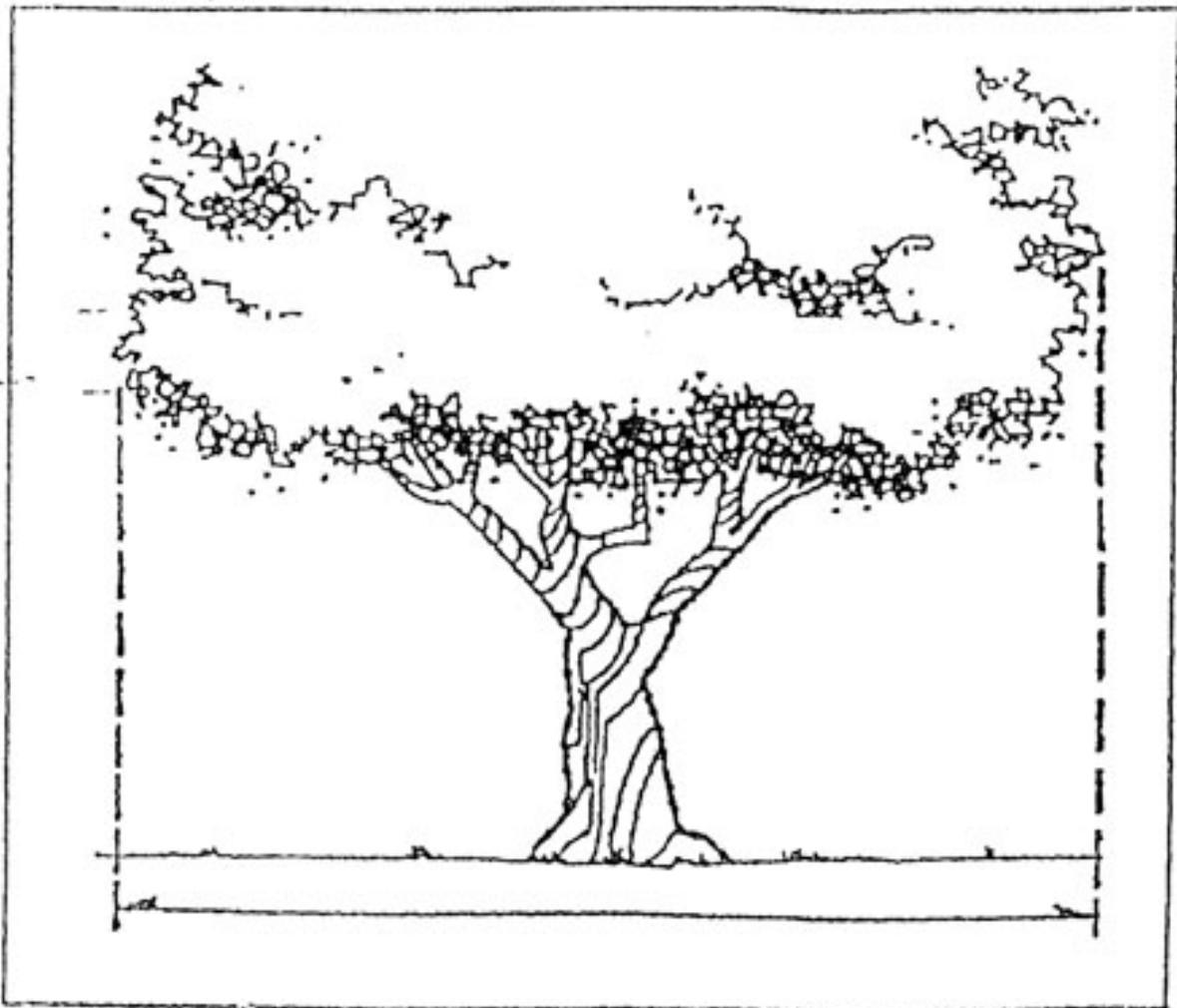
**Sec. 90-139. Definitions.**

The following words, terms and phrases when used in this part 6 shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Crown*—The main mass of branching of a plant above the ground.

*DBH*—The diameter at breast height. "Breast height" is defined to be 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

*Drip line*—The outermost perimeter of the crown of a plant as projected vertically to the ground. See Figure 1-A.



*Grubbing*—The effective removal of vegetation, other than defined trees, from the site.

*Hedge*—A dense row of shrubs or bushes forming a boundary.

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*Land-clearing stage*—A stage in the construction process in which trees and/or vegetation are removed from the land, i.e., proposed right-of-way excavation and paving, drainage systems excavation; utility clearings, grubbing and prebuilding construction projects.

*Landscape area or green space*—An area or areas including beautification strips, consisting of those materials, such as, but not limited to, hedges, trees, planted ground cover, sodded and grassed areas and planted floral installations, all of which must be composed of natural plantings only, as distinguished from artificially manufactured planting reproductions.

*Mangrove*—Rooted trees and seedlings of the following species, but only when having a coastal or estuarine association:

- A. Red mangrove (*Rhizophora mangle* L.).
- B. White mangrove (*Laguncularia racemosa* Gaertn.).
- C. Black mangrove [*Avicennia germinans* (L) L.].
- D. Buttonwood mangrove (*Conocarpus erecta* L.).

*Overall height (OH)*—The height, in feet, of a tree measured from the top of the root ball/system to the top of the uppermost foliage branches.

*Protected tree*—Any tree that has a DBH of more than six inches, and which is not otherwise exempted from this Code. For the purpose of this Code, all mangroves are hereby declared to be protected trees.

*Remove, removal, replanting or replacement*—The act of digging up, cutting down, damaging, destroying, relocating, or killing any tree.

*Shrub*—A low-growing perennial, woody or evergreen plant with persistent stem.

*Species of trees*—Applies to trees possessing common distinctive characteristics and the ability to reproduce these characteristics.

*Transplant*—The act of digging up a tree from one location and planting the same tree in another place.

*Tree*—A self-supporting woody plant having one or more well-defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity in the county of a minimum of 15 feet. For the purpose of this definition, palms shall be considered trees.

*Tree bank*—The storage for future use of trees permitted for removal under the terms of this chapter which are donated to the town for its use.

*Tree cluster*—Two or more primary tree trunks that are within three feet of one another.

*Tree, historic*—A tree which has been found by a professional forester, horticulturist or other professional plantsman to be of notable historic interest to the town and/or county because of its age, type, size or historic association and has been so designated by resolution of the town commission of the town.

*Tree protection zone*—A circular zone around each protected tree defined as follows:

- A. If the drip line is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.
- B. If the drip line is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree.
- C. If the drip line is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree.

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*Tree, shade/canopy*—An evergreen or deciduous tree that can be maintained with a clear trunk of not less than six feet and with a spreading branching structure of at least 15 feet and opaque foliage habit such that a reasonably dense shade pattern is provided during peak daylight hours in the late spring, summer and early fall months of the year. For the purposes of this part 6, palms shall not be considered shade/canopy trees.

*Tree, specimen*—A tree which has been determined by the judgment of a professional forester, horticulturist or other professional plantsman to be of high value because of its type, size, age or other professional criteria, and has been so designated by resolution of the town commission of the town.

*Vehicular use area*—An open area used for the storage of four or more vehicles, including the accessways to such area.

### **Sec. 90-140. Planting in rights-of-way or near utilities.**

It shall be unlawful to plant trees, bushes and/or hedges with deep root systems over, upon or within ten feet of the paved portion of the town-owned rights-of-way or easements. It shall also be unlawful to plant trees, bushes and/or hedges with deep root systems within ten feet of any town-owned underground sewer lines. Trees with widespread root systems that might impact the paved portion of the town-owned rights-of-way or easements may not be used.

### **Sec. 90-141. Hazardous conditions.**

- A. It shall be unlawful for the owner or occupant of any property to permit to remain upon property any tree or tree branch or other growth that is in danger of falling upon any public way. The canopy of shade trees must be maintained with a minimum of eight and one-half feet of clearance above the roadway within the limits of clear sight.
- B. When it shall be determined by the town that any existing trees, plants or hedges upon private property or public rights-of-way or easements contiguous to such private property are causing hazardous conditions to any underground sewer, water or electrical lines, or overhead electrical or telephone wires, it shall forthwith give notice to the property owner upon whose property or right-of-way or easement such hazard exists, that such trees, plants or hedges shall be removed within a time certain as designated in such notice.
- C. The notice hereby required shall be served as follows:
  - (1) By personal delivery to the owner; or
  - (2) By delivery to a person at least 18 years of age within the household of the owner;
  - (3) By affixing a copy of the notice in a conspicuous place near the entry to such premises; or
  - (4) By mailing by certified mail a copy of the notice to the last known address of the owner.
- D. If a person who has been served with notice to remove trees, plants or hedges which constitute the hazardous conditions described herein from private property, rights-of-way or easements shall fail to comply within the specified time, the town shall remedy the conditions, or contract with others to remedy such conditions; and the cost thereof shall be charged against the owner of such property.
- E. If the cost of remedying such conditions is not paid within 30 days after receipt of the statement therefor from the town, the amount thereof shall become and constitute a lien and charge against the real property with interest.
- F. The lien imposed by this section shall be a first and prior lien against the property subject only to the lien for taxes imposed by the county and the state, and shall be of the same character as the lien for municipal taxes and assessments. If the lien is not paid within 180 days from its effective date, the lien may be enforced in

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the same manner as delinquent ad valorem tax liens or special assessment liens and shall be certified by the director of finance to the town attorney for collection.

**Sec. 90-142. Exemption from county ordinance.**

The town does hereby exclude and exempt itself from the provisions of any county ordinance regarding the planting or removal of trees or other vegetation.

**Sec. 90-143. Variances.**

Where strict adherence to the provisions of this part 6 is impossible or impractical to enforce, the special magistrate may authorize a variance if such a variance can be made without destroying the intent of this part 6. Any request for a variance to the provisions of this part 6 shall be submitted in writing on the form provided for this purpose by the town to the special magistrate and shall clearly and in detail state what adjustment of requirements is being requested and the reason such adjustment is warranted. The appeal shall be accompanied by a processing fee as specified by resolution of the town commission.

(Ord. No. 10-04, 9-9-2010)

Editor's note(s)—Ord. No. 10-04, also provided for an effective date of 11-1-2010.

**Sec. 90-144. Reserved.**

*ARTICLE XXX. LANDSCAPING*

**Sec. 90-145. Subject areas.**

- A. All vehicular use areas, except those located on, under or within buildings, and except those that service single-family, and duplex uses, shall conform to the minimum landscaping requirements hereinafter provided. "Vehicular use areas" shall include all areas used for the parking, circulation and/or display of any and all types of vehicles, boats or heavy construction equipment, or other machinery capable of movement over streets and highways, whether self-propelled or not, and all areas upon which such vehicles traverse as a function of the primary use of the related structures or property. This shall include, but is not limited to, activities of a drive-in nature, such as service stations, convenience stores, banks, restaurants and the like. The requirements set forth herein shall also apply to additions to existing vehicular use areas.
- B. Single-family dwellings, two-family dwellings and multiple-family dwellings. Required front yards and required side yards abutting public streets shall be maintained in permeable landscaped vegetative green space, with the exception of necessary driveways, walks, patios and similar paved areas, which shall not exceed 25 percent of the required yard area for corner lots and 45 percent of the required yard area for inside lots.
- C. All uses and structures other than those listed in subsection B. above. The exterior portion of all required yards abutting public streets, with the exception of necessary entrance driveways and walks, shall be maintained in permeable landscaped vegetative green space to the minimum depth as established according to the following table or to the minimum yard (building setback) requirements (depth and width), whichever requirement is lower.

Average Lot Depth From the Street (feet)	Minimum Depth of Required Permeable Green Space (feet)
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From 80 to 100	5
Over 100 to 120	10
Over 120 to 160	15
Over 160	20

D. Nonconforming uses of required yards and redevelopment.

- (1) Any uses or required yard area inconsistent with subsection B. or C. above shall be nonconforming uses and no such nonconforming use shall be extended to occupy a greater area nor to occupy any other portion of the required yard area than was occupied at the time the nonconforming status was attached. Any nonconforming site that is redeveloped or altered at a total cost equal to or exceeding the percentage shown shall comply with the above provisions according to the following table:

Total Redevelopment Cost (as a percentage of)	Total Assessed Value
50%	Up to \$50,000
45%	From \$50,000 to \$100,000
40%	From \$100,000 to \$150,000
35%	From \$150,000 to \$200,000
30%	From \$200,000 to \$250,000
25%	\$250,000 and more

- (2) When redevelopment costs are one-half or more of the redevelopment threshold percentages shown, then not less than one-half of required landscaping under subsection B. or C. shall be installed. Such landscaping plan shall be approved by the board which normally reviews the redevelopment plan and may be modified to fit site constraints, so long as the basic intent of the landscaping requirements are met.
- (3) Construction costs shall be determined by the building inspector or, at the expense of the applicant, a licensed contractor, itemizing total costs in a certified estimate. In the event that such construction costs have not been determined at time of application, the town building commissioner or his or her designee shall determine a reasonable and fair cost of the proposed redevelopment, based on current conditions.

E. Should the requirements of subsection C. prohibit proper design of structures or parking area because of abnormal lot configuration, the required depth of the permeable green space along any one street may be varied up to 20 percent, provided that the total required green space area along that street is not diminished.

F. Where the average lot depth from a street lies between two streets, that lot depth shall be halved in order to determine the depth of required green space, according to subsection C.

**Sec. 90-146. Application of article.**

All uses of land and development thereof, excepting single-family dwellings, and duplex, and triplex dwellings on lots of 6,000 square feet or less, shall be required to comply with the provisions of this article, as contained within the following sections, prior to obtaining a building permit.

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**Sec. 90-147. Development requiring approval.**

- A. All uses of land and development thereof, excepting as permitted within section 90-145, single-family dwellings and duplex dwellings on lots of 6,000 square feet or less, where off-street parking and open lot sales, display and services are provided, except within buildings, shall comply with the provisions of this article, and the developer shall submit required information for review and approval.
- B. All property within existing paved vehicular use areas on the effective date of the ordinance from which this article was derived shall not be required to conform to provisions of this article unless reconstruction or expansion of improvements on the property requires a site plan approval in accordance with the town site plan review as set forth in chapter 90, article XXIV.

**Sec. 90-148. Application for approval: submission requirements.**

An application for landscape approval in accordance with the requirements of this article shall be accompanied by the following information and processed by the town only after the following procedural requirements have been complied with:

- A. Three copies of all plans and required supporting documentation, together with an application signed by the owner of record, shall be submitted to the designated official's office. Each application shall be accompanied by the application fee as specified by resolution of the town commission, and no application will be accepted nor a review conducted until the fee is paid to the town.
- B. All paved area landscape plans shall be prepared at a scale not smaller than one inch equals 50 feet and shall be submitted on sheets 24 inches by 36 inches.
- C. All paved area landscape plans submitted for review and approval shall include the following information:
  - (1) The shape and dimensions of the lot or parcel;
  - (2) All existing and proposed parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls;
  - (3) The location of existing and proposed curb and/or driveway cuts and median openings;
  - (4) The distance between curb cuts, including the distance from any curb cuts on adjacent property;
  - (5) Existing and proposed lighting and irrigation systems, planting areas and decorative or screen walls. Planting areas must indicate the quantity, spacing, size and name of proposed plant material. An exterior elevation and wall section shall be provided for any decorative or screen wall indicated on the plan.

**Sec. 90-149. Application for approval: submission and review procedures.**

- A. An application for landscape approval in accordance with the provisions of this article shall be made to the town prior to an application for a building permit. The paved area landscape plan shall be submitted with the site plan review application and serve to comply with the site plan review application requirement for landscaping.
- B. Upon receipt of an application for landscape approval, the town shall have ten working days to determine its appropriateness and completeness and accept or reject the application. Upon acceptance of such application, the review process shall be a component of and concurrent with a site plan review application. The review period, procedures and approval shall be in conformance with those provisions of the site plan review application.

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## **Sec. 90-150. Findings required for approval.**

The granting of approval or granting of approval with conditions and/or changes by the planning and zoning board shall indicate not only the approval conclusion, but also findings of fact related to the specific proposal and shall set forth with particularity compliance with the criteria set forth in sections 90-147 and 90-148.

## **Sec. 90-151. Exceptions for landscape plans.**

Applicants required to submit a proposed development for site plan review and approval before obtaining a building permit shall be entitled to demonstrate, by submission of the requirements of the site plan review, that an improvement or betterment of the environment can be accomplished over the existing site conditions if such landscaping plan is carried out in full. If such landscape plan is so offered and is approved as a part of the site plan review and approval, completion of the landscaping plan in its entirety shall be completed prior to the issuance of a certificate of occupancy for the development.

## **Sec. 90-152. Grounds permit required.**

The building official is to be responsible for the issuance of grounds permits. Prior to the development, modification or expansion of any vehicular use areas, application shall be made to the building official for the issuance of a grounds permit. The grounds permit shall be issued by the building official upon submission of the following requirements by the applicant and upon a finding by the building official that the provisions of this article have been complied with:

- A. *Vehicular use plan.* The developer shall submit to the building official such information as the building official deems necessary, to include three copies of a combination site plan/planting plan and which shall be in addition to any plans submitted for building permits. Such plan shall hereinafter be referred to as the "vehicular use plan" and shall be required to be submitted for all proposed vehicular use areas. When the vehicular use area is adjacent to or developed in connection with a proposed new structure, the vehicular use plan shall be submitted at the time of the submittal of a site plan for the proposed structure.
- B. *Contents.* The name and address of the owner and of the designer shall be indicated on the plan. The date the plan is completed shall be stated. The plan shall be drawn to scale no smaller than one inch equals 30 feet, indicate all dimensions and property lines, provide elevation data and the North point, and clearly delineate existing and proposed parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls. The location of curb cuts on adjacent property, median openings on abutting streets, lighting, irrigation systems, fire hydrants, water check valves, proposed planting areas, decorative or screen walls and fencing, existing trees and related buildings shall be shown to completion of the vehicular use area. A temporary certificate of occupancy may be issued if a financial guarantee, acceptable in form to the building official, is provided.
- C. *Filing fee.* At the time of the issuance of the grounds permits, the applicant shall pay to the town a filing fee in the amount as established by the town commission. If any person commences work on the development of any vehicular use area prior to obtaining the necessary grounds permit, the filing fee shall be five times the normal permit fee; and such person shall be liable for the penalties prescribed for violation of this Code.
- D. *Certification of compliance.* Upon completion of improvements, the building official shall inspect the vehicular use area for compliance with the approved vehicular use plan and other requirements of this article. A certificate of compliance must be issued by the building official before a certificate of occupancy can be issued for any related structure. When occupancy of a related building is desired

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prior to completion of the vehicular use area, a temporary certificate of occupancy may be issued if a financial guarantee, acceptable in form to the building official, is provided.

### **Sec. 90-153. Landscaping standards.**

The development of vehicular use areas within the town shall conform to and meet the standards as set forth herein:

- A. Landscaping shall consist of any of the following or combination thereof: material, such as, but not limited to, grass, ground covers, shrubs, vines, hedges, shade/canopy trees or palms. In addition, nonliving durable material may be used to complement, but not to be credited as, landscaping. These materials include, but are not limited to, rocks, pebbles, walls or fences, but excluding paving and sand.
- B. Plant material used in conformance with provisions of this article shall conform to the standards for Florida #1 or better, as given in Grades and Standards for Nursery Plants, Part I, 1963, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pest or diseases. Grass seed shall be delivered to the job site in bags with State Department of Agriculture tags attached, indicating the seed grower's compliance with the department's quality control program:
  - (1) *Trees.*
    - (a) Trees shall be of species recognized by the State Division of Forestry as being drought-tolerant and suitable for successful propagation and growth in the town. Trees shall be of species having average spreads/crowns of greater than 15 feet in diameter, and which can be maintained with a minimum of five feet of clear trunk. At least 60 percent of required trees shall be of species native to Florida or drought-tolerant, including, but not limited to, the following species: Red Maple (*Acer rubrum*); Silver Buttonwood (*Conocarpus erectus* "sericeus"); American Holly varieties (*Ilex opaca*); Yaupon Holly (*Ilex vomitoria*); Sweet gum (*Liquidambar styraciflua*); Southern Magnolia (*Magnolia grandiflora*); Southern Wax Myrtle (*Myrica cerifera*); Slash Pine (*Pinus elliotti*); Longleaf Pine (*Pinus palustris*); Loblolly Pine (*Pinus taeda*); Cherry Laurel (*prunus caroliniana*); Oaks (*Quercus* spp.); Cabbage Palm (*Sabal palmetto*); Saw Palmetto (*Serenoa repens*); Bald Cypress (*Taxodium distichum*). Trees having an average mature crown spread of less than 15 feet may be substituted by grouping same so as to create the equivalent of a fifteen-foot crown spread.
    - (b) Tree species shall have a minimum two-inch diameter at breast height (DBH), and shall be a minimum of eight feet in overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four-inch thick concrete reinforced with No. 6 road mesh, six inches by six inches by six inches or equivalent.
    - (c) The following tree species are considered undesirable due to their growth characteristics, and their planting shall be prohibited. No formal authorization by the town shall be required for the removal of these species, which include trees considered undesirable plant species by either the Town and/or Pinellas County (Pinellas County Land Development Code Chapter 166, Article II, § 166-53): Australian Pine (*Casuarina* sp.); Bishopwood (*Bischofia javanica*); Brazilian Pepper (*Schinus terebinthifolius*); Punk Tree (*melaleuca leucadendra*); Ear Tree (*Enterolobium cyclocarpum*); Laurel Fig (*Ficus retusa* "nitida"); Weeping Fig (*Ficus benjamina*); Chinese tallow (*Sapium sebiferum*); Silk Oak (*Grevillea*

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robusta); Java Plum (*Syzigium cumini*); Carrotwood (*Cupaniopsis anacardioides*); Eucalyptus (*Eucalyptus* spp.); and Willow trees.

- (2) *Shrubs and hedges.* Shrubs shall be a minimum of one and one-half feet in height when measured immediately after planting. Hedges, where required, shall be of species which, when planted at appropriate spacing and properly maintained, will form a continuous, unbroken, and solid visual screen within a maximum of two years after time of planting. At least 60 percent of the shrubs and hedges planted shall be of native or drought-tolerant varieties, including, but not limited to, the following species: Century plant (*Agave attenuata*); Ponytail Palm (*Beaucarnea recurvata*); Bougainvillea spp.; Powderpuff (*Calliandra haematocephala*); Natal Plum (*Carissa grandiflora*); Sea Grape (*Coccoloba uvifera*); Croton (*Codiaeum variegatum*); Ti Plant (*Corydine terminalis*); King Sago (*Cycas revoluta*); Dracaena spp.; Silverthorn (*Elaeagnus pungens*); Chinese Juniper (*Juniperus chinensis*); Texas Sage (*Leucophyllum frutescens*); Oleander (*Nerium oleander*); Dwarf Philodendron (*Philodendron "Xanadu"*); Indian Hawthorn (*Raphiolepis indica*); Boxthorn (*Severina busiflia*); White Bird of Paradise (*Strelitzia Nicolai*); Bird of Paradise (*Strelitzia reginae*); Sandankwa Viburnum (*Viburnum suspensum*); Spineless Yucca (*Yucca elephantipes*).
- (3) *Vines.* Vines shall be of native or drought-tolerant species, a minimum of 30 inches in height immediately after planting, and may be used in conjunction with fences, screens, or walls to meet physical requirements as specified.
- (4) *Ground covers.* The use of ground covers in lieu of grass, in whole or in part, is encouraged in the interest of water conservation. Ground covers shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 18 months after planting. At least 60 percent of the ground covers shall be of native or drought-tolerant varieties, including, but not limited to, the following species: Aloe spp.; Dwarf Carissa (*Carissa macrocarpa*); Periwinkle (*Catharanthus roseus*); Crown-of-Thorns (*Euphorbia amillii*); Creeping Fig (*Ficus repens*); Day Lily (*hemerocallis* spp.); Railroad Vine (*Ipomoea pes-cprae*); Lily Turf (*Liriope muscari*); Sea Purslane (*Sesuvium portulacastrum*); Dwarf Confederate Jasmine (*Trachelospermum asiaticum*); Society Garlic (*Tulbaghia violacea*); Sea Oats (*Uniola paniculata*); Coontie (*Zamia floridana*).
- (5) *Lawn grass.* Grass areas shall be planted and grown as permanent lawns using varieties that are suitable for the county. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion, and provided that, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is achieved.

## **Sec. 90-154. Installation and maintenance.**

- A. All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures, with the quality of plant materials as herein described. All elements of landscaping exclusive of plant material, except hedges, shall be installed so as to meet all other applicable ordinances and code requirements. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance. Lineal and mass planting beds shall be mulched with a minimum of two inches of organic mulch (bark, leaves, pine needles, etc.) in order to decrease evaporation of moisture from the soil. Plastic surface covers shall be prohibited. Landscaped areas are to be irrigated with reclaimed wastewater, if available to the site. In order to conserve water, planting areas shall be irrigated by automatically timed drip-type systems, only in accordance with county regulations or guidelines established by the Southwest Florida Water Management District, whichever may be more stringent. In accordance with F.S. § 373.62, any new irrigation system shall be equipped with a rain sensor device or switch which will override the automatic cycle of the system when adequate rainfall has occurred. Landscaped areas shall be protected from vehicular encroachment (defined as any protrusion of a vehicle outside of a parking space, display area, or accessway

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into a landscaped area) and shall be kept free of refuse and debris. The property owner, tenant, and/or agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. The responsibility for maintenance as set forth herein shall include the parkways within right-of-way areas outside the property line contiguous to the site.

- B. Failure of the owner or tenant of the property to maintain the premises in good condition as set forth in subsection A. of this section shall make such owner or tenant liable for the penalties for violation of a town ordinance.
- C. On the site of any development requiring site plan approval, where such site abuts a public right-of-way, excluding dedicated alleys, a landscaped strip shall be provided along the boundary of the site abutting said right-of-way as follows:
  - (1) *Landscaped strip.* A strip of land at least three feet in depth, located along and within the boundary of the site abutting said right-of-way, shall be landscaped, such landscaping to include one tree for every 35 linear feet or fraction thereof, spaced not less than 30 feet nor more than 40 feet apart. In addition, a hedge, wall or other durable landscape barrier, maintained at least two feet in height, shall be placed along the entire length of this linear frontage. If such durable barrier is of nonliving material, for every ten feet thereof, one shrub or vine shall be planted abutting such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the landscape strip shall be improved with grass, ground cover, shrubs or other landscape treatment, excluding gravel, paving or sand.
  - (2) *Other property.* All property, other than the required landscaped strip lying along and within the boundary of the site abutting the street, shall be landscaped at least with grass or other ground cover.
  - (3) *Necessary accessways.* Necessary driveways and other accessways from the public right-of-way shall be permitted to service the vehicular use areas, and the widths of such accessways may be subtracted from the linear dimensions used to determine the number of trees required.

**Sec. 90-155. Perimeter landscaping relating to abutting properties.**

- A. On the site of a building or structure or open lot having a vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a wall or hedge or other durable landscape barrier maintained no greater than six feet in height nor less than three and one-half feet in height to form a continuous screen between the common lot line and the vehicular use area and such abutting property. Such landscape barrier shall be located at any point between the common lot line and the vehicular use area exposed to the abutting property, provided the purpose of screening the vehicular use area is accomplished. If such barrier consists all or in part of plant materials, such plant material shall be planted in a planting strip averaging at least three feet in depth.
- B. In addition, one tree shall be provided for every 50 linear feet of such landscape barrier or fractional part thereof, spaced not less than 45 feet nor more than 55 feet apart. Such trees shall be located between the common lot line and the vehicular use area. Each planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving or sand, in addition to the required tree(s).
- C. Compliance with this section is required in all cases of new construction, change of use or expansion of use or structure.
- D. The provisions of this section shall not be applicable in the following situations:
  - (1) When a property line abuts a dedicated alley;

- (2) Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier on an abutting property, the existing barrier may be used to satisfy the landscape barrier requirements of this section, provided that the existing barrier meets all applicable standards of this section, and protection against vehicular encroachment is provided for hedges;
- (3) Where the abutting property is categorized and used for nonresidential uses, only the tree provisions with its planting area as prescribed in this article shall be required. The number of trees shall be one tree for every 50 linear feet or fraction thereof, spaced no less than 45 feet nor more than 55 feet apart; but all perimeter requirements shall apply within the front setback area.

E. Buffer requirements.

- (1) The purpose and intent of this section is to reduce the impacts of a development on adjacent uses which are of a significantly different character.
- (2) A buffer consists of a horizontal distance from a property line which may only be occupied by drainage areas, utilities and landscaping materials. The required buffering distance between land uses on adjoining lots is set forth in the buffer matrix below. Mechanical/air-conditioning equipment, outdoor storage areas and parking areas shall not be located within the required buffers.
- (3) Compliance with this section is required in all cases of new construction, change of use or expansion of use or structure.
- (4) The following buffer matrix identifies required horizontal distances between adjacent property uses.

Table 90-155-A  
Landscape Buffer Matrix  
Abutting Use

Proposed Use	Dwelling, Single or Two-Family (feet)	Dwelling, Multiple-Family (feet)	Nonresidential (feet)
Dwelling, Single- or Two-Family			
Dwelling, Multiple-Family	5		15
Nonresidential	15	10	

**Sec. 90-156. Interior landscaping requirements.**

- A. An area or a combination of areas equal to eight percent (see section 90-108 G.) of the total vehicular use area shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required may be counted as part of the interior landscaping requirement. Landscaping adjacent to a structure or structures on the same parcel of land, which serves to beautify the vehicular use area and implements the purpose and intent of this article, may be counted toward meeting the interior landscape requirements. The credit may not exceed 50 percent of the total required interior landscaping and shall be reviewed by the building official for compliance with the purpose and intent of this article.
- B. Such landscaped areas shall be located in such a manner so as to divide and break up the monotony and expanse of paving, to prevent and discourage cross taxiing and to provide well-dispersed tree canopy shading. A combination of the following interior landscaping elements shall be counted as part of the interior landscaping requirements, where applicable:
  - (1) *Terminal islands.* Contiguous rows of 15 or more parking spaces shall be terminated on both ends by landscaped islands which measure an average of not less than five feet in width and extend the entire

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length of the parking space(s). At least one deciduous tree, palm, or grouping, as per section 90-153 B.(1), shall be planted on such island.

- (2) *Interior islands.* Interior landscaped islands which measure an average of not less than five feet in width and extend the length of a parking space shall be placed within rows of contiguous parking spaces so that there is at least one interior island for every 18 parking spaces or major portion thereof within the row. These islands shall be placed at intervals of not less than six spaces nor more than 18 spaces. At least one deciduous tree or grouping, as per section 90-153 B.(1), shall be planted on every interior island. Interior islands need not be placed directly opposite each other when in abutting parking rows.
- (3) *Additional interior landscaping requirements.*
  - (a) *Trees.* There shall be a minimum of one tree, planted for each separate planter installed in the vehicular use area, but the total number of trees shall not be less than one for each 200 square feet, or fraction thereof, of required interior landscaped area.
  - (b) *Perimeter landscaping.* In vehicular use areas where the strict application of this section will seriously limit the function of such area, the required landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on the site. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.
  - (c) *Vehicle encroachment; wheel stops.* The front of a vehicle may encroach upon any interior landscaped area when such area is at least three and one-half feet in depth per abutting parking space and protected by wheel stops that are anchored and placed within the confines of a parking area or curbing. Two feet of such interior landscaped area may be part of the required depth of each abutting parking space.

## **Sec. 90-157. Sight visibility at intersections.**

- A. *General standards.* Sight visibility triangles are designated areas located near streets and/or driveway intersections that shall be free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All property shall maintain sight visibility triangles as described in this section.
  - (1) Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or a driveway; and, on all corners of the intersection of an alley and driveway.
  - (2) Within sight visibility triangles, unobstructed sight lines and cross visibility shall be maintained between a height of two and one-half feet and eight feet.
  - (3) No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.
- B. *Sight visibility triangle areas.* The required sight visibility triangle area is based on the type of intersection and specified below.
  - (1) Intersection of two streets. The sight visibility triangle is formed with two sides being 25 feet in length along the abutting street pavement (illustrated by the letter "B" on the diagram below), measured from their point of intersection, illustrated by the letter "A" in the diagram below, and the third side being a line connecting the ends of the other two sides, illustrated by the letter "C" in the diagram below.

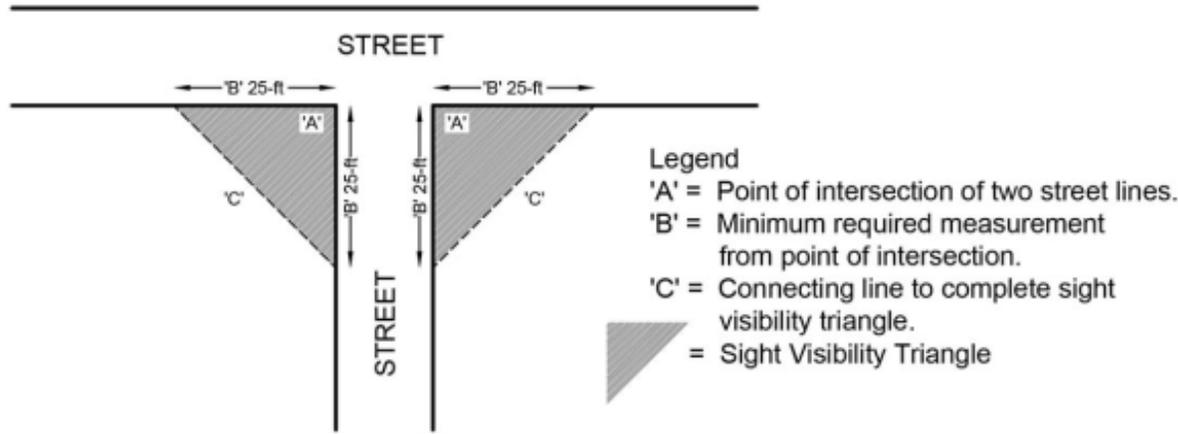


Figure 1 — Sight visibility triangle at the intersection of two streets.

- (2) Intersection of an alley and a street, a street and a driveway, and/or alley and a driveway. The triangle is formed on both sides of the alley and driveway with two sides of each triangle being ten feet in length along the abutting street pavement, measured from their point of intersection, illustrated by the letter "A" on diagram below, and the third side being a line connecting the ends of the other two sides, illustrated by the letter "C" on the diagram below.

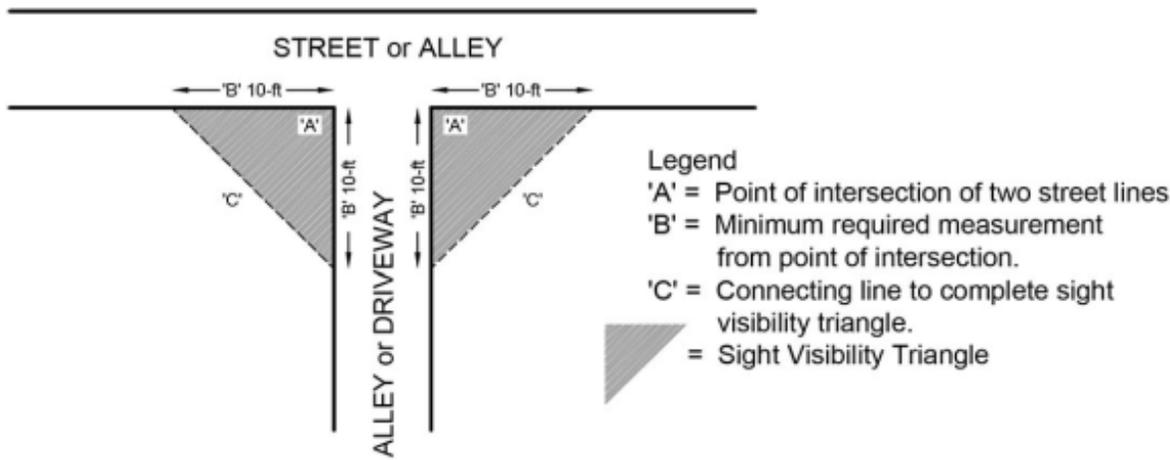
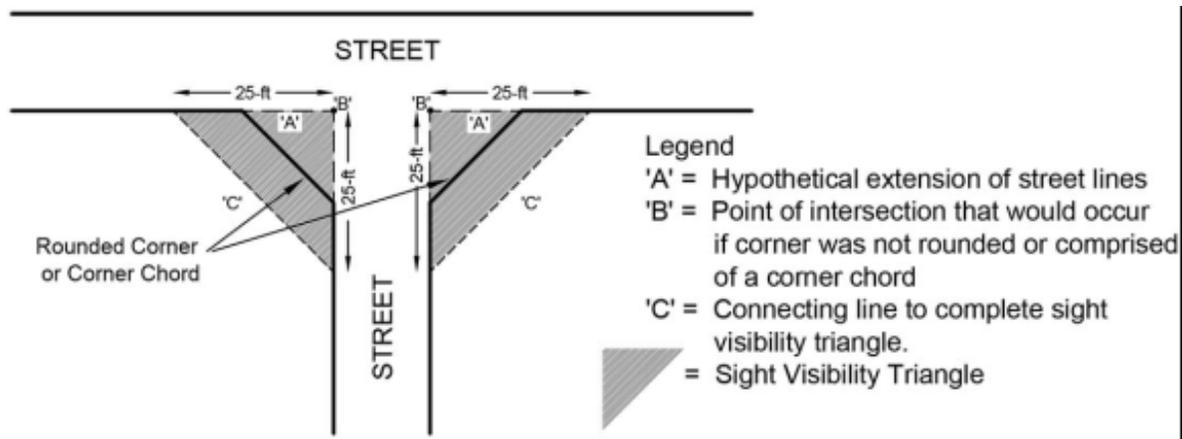


Figure 2 — Sight visibility triangle at the intersection of a street and alley or driveway; OR alley and driveway.

- (3) For all of the above cases, in the case of rounded corners and corner chords, the point at which the street/driveway/alley pavement would meet, if extended without such rounding, will be used as the point of intersection, as illustrated by the letters "A" and "B" in the diagram below.



**Figure 3 — Sight visibility triangle calculation with corner chords.**

C. *Exemptions.* The following exemptions may apply to sight visibility standards.

- (1) Governmental signage and governmental sign posts in the right-of-way.
- (2) Fire hydrants, benches, and traffic control devices in the right-of-way.
- (3) Utility poles and one utility transmission or control device in the right-of-way.

( Ord. No. 20-03 , § 1, 7-8-2020)

### **Sec. 90-158. Existing plant material.**

In instances where healthy native plant material exists on a site prior to its development, in part or in whole, for the purposes of off-street parking or other vehicular use areas, the application of the above landscape standards may be adjusted to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this article. In no event will exotic species such as Australian pine, Bishopwood, Brazilian pepper, punk tree, ear tree, laurel fig, weeping fig, eucalyptus and willow trees be considered for credit.

### **Sec. 90-159. Existing developed vehicular use areas.**

A. Existing developed vehicular use areas not meeting the requirements contained in this article shall be brought into full compliance under one or more of the following conditions:

- (1) If expansion of 30 percent or more of an existing vehicular use area requires the installation of additional parking spaces.
- (2) If an existing vehicular use area is improved or remodeled in a value of 30 percent or more of the valuation of the existing use as reflected on the property appraiser's current records.
- (3) If an existing structure is improved or remodeled in a value of 50 percent or more of the valuation of the existing structure as reflected on the property appraiser's current records.
- (4) If an existing structure is increased in covered floor area by 20 percent or greater.
- (5) If an amendment is required to an existing final site plan.

B. However, in the event that such compliance would prohibit required parking areas from meeting the minimum off-street parking requirements, as set forth in other sections of this Code, then the requirements

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of this section may be adjusted, first modifying the requirements of the interior landscaping requirements portion and, if minimum off-street parking requirements still cannot be met, then modifying the requirements of the perimeter landscaping portion.

- C. The requirements for the responsibility of the owner, tenant or agent for the maintenance of parkway and right-of-way outside the property line contiguous to the site, as set forth herein, shall become immediately effective and applicable to all existing developed properties upon passage of this article.

**Sec. 90-160. Marine vegetation.**

Nonseawalled intracoastal waterways lacking wetland vegetation should be planted with native marine vegetation in order to minimize potential flood damage, stabilize the shoreline and trap sediments and other nonpoint source pollutants, and provide additional habitat for fish and wildlife.

**Sec. 90-161. Reserved.**

*ARTICLE XXXI. TREES*

**Sec. 90-162. Reserved.**

**Sec. 90-163. Exceptions to tree planting requirements.**

A. *Nuisance trees.*

(1) The following types of trees shall be exempt from the tree protection requirements of this Code:

- (a) Australian pine.
- (b) Bishopwood.
- (c) Brazilian pepper.
- (d) Punk tree.
- (e) Ear tree.
- (f) Laurel fig.
- (g) Weeping fig.
- (h) Eucalyptus.
- (i) Willow.

(2) In addition, the planting of the above listed species is specifically prohibited.

- B. *Utility operations.* Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies, shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers; and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Code as necessary to achieve safe electrical clearances.

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- C. *Florida Department of Transportation.* The Florida Department of Transportation shall be exempt from the provisions of this article.
  - D. *Surveyors.* A state-licensed land surveyor, in the performance of his duties, is exempt, provided such alteration is limited to a swath three feet or less in width.
  - E. *Commercial growers.* All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this article, but only as to those trees which were planted for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.
  - F. *Emergencies.* During emergencies caused by a hurricane or other disaster, the building official may temporarily suspend these tree protection regulations.

**Sec. 90-164. Reserved.**

**Sec. 90-165. Removal of trees.**

- A. *Special conditions for authorization to remove native and/or protected trees.*
  - (1) It is the intent of this section to minimize the removal of native and/or protected trees, and no authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the least number of native and/or protected trees will be removed. In particular, the design must attempt to preserve specimen and historic trees.
  - (2) No authorization for the removal of a native and/or protected tree shall be granted unless the developer demonstrates that one or more of the following conditions exists:
    - (a) A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
    - (b) The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
    - (c) The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
    - (d) The tree creates a substantial hazard to motor, bicycle or pedestrian traffic due to physical proximity to traffic or impairment of vision.
    - (e) The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
    - (f) Any law or regulation requires the removal.
  - (3) Authorization required. No native or otherwise protected tree (two-inch diameter at breast height or larger) shall be removed without prior authorization by the town. The Building Official or his/her designee shall have the authority to issue tree removal permits, subject to the provisions of Subsection B of this section.
- B. *Replacement of removed trees.*
  - (1) Trees removed pursuant to subsection A. of this section shall be replaced at the expense of the developer.
  - (2) For each inch of diameter at breast height removed, an inch of diameter at breast height shall be replaced. (Example: If a 12-inch DBH tree is removed, four three-inch DBH trees may be used to replace it.)

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- (3) A replacement tree may be a tree moved from one location to another on the site, or moved off the site pursuant to subsection B. of this section.
  - (4) Replacement trees shall, if practicable, be planted on the development site. If on-site replacement is not practicable, replacement trees may be donated, or a fee-in-lieu may be paid to the town for the purpose of planting trees on public property. The fee-in-lieu shall be based on the cost of purchasing the requisite size and number of replacement trees.

C. *Historic and specimen trees.*

- (1) An historic tree is one that has been designated by the town commission as one of notable historical interest and value to the town because of its location or historical association with the town community. A public hearing shall be held by the town commission on the designation, with due notice to the owner of the tree.
- (2) A specimen tree is one that has been officially designated by the town commission to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the town commission, with due notice to the owner of the tree.
- (3) No historic or specimen tree shall be removed without a finding by the town commission that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the historic or specimen tree. The town building official shall make a presentation to the commission on the application and make a recommendation as to whether it should be approved or denied. The decision by the town commission on the application shall be made within 30 days of the date the application was filed.

**Sec. 90-166. Protection of trees during development activities.**

A. *Generally.*

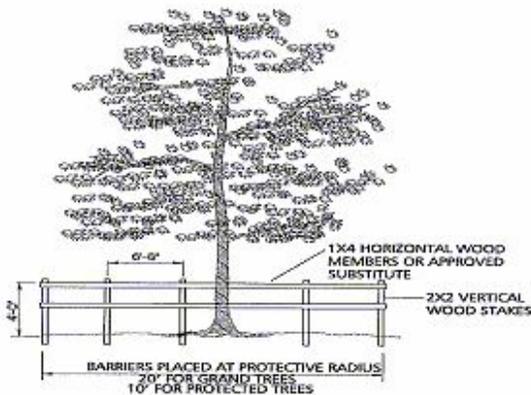
- (1) To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
  - (a) Mechanical injuries to roots, trunk and branches;
  - (b) Injuries by chemical poisoning;
  - (c) Injuries by grade changes;
  - (d) Injuries by excavations; and
  - (e) Injuries by paving.
- (2) At a minimum, the protective measures described in Subsections B through F of this section shall be taken where appropriate to the development activity.

B. *Avoiding mechanical injuries.*

- (1) Prior to any land preparation or other development activities, a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone. See Figure 90-166-A.
- (2) No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.
- (3) No equipment, construction materials or debris of any kind shall be placed within the protective barrier.

- (4) Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.
- (5) In lieu of constructing the barriers required in subsection B.(1) of this section, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of 25 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.
- (6) Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

**Figure 90-166-A Protective Tree Barricade**



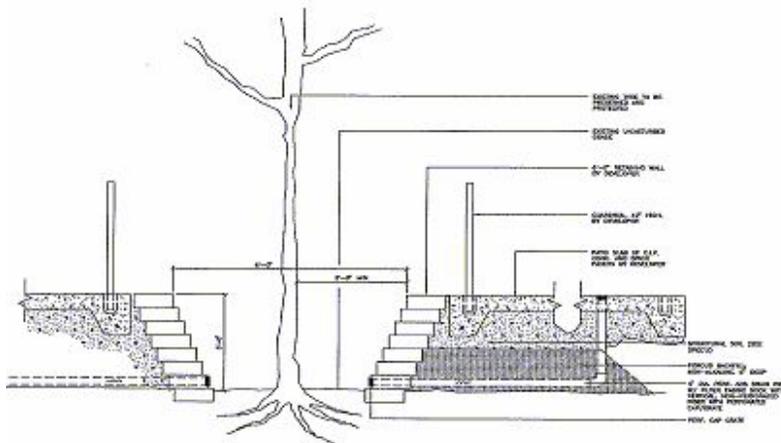
- C. *Avoiding injuries due to chemical poisoning.*
  - (1) No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
  - (2) No equipment shall be cleaned within a required protective barrier or perimeter line.
- D. *Avoiding injuries due to grade changes.* Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:
  - (1) *Raising the grade.* When raising the grade, the following measures shall be taken:
    - (a) Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
    - (b) The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.
    - (c) Porous, four-inch agriculture drain shall be laid over the soil to drain liquids away from the trunk. A drop of at least one-eighth inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
    - (d) The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy nonporous soils.

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- (e) Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
  - (f) Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a 60-inch diameter well. For slow-growing mature trees, a space of 12 inches to 18 inches shall be provided between the trunk and the side of the well at every point.
  - (g) To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
  - (h) Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
  - (i) Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
  - (j) Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
  - (k) Large stones shall be placed over the drainage tiles, and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.
  - (l) A layer of gravel shall be placed over the stones.
  - (m) The fill shall be completed with a layer of porous soil. See Figures 2-B, 2-C, 2-D.\*<sup>11</sup>
- (2) *Lowering the grade.* When lowering the grade, the following measures shall be taken:
- (a) Roots shall be cut cleanly and retrimmed after excavation.
  - (b) The canopy shall be pruned to aid in maintaining tree vigor.
  - (c) When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
    - [1] *Terracing.* The area within the tree protection zone is left at the original grade by terracing.
    - [2] *Retaining wall.* The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
    - [3] *Terracing and retaining wall.* The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall. See Figure 90-166-B.
- (3) *Minor changes in grade.* When the change in grade is minor, as determined by the building official, lesser protective measures than those described in subsection D.(1) and D.(2) of this section may be taken. The building official shall approve the use of these methods where their use will not endanger the health of the protected tree.

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<sup>11</sup>\***Editor's Note:** Figures 2-B, 2-C and 2-D are included at the end of this chapter.

**Figure 90-166-B Grade Changes Near Existing Trees**



- E. *Avoiding injuries due to excavations.*
  - (1) Water, sewer, and other utility lines should be routed around the tree protection zones of protected trees.
  - (2) If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main taproots.
- F. *Avoiding injury by paving within the drip line.* Porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

**Sec. 90-167. Special provisions for protection of mangroves.**

- A. *Generally.* In addition to the foregoing tree protection requirements, the following special provisions shall apply to the removal or alteration of mangroves and other vegetation from wetland areas, as defined in F.S. § 373.019, and Rule 62-340.200, F.A.C. These standards shall apply to all property owners, including single-family, duplex, and multifamily homeowners.
- B. *Replacement.* Mangroves and wetland vegetation may not be removed unless the developer replaces or relocates on the same development site at least an equal number of mangroves and sufficient other wetland vegetation to revegetate a land area equal to or greater than the land area from which mangroves/wetland vegetation was removed. The developer shall provide a plan, to be approved by the Building Official, to ensure the survival of the replaced or relocated mangroves and wetland vegetation, and to stabilize the shoreline from which mangroves/wetland vegetation was removed. The approved plan shall be an express condition of any permit. Failure to carry out any provision of the plan shall be a violation of this Code.
- C. *Other protective measures.* The following protective measures shall apply to all mangroves and/or wetland vegetation:
  - (1) A permit shall be obtained from the State Department of Environmental Protection (DEP) for any alteration of mangroves or wetland vegetation in jurisdictional waters.
  - (2) A permit shall be obtained from the Pinellas County Environmental Management Department for any alteration of mangroves or wetland vegetation that may be exempt from DEP permit requirements.

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- (3) The alteration of mangroves shall be subject to the provisions of F.S. §§ 403.9321 through 403.9333, ("Mangrove Trimming and Preservation Act"), and any additional standards contained in Chapter 166, Article II, Division 3, of the Pinellas County Land Development Code.

**Sec. 90-168. Automatic waiver.**

The terms and provisions of this sections 90-165 through 90-167 may automatically be waived by the administration as follows:

- A. *No-tree verification.* Upon submission of a notarized statement by the owner or his agent that no trees as defined within the province of this article exist upon the site, the administration, after a verification visit to the site, may waive the requirements and provisions of sections 90-165 through 90-167.
- B. *No-effect verification.* Upon submission of a notarized statement by the owner or his agent that the proposed improvements or development involves less than ten percent of the total site and that no trees as defined within the province of this article will in any manner be affected, the administration, after a verification visit to the site, may waive the requirements and provisions of sections 90-165 through 90-167.

**Sec. 90-169. Reserved.**

***PART 7. CONCURRENCY MANAGEMENT<sup>12</sup>***

***ARTICLE XXXII. CONCURRENCY MANAGEMENT SYSTEM***

**Sec. 90-170. Definitions.**

As used in this article, the following terms shall have the meanings indicated:

*Acceptance of or accepted application for development*—An application for development contains sufficient information, pursuant to existing regulations, to allow continuing review under this division or other regulatory ordinances.

*Application for development*—Any documentation which contains a specific plan for development, including the densities and intensities of development, where applicable, that is presented by any person for the purpose of obtaining a development order or development permit.

*Approved final site plan*—Any site development plan that has been accepted, reviewed, and approved by the town.

*Certificate of concurrency*—The certificates issued by the Town of Redington Shores upon finding that an application for a development permit will not result in the reduction of the level of service standards set forth in the comprehensive plan for public facilities and services.

*Comprehensive plan*—The Comprehensive Plan adopted by Ordinance No. 89-11 on September 12, 1989, by the Board of Commissioners pursuant to F.S. pt. II, ch. 163, as said plan may be amended from time to time.

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<sup>12</sup>Editor's note(s)—Adopted 12-12-2007 by Ord. No. 07-06.

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*Concurrency*—That the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

*Concurrency management monitoring system*—The data collection, processing and analysis performed by the town to determine levels of service for public facilities and services. Data maintained by the concurrency management monitoring system shall be the most current information available to the town.

*Concurrency management system*—The procedures and processes utilized by the Town of Redington Shores to determine that development permits, when issued, will not result in the reduction of the level of service standards set forth in the Comprehensive Plan for the Town of Redington Shores.

*Currently available revenue sources*—An existing source and amount of revenue available to the town.

*Development*—Any construction, reconstruction or any use of real property which requires issuance of a development permit.

*Development permit*—Any approved final site plan, building permit, zoning clearance, rezoning, special exception, variance, conditional use, or any other official action of the town having the effect of permitting the development of land.

*Final local development order*—A building permit issued on or after April 1, 1990.

*Level of service (LOS)*—A measure of performance and/or of demand versus available capacity of public services and facilities.

*Public facilities and services*—The public facilities and services for which level of service standards have been established in the comprehensive plan:

- A. Potable water.
- B. Wastewater.
- C. Solid waste.
- D. Recreation/open space.
- E. Stormwater management.

( Ord. No. 15-03, § 5, 2-10-2016 )

### **Sec. 90-171. General requirements for concurrency review.**

A certificate of concurrency shall be required prior to the issuance of a building permit. A certificate of concurrency shall automatically expire simultaneously with the expiration of the building permit to which it applies. In the event that a time extension is granted prior to the expiration of a building permit, then the accompanying certificate of concurrency shall be automatically renewed for the length of the time extension.

### **Sec. 90-172. Level of service standards.**

Levels of service standards shall be as follows:

Service	Level of Standards
Potable water	LOS - 150 gallons/day/capita (nonresidential is included)
	Number of gallons required determined by multiplying the LOS x buildout population
	Maximum demand of buildout population: 557,550 gallons/day (3,717 x 150 gallons) (Pinellas County has committed to provide service.)

Solid waste	LOS - 6.5 pounds/day/capita (nonresidential is included)
	Number of pounds produced is determined by multiplying the LOS x buildout population
	Maximum demand of buildout population: 24,160 pounds/day (3,717 x 6.5 pounds) (Pinellas County has committed to provide service.)
Sanitary sewers	LOS - 109 gpcd (nonresidential is included)
	Number of gallons required determined by multiplying the LOS x buildout population
	Maximum demand of buildout population: 405,153 gallons/day (3,717 x 109 gallons) (Pinellas County has committed to provide service.)
Parks and recreation	LOS minipark: 1/2,500 Existing: 3 parks Required: 1.48 parks Possible growth: 3,800 residents
	LOS neighborhood park: 1/5,000 Existing: 1 park Required: 0.74 Possible growth: 1,283 residents
	LOS community park: 1/10,000 Existing: 1 park Required: 0.37 Possible growth: 6,283 residents
Stormwater	25-year; 24 hours

( Ord. No. 15-03, § 5, 2-10-2016 )

**Sec. 90-173. Exempt development.**

If a proposed development relates to land use of such a low intensity as to have minimal effect, if any, upon the level of service standards set forth in the comprehensive plan, the development shall be exempt from concurrency review.

( Ord. No. 15-03, § 5, 2-10-2016 )

**Sec. 90-174. Concurrency evaluation.**

The Town of Redington Shores permits single-family and multifamily residential development, tourist accommodations and commercial/office uses. All services/facilities, with the exception of parks and recreation and stormwater management, are provided by Pinellas County. Pinellas County has either committed to provide the facilities/services (water, wastewater, solid waste) or has established a threshold for concurrency review which exceeds the town's demand (140 trips). Accordingly, based on the limited development potential of the town and the ability to meet projected demand for both parks and recreation and stormwater management, the concurrency management system for the Town of Redington Shores will be limited to a yearly monitoring of capacity draw down and an update of facility consumption with the five-year evaluation and appraisal report.

**Sec. 90-175. Applicability.**

The concurrency management system, as contained in this article, is mandated by F.S. § 163.3202 to provide that public facilities and services meet or exceed the level of service standards set forth in the Comprehensive Plan. The Comprehensive Plan was adopted as the Comprehensive Plan of Redington Shores on September 12, 1989, and the application of the concurrency management system shall be effective as to all building permits issued on or after April 1, 1990.

**Secs. 90-176—90-190. Reserved.**

## ARTICLE XXXIII. SUN SHELTERS/CHICKEE HUTS

### Sec. 90-191. Definitions.

*Chickee huts.* A hut built on stilts, with open sides and a thatched roof of palm fronds, that does not incorporate any electrical, plumbing or other non-wood features, and is constructed exclusively by either the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.

*Sun shelter.* For the purpose of this article, a sun shelter shall have the same meaning as chickee hut.

*Thatched roof.* A roof constructed of palm fronds in an open web type of construction and attached in such a manner that they are sacrificed in winds exceeding 70 mph.

(Ord. No. 19-01 , § 1, 2-13-2019)

### Sec. 90-192. Construction standards.

- (1) All construction must meet at least the minimum requirements of the Florida Building Code as adopted by the Town of Redington Shores, and as amended to date, and as may be subsequently amended.
- (2) No sun shelters shall be permitted except those supported by either:
  - (a) One central pole of a diameter not to exceed ten inches; or
  - (b) A maximum of eight poles.
- (3) The maximum coverage allowed under roof, including overhangs shall be 150 square feet.
- (4) The maximum height of the sun shelter shall be 14 feet measured from the patio or land on which the sun shelter is constructed. Should the surface on which the sun shelter is constructed have a grade, the measurement required by this subsection shall be from the lowest point of the grade under the sun shelter, including overhangs.
- (5) The minimum height of the palm fronds composing the sun shelter shall be six feet, measured in subsection (4) above.
- (6) No sun shelter shall incorporate any electrical, plumbing or other non-wood features.
- (7) Any sun shelter not constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida is subject to the Florida Building Code and not exempt from building permit requirements.

(Ord. No. 19-01 , § 1, 2-13-2019)

### Sec. 90-193. Zoning regulations.

- (1) Sun shelters are allowed only in residential zoning districts.
- (2) Sun shelters shall not be constructed within five feet of any rear lot line.
- (3) Sun shelters shall not be constructed within three feet of any side lot line.

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- (4) No sun shelter shall be permitted to attach to existing living structures on the property and must comply with all separation requirements under the Florida Fire Prevention Code.

(Ord. No. 19-01 , § 1, 2-13-2019)

**Sec. 90-194. Condition of fronds.**

A sun shelter to which palm fronds are attached so as not to be sacrificed in winds exceeding 70 mph is hereby declared to be a danger to the health and safety of the citizens of the Town of Redington Shores. No such condition shall be allowed to exist.

(Ord. No. 19-01 , § 1, 2-13-2019)

**Sec. 90-195. Zoning clearance required.**

- (1) Sun shelters/chickee huts constructed by the Miccosukee Tribe of Indians of Florida and/or the Seminole Tribe of Florida are exempt from the Florida Building Code and do not require a building permit. They are not, however, exempt from zoning district regulations.
- (2) The following is required to be submitted to the Town prior to construction of any sun shelter by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida for a zoning clearance approval:
- (a) A zoning clearance application fee of \$89.00 payable to the Town of Redington Shores.
  - (b) Site plans showing the proposed location of construction (all setbacks are required to be shown on the site plan).
  - (c) Proof of identification (business card, tribe ID card, driver's license).
  - (d) Letter from the tribe member stating that only they will be doing the work to construct and erect the sun shelter.
- (3) Any structure larger than 150 square feet, whether or not it is constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida, requires a permit and would require engineered plans and any variances that might be required.

(Ord. No. 19-01 , § 1, 2-13-2019)

**Sec. 90-196. Approval of existing structures.**

Any property owner with an existing sun shelter that was constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida prior to the adoption of this Ordinance 19-01, shall have a 120-day period (beginning from the date this Ordinance 19-01 is adopted) to submit all regulatory paperwork required to prove compliance with the standards set forth in this section. There shall be no approval fee required for pre-existing sun shelters during the 120-day grace period.

(Ord. No. 19-01 , § 1, 2-13-2019)

## Chapter 90 LAND DEVELOPMENT REGULATIONS<sup>1</sup>

### *Articles I-XX. Reserved*

Sec. 90-1. - 90-70. Reserved.

## **~~PART 1. SUBDIVISION OF LAND~~<sup>2</sup> GENERAL PROVISIONS**

### **~~ARTICLE XXI. GENERAL PROVISIONS~~ DEFINITIONS**

#### **Sec. 90-71. ~~Definitions.~~ Word usage; terms defined.**

~~For the purposes of this part 4, the following words shall have the meanings indicated unless their content clearly requires otherwise:~~

~~For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" includes the word "premises"; and the word "shall" is mandatory and not directory. Said definitions are as follows:~~

~~*Abandon*—To discontinue a use for more than 180 consecutive days.~~

~~*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 180 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.~~

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<sup>1</sup>Editor's note(s)—Adopted by the Board of Commissioners of the Town of Redington Shores as indicated in Part histories.

Cross reference(s)—Penalties for offenses, Ch. 1, Art. II; Planning, Ch. 32; Adult uses, Ch. 51; Animals, Ch. 56; Noise, Ch. 101; Sewers, Ch. 124; Streets and sidewalks, Ch. 129.

~~<sup>2</sup>Editor's note(s)—Adopted 3-1-1977 by Ord. No. 77-2 as Ch. 11 of the 1977 Code; amended in its entirety 12-12-2007 by Ord. No. 07-06.~~

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Acceptance of or accepted application for development—An application for development contains sufficient information, pursuant to existing regulations, to allow continuing review under this division or other regulatory ordinances.

Accessory use or structure—A use or a structure (attached or detached) subordinate to the principal use or building on the same lot and serving a purpose customarily incidental to the use of the principal building. For floodplain management purposes, the term includes only accessory structures used for parking and storage.

Acresage, gross—That total land area within the property boundaries of the subject parcel.

Acresage, net— That total land area within the property boundaries of the subject parcel, exclusive of submerged lands and public rights-of-way.

Advertising—The action of attracting public attention to a product, sale, property location, business, organization, event, public matter, political candidacy or advocacy of an issue on a ballot.

Advertising structure—A structure erected or intended for advertising purposes, with or without advertisement display thereon, situated upon or attached to real property, upon which any poster, bill, printing, painting or device is fastened, affixed or displayed.

Advertising - 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.

Alignment—The configuration of the building facades cooperating to define open space in much the same way as walls define a room.

Alley—A through public right-of-way of less than minimum required street width which affords only a secondary means of access to abutting property.

Alteration—Any change, rearrangement, enlargement, extension or reduction of any structure or part thereof on the same site.

Animated sign - 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.

Antenna—Any exterior apparatus designed for telephonic, radio or television communications, through the sending or receiving of electromagnetic waves.

Apartment house—See "dwelling unit, multiple."

Appeal. A request for a review of the building or other town official's interpretation of any provision of this chapter.

Application for development—Any documentation which contains a specific plan for development, including the densities and intensities of development, where applicable, that is presented by any person for the purpose of obtaining a development order or development permit.

Approved final site plan—Any site development plan that has been accepted, reviewed, and approved by the town.

Approved plans—Plans and specifications which have met with the approval of the building inspector, the town building code and any ordinance and amendments thereto.

Arcade—A series of arches linked together, usually as an element of a building and covering a sidewalk.

Arcade frontage—Certain lines designed for arcades on the ground story. The arcade length is measured as the distance along the building facade. The depth is measured back from the building facade. The height is measured from the sidewalk to the ceiling of the arcade.

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Architectural detail or embellishment - 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 - 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 24 inches apart.

Artwork - 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 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 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

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.

Attached sign - 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—An ancillary lightweight structure of wood, metal or canvas, cantilevered from a building facade and providing shade to the building windows, doorway openings, and spatial containment for pedestrians.

Awning - 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 - 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.

Back building—An ancillary segment of a building extending from a principal building into a rear yard. A back building may connect the main building to an outbuilding.

Balcony—An unenclosed, habitable structure, usually cantilevered from a facade or an elevation, providing private outdoor space to an apartment.

Bands of windows—A horizontal series of three windows or more, separated only by mullions, that forms a horizontal band across the facade of a building.

Banner - 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.

Base flood - A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, § 1612.2.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

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*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, § 1612.2.]

*Basement* - The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, § 1612.2.]. A "basement," as herein defined, is counted a story for the purpose of height regulations.

*Basement*—A story having part but not more than one-half of its height below grade. A "basement," as herein defined, is counted a story for the purpose of height regulations.

*Bays*—Openings formed by the supports of the arcade or colonnade.

*Beach*—All lands fronting on the Gulf of Mexico seaward of the coastal construction control line, as established by the Florida Department of Natural Resources.

*Beacon sign* - 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* - A bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

*Billboard*—See "sign, off premises."

*Billboard* - 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.

*Boardinghouse*—A building other than a hotel or motel where for compensation and by prearrangement meals or lodging and meals are provided for three or more persons, but not exceeding 20 persons.

*Build-to line*—A line appearing graphically on the site development plan and/or stated as a setback dimension, along which a building facade must be placed.

*Building*—Any habitable structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animal, chattels or property of any kind.

*Building, height of*—The vertical distance from the design flood elevation to the highest point of the eave of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

*Building design element* – The external building color; the type or style of exterior cladding material; the style or material of roof structures or porches; the exterior nonstructural architectural ornamentation; the location or architectural styling of windows or doors; the location or orientation of the garage; the number and type of rooms; and the interior layout of rooms. The term does not include the height, bulk, orientation, or location of a dwelling on a lot; or the use of buffering or screening to minimize potential adverse physical or visual impacts or to protect the privacy of neighbors.

*Building official* - The officer or other designated authority charged with the administration and enforcement of the Florida Building Codes in the Town of Redington Shores.

*Bus stop informational sign* - 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.

*Business establishment* - 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.

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

*Canopy* - An overhead roof or structure that is able to provide shade or shelter.

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

*Canopy tree*—A large-scale deciduous or evergreen shade tree used as part of streetscape plantings to define space, buildings, and shade sidewalks.

*Cap*—A horizontal cross member at the top of a window frame in semicircles, arches, or triangular shapes.

*Carport/covered parking areas*—A roofed structure open at two or more sides, either attached to or apart from the main structure on a lot, and used to park and shelter motor-driven vehicles.

*Certificate of concurrency*—The certificates issued by the Town of Redington Shores upon finding that an application for a development permit will not result in the reduction of the level of service standards set forth in the comprehensive plan for public facilities and services.

*Certificate of occupancy*—A certificate issued by the Town of Redington Shores for all residential dwellings and commercial and nonprofit establishments identifying the legal use of the property and any limitations thereto as established by ordinance or administrative procedure.

*Character* - Any symbol, mark, logo, or inscription.

*Chickee huts* - A hut built on stilts, with open sides and a thatched roof of palm fronds, that does not incorporate any electrical, plumbing or other non-wood features, and is constructed exclusively by either the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.

*Coastal A Zone* - Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1½ feet (457 mm). The inland limit of the coastal A zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

*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, 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. For purposes of consistency with Chapter 163, Florida Statutes, and the Countywide Rules of Pinellas County, the Coastal High Hazard Area shall mean the area below the elevation of the Category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

*Colonnade*—A series of columns similar to an arcade but spanned by straight lintels instead of arches (see "gallery").

*Color* – Any distinct tint, hue or shade including white, black or gray.

*Commercial mascot* - 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.

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Commercial/nonresidential (C-NR)—All commercial uses permitted in any district, but excluding dwellings, transient accommodations, boardinghouses and any other use which provides overnight sleeping accommodations.

Commercial message - 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.

Commercial uses—All business uses listed in the general commercial (C-NR) zoning district, and those residential uses that are transient and multifamily greater than three units.

Community services laundry—A building or portion of a building equipped with washing machines, drying and ironing machines, electric irons and other equipment and supplies used in the washing, drying and ironing of clothes, which are to be rented and used on the premises by the customer to launder his or her own washing.

Comprehensive plan—The Comprehensive Plan adopted by Ordinance No. 89-11 on September 12, 1989, by the Board of Commissioners pursuant to F.S. pt. II, ch. 163, as said plan may be amended from time to time.

Concurrency—That the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Concurrency management monitoring system—The data collection, processing and analysis performed by the town to determine levels of service for public facilities and services. Data maintained by the concurrency management monitoring system shall be the most current information available to the town.

Concurrency management system—The procedures and processes utilized by the Town of Redington Shores to determine that development permits, when issued, will not result in the reduction of the level of service standards set forth in the Comprehensive Plan for the Town of Redington Shores.

Condo-hotel—A hotel comprised of units that are owned by an individual, corporation or any other legal entity, having mandatory membership of all units in the structure into an association comprised of all owners of all units within the same development. All units must be made available for guest rental on a daily, weekly or monthly basis. Each unit is part of a larger complex of similarly situated units and is not to be used as a time-share or fractional interest. In addition, in order for a structure to be considered as a condo-hotel, it must be used in accordance with the provisions of section 90-106.G. and applicable state laws, as amended.

Configuration, building—The three-dimensional form of a building, including the form and materials of roofs, walls, openings, and other elements.

Copy - The linguistic or graphic content of a sign.

Cornice—Any crowning projection.

Court—An open area or yard bounded on two or more sides by structural walls of a residential use building.

Critical facilities - Any facility that, if flooded or impacted by a natural disaster, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to, hospitals, nursing homes, police stations, fire stations, emergency operation centers, chemical or hazardous materials storage facilities, and utility facilities. The term includes facilities that are assigned Flood Design Class 3 and Flood Design Class 4 pursuant to the Florida Building Code, Building.

Crosswalk—The axis of pedestrians crossing a thoroughfare. The crosswalk typically to connect sidewalks at the corners of blocks.

Crown—The main mass of branching of a plant above the ground.

Currently available revenue sources—An existing source and amount of revenue available to the town.

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DBH—The diameter at breast height. "Breast height" is defined to be 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

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

Declaration of Land Restriction (Nonconversion Acknowledgment) - A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in official records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and structures. By executing the agreement, the owner agrees to periodic inspections.

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

Deficient facility - A road operating at peak hour level of service E or F, and/or a volume- to-capacity (v/c) ratio of 0.9 or higher with no mitigating improvements scheduled within three years.

Density—The measure of permitted development expressed as a maximum number of dwelling, hotel, motel, lodging house or transient accommodation units per net acre of land area.

Design flood - The flood associated with the greater of the following two areas: [Also defined in FBC, B, § 1612.2.]

- (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 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 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, § 1612.2.]

Detached single-family house—A freestanding building, designed for or occupied exclusively by one family.

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.

Development permit—Any approved final site plan, building permit, zoning clearance, rezoning, special exception, variance, conditional use, or any other official action of the town having the effect of permitting the development of land.

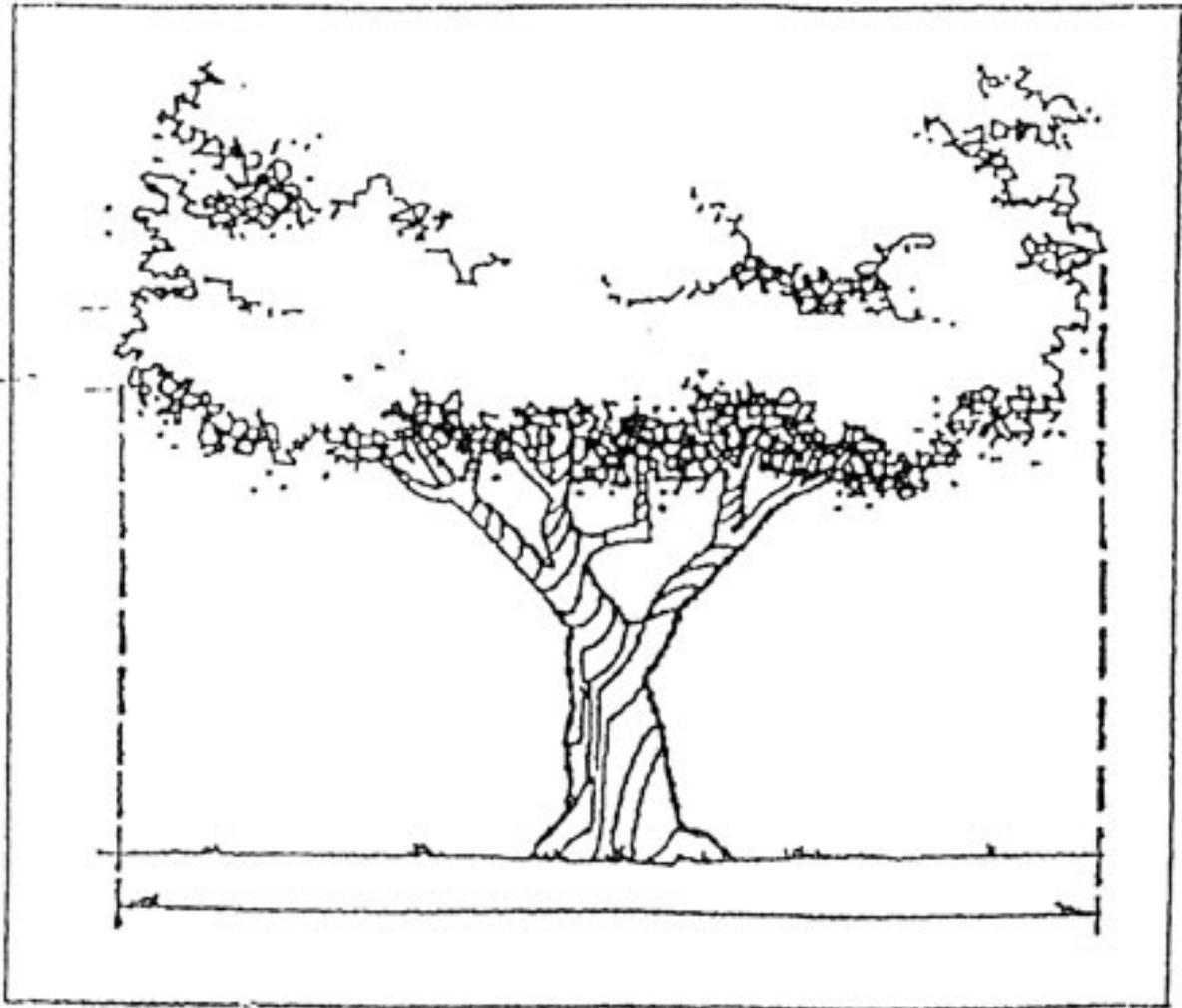
Diagonal parking—A pattern of parking where the vehicle is stored at an angle to the curb line.

District, zoning—Any section of the town for which the regulations governing the use of building and premises or the height and area of buildings are uniform.

Door, entry—A primary entrance that provides security at the main building entry point.

Double-faced sign - 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.

Drip line—The outermost perimeter of the crown of a plant as projected vertically to the ground. See Figure 1-A.



*Drive-in restaurant or refreshment stand* - 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* - A sign oriented to vehicles utilizing a drive-through lane at an establishment.

*Driveway*—A vehicular accessway within a private lot connecting a garage to a thoroughfare.

*Duplex*—A building designed to contain two dwelling units on a single lot under a single roof.

*Duplex townhouse*—A one-family dwelling attached to one other one-family dwelling by a common vertical wall, with each dwelling located on a separate lot. The minimum lot size shall not be less than 2,520 square feet.

*Dwelling, multifamily*—A dwelling where three or more dwelling units are contained in one structure on a single lot or parcel and attached by common vertical walls.

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*Dwelling, single-family detached*—A dwelling unit on a single parcel not attached to any other dwelling, or parcels attached to one or more one-family dwellings connected by common vertical walls.

*Dwelling, single-family attached*—A one-family dwelling on a single lot attached to two or more one-family dwellings that are on single lots attached by common vertical walls.

*Dwelling, townhouse*—A one-family dwelling attached in a series by common walls to at least two other one-family dwellings, with each dwelling located on a separate lot. Each townhouse must provide direct means of access from the outside. Furthermore, each dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. For the purpose of this chapter, a townhouse shall be a residential dwelling owned in fee simple.

*Dwelling unit*—Any building or portion thereof which is designed or used exclusively for residential purposes. Each dwelling unit shall contain kitchen, bath and living areas designed or designated for the use of a single individual or family.

*Dwelling unit, multiple*—One structure containing three or more dwelling units on a single lot.

*Dwelling unit, single-family*—A building designed for or occupied exclusively by one family.

*Easement, subsurface*—A grant by a property owner to another party of the use of the subsurface of his or her land for a specific purpose, such as for a conduit or pipe.

*Easement, surface*—A grant by a property owner of the use of the surface of his or her land to another party for a specific purpose.

*Eave*—The junction of the wall of a building and an overhanging roof. To avoid discouraging pitched roofs, the designated maximum building height should be measured to the eave, and not the ridge of the roof.

*Electronic message sign* - An electronically activated changeable copy sign whose variable message capability can be electronically programmed.

*Erect* - 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.

*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, § 1612.2.]

*FAA*—The Federal Aviation Administration.

*Family*—A group of one or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house or hotel, as herein defined.

*Facade* - the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

*Facade, primary*—The elevations of a building exterior wall of a building exposed to public view usually set parallel to a frontage line.

*FCC*—The Federal Communications Commission.

*Feather sign or flutter sign* - 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.

*Federal Emergency Management Agency (FEMA)* - The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

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Fence - An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fenestration—The arrangement, proportioning, and design of windows and doors in a building.

Filling station—Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any vehicular or marine motor fuel or heating oil or propane.

Final local development order—A building permit issued on or after April 1, 1990.

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

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

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

Flashing sign - 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.

Flood or flooding - A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, § 1612.2.]

(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, § 1612.2.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, § 1612.2.]

(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 flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, § 1612.2.]

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, § 1612.2.]

Floodplain. Any normally dry land area that is susceptible to being inundated by waters of the one-percent annual chance flood, i.e., the one-hundred-year flood.

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of part 2 (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, 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 ordinance.

Floor area—The sum of the total area of all floors of a building.

Floor area ratio (FAR)—A ratio of square footage of gross floor area divided by the net square footage of land area, as applied to nonresidential uses. A building's floor area ratio does not include parking garages, exterior stairs, or exterior balconies.

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Floors—See "story."

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.

Foot-candle - 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 - 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.

Freeboard - A level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed. See also Section 90-86.A.(7).

Free-standing (ground) sign - 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 lot—That portion of a lot, between the facade and the lot line, that fronts onto a public open space or a thoroughfare.

Frontage, street—That portion of a plot of real estate abutting a public or private vehicular thoroughfare.

Frontage, water—That portion of a plot of real estate abutting the Gulf of Mexico, Boca Ciega Bay or any related waterways.

Frontage width—The measure of the lot line that coincides with the right-of-way of a thoroughfare. In a corner condition, a frontage width is measured at the more important of the two thoroughfares.

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.

Gable—The orientation of a pitched roof that shows the vertical, triangular side rather than the sloped.

Gallery—A roofed promenade where the columns are set at regular intervals.

Garage, commercial parking—A building or portion thereof used for parking motor-driven vehicles owned by persons not residing on the same premises.

Garage, condominium or apartment parking—A structure accessory to a duplex or multiple dwelling used for parking motor-driven vehicles owned by persons residing on the same premises.

Garage door ratio—The vertical surface area of the garage (the doors and their surrounds) relative to the rest of the facade.

Garage, private parking—A building accessory to a single-family dwelling, designed or used for parking of not more than three motor-driven vehicles owned and used by the occupants of the dwelling to which it is accessory.

Garage, public—A building or portion thereof designed or used for servicing, repairing, equipping, hiring, selling or daily storage of motor-driven vehicles.

Garage, storage—A building or portion thereof designed exclusively for long-term storage of motor-driven vehicles.

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Gate—An exterior door connecting one outdoor space within another.

Government sign or statutory sign - 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.

Grade—For the purpose of regulating height of structures, excluding buildings the legal established grade shall be the highest point of that portion of any street bounding the land to be filled, altered or built upon.

Green—A public open space available for unstructured recreation, generally contained by building facades, landscaped with grassy areas and trees.

Ground level - 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.

Grubbing—The effective removal of vegetation, other than defined trees, from the site.

Gross floor area—See "floor area."

Gross land area—For the purpose of computing density/intensity, that total land area within the property boundaries of the subject parcel.

Guest house—A building where lodging only is provided for compensation to three or more, but not exceeding 20, permanent guests or tenants.

Head-in parking—A pattern of parking where the vehicle is stored at a ninety-degree angle to the curb line.

Hedge—A dense row of shrubs or bushes forming a boundary.

Height—The vertical distance between the design flood elevation to midpoint of a pitched roof or to the deck line of a mansard roof over highest floors, or the top of a flat roof if no rooftop structures other than mechanical equipment exist; or if half-story is being measured, the vertical distance between grade to the midpoint of the half-story. To avoid discouraging pitched roofs, the designated maximum building height in the Gulf Boulevard Overlay District shall be measured to the eave, and not the ridge of the roof.

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 12 Historic Buildings.

Hotel and motel unit—Each room or suite with bath facilities which can be or is ever rented as a separate rental unit shall be deemed to be a "hotel or motel unit." The minimum square foot area for hotel and motel units is 200 square feet.

Hotels and motels—Commercial enterprises offering rooms or suites for rent, holding a valid business tax receipt as a hotel or motel and operating under the jurisdiction of the state department of business regulation, division of hotels and restaurants.

Illuminated sign - 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.

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*Impervious surface*—A surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by stormwater. It includes lime rock or clay as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

*Impervious surface ratio (ISR)*—A measure of the intensity of hard-surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the net land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the net land area.

*Indirectly illuminated sign* - Any sign, the facing of which reflects light from a source intentionally directed upon it.

*Infrastructure land*—Streets, roads, parks, beach and other municipally owned open land.

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

*Ingress and egress sign* - 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* - Any sign which has the source of light not visible to the eye and entirely enclosed within the sign

*Kennel*—Any of the conditions listed shall constitute a kennel for the purpose of this chapter: the maintenance of more than four adult dogs and/or cats over six months in age; the maintenance of more than one brood bitch maintained for active breeding; the production of more than two litters annually.

*Land* - "land" including "water," "marsh," or "swamp."

*Land-clearing stage*—A stage in the construction process in which trees and/or vegetation are removed from the land, i.e., proposed right-of-way excavation and paving, drainage systems excavation; utility clearings, grubblings and prebuilding construction projects.

*Land Development Regulatory System* - The coordinated system of plans (e.g., comprehensive plans), regulations, code provisions and related status reports (e.g., concurrency test statement and transportation system report) that provide standards and guidance for land development related activities.

*Landscape area or green space*—An area or areas including beautification strips, consisting of those materials, such as, but not limited to, hedges, trees, planted ground cover, sodded and grassed areas and planted floral installations, all of which must be composed of natural plantings only, as distinguished from artificially manufactured planting reproductions.

*Lawn*—Grassed lands controlled by mowing. A lawn is a uniform, durable groundcover suitable for playing fields.

*LED sign* - 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.

*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.

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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 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.

Level of service (LOS)—A measure of performance and/or of demand versus available capacity of public services and facilities.

Liner building—A building conceived specifically to mask a parking lot or a parking structure from the frontage.

Lintel—A supporting wood or stone beam across the top of an opening, such as that of a window or door.

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

Lollipop sign - 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.

Lot, depth of—The average depth measured in the mean direction of the side lines from the street line to the rear line.

Lot width—The mean width of a lot, measured at right angles to its depth.

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.

Limit of moderate wave action. Line shown on FIRMs to indicate the inland limit of the 1½-foot (457 mm) breaking wave height during the base flood.

Live-work building—A townhouse or stand-alone structure, generally owner-occupied, with the first story available as commercial space. This space is controlled by the building's owner and may be leased to an independent business owner.

Livestock maintenance—The maintenance of animals other than those commonly considered as household pets, including fowl, grazing farm animals, including horses, and wild animals of a type normally found in zoos. These animals are not permitted within the Town of Redington Shores, except as may be specially permitted by the planning and zoning board.

Living area—The area actually occupied, including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features.

Lodging house—A building where lodging only is provided for compensation to three or more but not exceeding 20 permanent guests or tenants.

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Loft—A high-ceilinged and internally well-lit dwelling with few partitions reaching the ceiling.

Loggia—An open-air room within the mass of a building, with ceiling and floors, but no wall on at least one side.

Lot—A parcel of subdivided real estate, improved or unimproved, platted and recorded in the office of the Clerk of the Circuit Court of Pinellas County.

Lot, corner—A lot having frontage upon two or more streets at their intersection.

Lot coverage—Includes the lot area covered by the ground floor of all principal and accessory uses and structures, including all areas covered by the roof of such uses and structures.

Lot, depth of—The mean horizontal distance between the front and rear lot lines.

Lot, double frontage (through lots)—A lot having a frontage on two streets, other than at any intersection of those streets.

Lot, interior—A lot other than a corner lot.

Lot lines—The lines bounding a lot.

Lot of record—A lot, the map of which has been recorded in the office of the Clerk of the Circuit Court of Pinellas County.

Lot width—The mean width measured at right angles to its depth.

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, § 1612.2.]

Machinery and equipment sign - 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.

Mangrove—Rooted trees and seedlings of the following species, but only when having a coastal or estuarine association:

- A. Red mangrove (Rhizophora mangle L.).
- B. White mangrove (Laguncularia racemosa Gaertn.).
- C. Black mangrove [Avicennia germinans (L) L.].
- D. Buttonwood mangrove (Conocarpus erecta L.).

Main building—The principal building on a lot, disposed to provide the facade on the frontage.

Marina—Any dock, pier or wall area used for the support, rental, maintenance, servicing or storage of more than two boats not the personal property of the proprietor.

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 part 2, 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.

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Marquee - 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.

Minimum standard of improvements—Includes a paved road, connection with a water main providing a supply of potable water and a connection with the municipal sewer system.

Minor subdivision plat—A minor split of existing parcels and/or lands as specifically identified in section 90-99 G, 162.H and approved by the building commissioner.

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

Mobility plan - The framework providing for a countywide approach to managing the traffic impacts of development projects and to increasing mobility for pedestrians, bicyclists, transit users and motor vehicles through the implementation of the Multimodal Impact Fee Ordinance and the transportation provisions of Article XLII through the site plan review process.

Monument sign - 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.

Mullion—A vertical member dividing a window or opening.

Multi-prism or tri-vision sign - 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.

New construction - For the purposes of administration of part 2 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 peak hour trip - A vehicle trip added to the major road network from and to a developed parcel of land during the weekday peak hour. This excludes "passer-by" or "diverted" trips, whereby the site is accessed as a secondary trip.

Nonconforming sign - 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—Any building or land lawfully occupied by a use at the time of passage of this part 5, or amendments thereto, which does not conform after the passage of this part 5, or amendments thereto, with the use regulations of the district in which it is situated.

Nonconforming use - 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 - 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 - A non-accessory billboard or sign that displays offsite commercial advertising.

Off-street parking—A parking area located within a lot, generally to the rear of a building frontage, masking it from the public space.

On-street parking—A single line of parking located along the curb line of a thoroughfare, accessible directly from a moving lane.

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On-site sign - 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.

Open space—Any portion of a lot or parcel unoccupied and open to the sky.

Ornamentation, sign—Any illustration, pictorial or other embellishment on signs or structures which relates to products or services of the business or is used to attract attention for business purposes.

Out building—A secondary building associated with a principal building by ownership and shared lot.

Owner - 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.

Overall height (OH)—The height, in feet, of a tree measured from the top of the root ball/system to the top of the uppermost foliage branches.

Parallel parking—A pattern of parking where the vehicle is stored parallel to the curb line. Parallel parking permits a narrower street section and creates the most positive sidewalk experience of the possible patterns, but it requires a difficult driving maneuver and provides the lowest density of parking per linear foot of street frontage.

Parapet—A low guarding wall at any point of sudden drop, such as the edge of a terrace, roof or balcony.

Park—A large open area available for recreation, usually located at the neighborhood edge, and fronted by buildings. Its landscape comprises paved paths and trails, some open lawn, trees and open shelters, all naturalistically disposed and requiring limited maintenance.

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 15C-1.0101, F.A.C.]

Parking space—An improved land surface area, enclosed or unenclosed, required for parking one automobile. For computation and plan review purposes, the minimum standard is 200 square feet per required vehicle space, excluding passageways.

Passage—A pedestrian connector passing between buildings.

Peak hour - In describing traffic conditions, is the 100th highest volume hour of the year in the predominant traffic flow direction.

Pedestrian shed—A determinant of urban size, defined as the area described by a radius equaling the distance that can be covered by a five-minute or one-quarter-mile walk at an easy pace.

Pedestrian way—The portion of the thoroughfare right-of-way that is dedicated to uses other than vehicular movement and parking. The pedestrian way includes the sidewalks, arcades, and planting areas of streetscapes.

Peer-to-peer or platform entity - Any person, service, business company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.

Pennant - 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 - 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.

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Permanent sign - 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—Includes a natural person, corporation, general partnership, limited partnership, management group, owners' association, general association or any other group of two or more persons engaged in any cooperative effort for a common purpose.

Person - 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.

Pervious surface – Area maintained in its natural condition, or covered by a material that permits infiltration or percolation of water into the ground.

Placement, building—The location of a building on its lot. Placement is determined by dimensional setback or build-to requirements measured from the lot boundary lines.

Plat—A map prepared and sealed by a professional engineer or land surveyor designating parcel boundaries, lots, rights-of-way and easements, suitable for recording as an official public record.

Playground—A small open area specifically designed and equipped for the play of small children. A playground is usually fenced and may include an open shelter.

Plaza—A public space set at the intersection of important streets, set aside for civic purposes and/or commercial activities.

Pole sign - 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.

Porch—An open-air room appended to the mass of a building with floor and roof, but no walls on at least two sides.

Portable sign - 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.

Pre-existing use - The land use that occupied a parcel of land prior to the submittal of a permit/site plan application. In accordance with the Pinellas County Transportation Impact Fee Ordinance (TIFO), development projects are entitled to a credit equivalent to the impact fee assessment of any land use activity that existed on the property as of June 30, 1986, the original adoption date of the TIFO. The applicant must provide the necessary documentation to verify any pre-existing use activity not reflected in the current records of the Pinellas County Property Appraiser's Office.

Premises—An individual lot, including its building and accessory structures.

Professional—Practitioners of healing arts and sciences, architects, engineers, lawyers, accountants and other occupations requiring comparable academic training, experience and public recognition.

Projected light sign - 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 - 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.

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Property - 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.

Property owner - The person who, or entity that, owns the property being used or occupied as a vacation rental.

Protected tree—Any tree that has a DBH of more than six inches, and which is not otherwise exempted from this Code. For the purpose of this Code, all mangroves are hereby declared to be protected trees.

Public facilities and services—The public facilities and services for which level of service standards have been established in the comprehensive plan:

- A. Potable water.
- B. Wastewater.
- C. Solid waste.
- D. Recreation/open space.
- E. Stormwater management.

Public realm (space)—Those parts of the urban fabric that are held in common, such as plazas, squares, parks, thoroughfares and civic buildings.

Public/semipublic uses—Those primary and secondary uses listed under the institutional, transportation/utility, recreation/open space, and preservation plan categories.

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b).]

- (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.

Rear lane—A vehicular accessway located to the rear of a lot providing access to parking and outbuildings as well as easements for utilities. Rear lanes are paved as lightly as possible, to driveway standards or with shell.

Remove, removal, replanting or replacement—The act of digging up, cutting down, damaging, destroying, relocating, or killing any tree.

Rental, transient—The rental of a structural unit (dwelling/hotel/ motel/lodging house/guest house) in the RM-15 District or in the RD-15 district to a tenant for any period of time less than one month, or in the RS-7 District or the RS-10 District to a tenant for any period of time less than 181 consecutive days. As used in this definition, such term of "rental, transient" shall mean any rental of a dwelling unit, or any portion thereof, for less than the period of time as stated herein, and shall include any subletting or the use of such real property for overnight housing purposes, whether or not such overnight housing purposes involve consideration or remuneration specifically related to the housing of such tenant.

Repair/maintenance—The repair or replacement of existing materials in a structure in a manner which does not result in any rearrangement, enlargement, extension or reduction of any structure or part thereof.

Replat—A change in an existing plat which changes the existing boundaries of the platted lots for the purpose of creating more or fewer lots or to change the area and size of existing lots.

Replat/declaration of unity of title—A change in an existing plat which changes the existing boundaries of the platted lots for the purpose of creating more or fewer lots or to change the area and size of existing lots.

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Responsible party shall mean the person or entity authorized by the property owner to obtain a certificate of use for a vacation rental, and who will be:

- (a) Responsible for ensuring compliance with all regulations related to vacation rentals; and
- (b) Available to respond 24 hours per day, seven days per week to an issue that arises relating to the vacation rental.

The property owner may serve as responsible party.

Restorium, rest home or nursing home—Any building and premises used for housing and caring for the aged, convalescents or physically unfit, except persons suffering from mental ailments and persons so ill as to require regular hospitalization.

Retail business—The sale of goods or services directly to the general public.

Retail frontage—Certain frontage lines designated for mandatory retail on the regulating plan. These building facades are subject to special adaptation for retail use at the ground story.

Right-of-way - 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.

Roof—That element of a building that covers the top of a building, as the walls cover the sides.

Roofline - 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 overhang—The overhead cantilever of an architectural element beyond the building wall.

Roof sign - 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.

Roof slope—The angle of the roof, usually stated as a ratio of the vertical to the horizontal (e.g., "4:12" that is, a four-foot vertical rise across each twelve-foot horizontal run).

Rotating sign (or revolving sign) - 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.

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

Sandwich board sign - A portable, freestanding, movable and double-faced sign.

Satellite antenna—Any spherical, parabolic or dish-like antenna structure used for receiving television or other signals from orbiting satellites or other devices. The height of the antenna is the maximum elevation of the top of the structure above grade to which the antenna is capable of being raised. A satellite antenna shall be considered as an accessory structure unless it is an integral part of a public utility (e.g., telephone system).

Seawalls—Any hardening of the shore by the installation of a vertical wall where such structure is toed in within the waters of the town, county or state. This definition specifically excludes upland retaining walls located outside the waters of the town, county or state.

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

Setback—Minimum distances specified between the nearest vertical wall of any construction on a lot and any of the lot boundaries or seawalls.

Shared parking—The policy wherein day/night and weekday/weekend schedules of two or more uses allow the parking to be shared by more than one use or building.

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~~*Transient rental*—See "rental, transient." *Short-term rental* - The rental of a structural unit (dwelling/hotel/motel/lodging house/guest house) in the RM-15 District or in the RD-15 district to a tenant for any period of time less than one month, or in the RS-7 District or the RS-10 District to a tenant for any period of time less than 181 consecutive days. As used in this definition, such term of "short-term rental" shall mean any rental of a dwelling unit, or any portion thereof, for less than the period of time as stated herein, and shall include any subletting or the use of such real property for overnight housing purposes, whether or not such overnight housing purposes involve consideration or remuneration specifically related to the housing of such tenant.~~

~~*Shrub*—A low-growing perennial, woody or evergreen plant with persistent stem.~~

~~*Sign*—Any display of characters, letters, illustration or related ornamentation and the structure on which they are applied and supported, intended to draw attention to businesses, products or services and to promote their use or to identify properties, institutions or activities.~~

~~*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, animated*—A sign with action or motion, including flashing lights or other changes in color or form, but not including wind-activated pennants or flags.~~

~~*Sign, banner*—Any sign having characters, letters, illustrations or ornamentation applied to cloth, paper or sheeting of any kind hanging freely, not attached to solid backing or framing.~~

~~*Sign, billboard*—A sign and/or sign structure advertising an establishment, merchandise, service or entertainment provided at a place other than on the property on which the sign is located.~~

~~*Sign, canopy*—A sign attached, painted and/or made a part of an awning or other fixed shelter structure projected from a building.~~

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Sign, flat or wall—A sign erected on the wall or parallel to it and extending not more than 12 inches from the wall and supported throughout its area by that building facade.

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, marquee—A sign attached, printed, affixed or otherwise made a part of the flat forward edge or vertical side edge of a marquee.

Sign, monument—A sign not attached to a building, where the entire base of the sign is in contact with or close to the ground, and the sign is independent of any other structure.

Sign, off premises—A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located.

Sign, painted, wall—A sign painted on any outside wall of any building.

Sign, pole (pylon or freestanding)—A sign erected on a self-supporting advertising structure, including a pole or poles firmly installed into the surface of the ground, wholly independent of any building or other structure for support.

Sign, portable—A sign readily movable (neither installed in the ground nor firmly affixed to a building or other structure). Examples are towable, A-frame or other signs that can be moved easily from the ground or are lightly attached to a structure.

Sign, projecting—A sign attached to and projecting from the wall of any building at any angle.

Sign, roof—A sign erected on or over the roofline of any building (cannot be part of a roof).

Sign size - Area of sign.

Sign structure - 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.

Sign, swinging—A sign projecting from any structure and suspended in such a manner that all sides of the sign are not firmly attached permitting the sign to swing in one or more directions.

Sign, temporary—A sign for a limited time or purpose, normally related to an occurrence of a predestined event, not permanently attached to a building or other structure and constructed of lightweight materials.

Sign, wall—A sign applied directly to the exterior face of a building, with the exposed face within the plane of the facade or parallel to the facade. This category includes those signs painted onto or applied directly to the surface of a building's exterior face.

Sign, window—A sign painted, taped, glued or otherwise mounted on a window or door of a business establishment.

Snipe sign - 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.

Special exception—A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location or relation to the

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neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare.

*Special flood hazard area.* An area in the floodplain subject to a 1 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. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the Town of Redington Shores, or otherwise legally designated. [Also defined in FBC, B § 1612.2.]

*Species of trees*—Applies to trees possessing common distinctive characteristics and the ability to reproduce these characteristics.

*Special use permit*—A permit issued by the planning and zoning board or the town clerk for uses defined as special uses within this chapter in accordance with procedures specified in section 90-173.C.

*Spot zoning*—Any zoning different from the zoning of property on both sides of the subject property.

*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, and 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 § 1612.2.]

*Street* - 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* - Any sign denoting the street address of the premises on which it is attached or located.

*Streetscaping*—An assemblage of landscapes, walks, and curbs between the private lot line and the public right-of-way or vehicular frontage.

*Story*—That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

*Story, half*—A space under a sloping roof which has the line of intersection of roof decking above the top floor level exceeding three feet in height if usable and in which space not more than two-thirds of the floor area is finished for use. A half story shall not contain independent apartments or living quarters.

*Street*—All property dedicated or intended for public or private street purposes or subject to public easements therefor. The minimum width shall be 35 feet.

*Street address sign* - Any sign denoting the street address of the premises on which it is attached or located.

*Street line*—A dividing line between a lot, tract or parcel of land and a contiguous street.

*Structure*—Anything constructed, erected or installed, whether permanent or portable, the use of which requires location on the ground or attached to something having a location on the ground. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building. It ("structure") includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. "Structure" also includes signs and swimming pools, etc.

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*Subdivision*—The platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land; and includes establishment of new streets and alleys, additions and resubdivisions; and when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

*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 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B § 1612.2.]

*Substantial improvement* - Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 8, 2013. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (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.
- (3) Costs for repairs whose express purpose is to repair wind and flood damage to pre-damage condition provided the costs of such measures plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 49 percent of the market value of the structure before the damage occurred.

*Sun shelter* - For the purpose of this chapter, a sun shelter shall have the same meaning as chickee hut.

*Supermarket*—A market in excess of 10,000 square feet of floor space specializing in groceries and household sundries.

*Temporary sign* - 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.

*Tenant*—A person or persons occupying a dwelling unit to which he or she does not hold title. Where two or more persons simultaneously occupy such a dwelling unit under a common rental arrangement, the singular term "tenant" shall include all such persons.

*Thatched roof* - A roof constructed of palm fronds in an open web type of construction and attached in such a manner that they are sacrificed in winds exceeding 70 mph.

*Thoroughfare*—An urban element that provides a major part of the public open space as well as moving lanes for vehicles. A thoroughfare is endowed with two attributes: capacity and character.

- (1) Thoroughfare capacity — The number of vehicles that can move safely through a segment of a thoroughfare within a given time period.
- (2) Thoroughfare character — The suitability of a thoroughfare as a setting for pedestrian activities and as a location for a variety of building types.

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*Tower*—Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna lattice towers, guy towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave, common carrier and cellular towers.

*Tract*—A parcel of real estate, platted but not subdivided into lots, recorded in the office of the Clerk of the Circuit Court of Pinellas County.

*Traffic control device sign* - 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 - Sign that is affixed to or placed on a trailer or other portable device that may be pulled by a vehicle.

*Transfer of development rights*—The conveyance of development rights, which are transferrable pursuant to the provisions of this Code, by deed, easement, or other legal instrument authorized by this Code, to another parcel of land or within the same parcel of land, and the recording of that conveyance pursuant to this Code.

*Transient accommodation unit*—An individual room or rooms within a transient accommodation use designed to be rented as a single unit for temporary occupancy of a limited duration, and without independent cooking or kitchen facilities.

*Transient accommodation use*—A facility containing one or more transient accommodation units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one month, more than three times in any twelve-month period. In determining whether a property is used as a transient accommodation use, such determination shall be made without regard to the form of ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, or other agreement, or payment of consideration.

*Transient occupant* shall mean any person who rents or occupies any dwelling unit or residence or part thereof for less than 30 days or one calendar month whichever is less, and any guest or invitee of such person.

*Transplant*—The act of digging up a tree from one location and planting the same tree in another place.

*Transportation management plan* - As developed by an applicant representing a proposed development, is submitted in conjunction with individual site plans seeking to utilize transportation management strategies to address their development impacts, protect roadway capacity and to increase mobility. These strategies include, but are not limited to, density/intensity reductions, project phasing, access controls, capital improvements and/or incentives encouraging mass transit, bicycle or pedestrian travel, ride-sharing or roadway improvements. Strategies that are standard site plan review requirements would not be eligible for inclusion in a transportation management plan. Transportation Management Plans must be submitted to the Building Department for review and approval.

*Transportation management system* - The management of development impacts on transportation facilities and implementation of mobility improvements pursuant to the Mobility Plan.

*Tree*—A self-supporting woody plant having one or more well-defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity in the county of a minimum of 15 feet. For the purpose of this definition, palms shall be considered trees.

*Tree bank*—The storage for future use of trees permitted for removal under the terms of this chapter which are donated to the town for its use.

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Tree cluster—Two or more primary tree trunks that are within three feet of one another.

Tree, historic—A tree which has been found by a professional forester, horticulturist or other professional plantsman to be of notable historic interest to the town and/or county because of its age, type, size or historic association and has been so designated by resolution of the town commission of the town.

Tree protection zone—A circular zone around each protected tree defined as follows:

- A. If the drip line is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.
- B. If the drip line is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree.
- C. If the drip line is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree.

Tree, shade/canopy—An evergreen or deciduous tree that can be maintained with a clear trunk of not less than six feet and with a spreading branching structure of at least 15 feet and opaque foliage habit such that a reasonably dense shade pattern is provided during peak daylight hours in the late spring, summer and early fall months of the year. For the purposes of this part 3, palms shall not be considered shade/canopy trees.

Tree, specimen—A tree which has been determined by the judgment of a professional forester, horticulturist or other professional plantsman to be of high value because of its type, size, age or other professional criteria, and has been so designated by resolution of the town commission of the town.

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

Vacation rental—Any dwelling unit or residence, including, but not limited to, any unit or group of units in a condominium, cooperative, or apartment building, that is rented in whole or in part to a transient occupant for a period of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place that may be rented to a transient occupant, but shall not include a hotel or motel as defined in this Code.

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

Vehicle—Any automobile, trailer, motor home, truck, bus, motorcycle, moped or any other conveyance designed for operation on the streets or highways and normally requiring the issuance of a license plate or license tag.

Vehicular circulation—The combination of moving and parking lanes within thoroughfares. The network of thoroughfares also constitutes the majority of the public realm available to pedestrians.

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.

Vehicular use area—An open area used for the storage of four or more vehicles, including the accessways to such area.

Vehicular way—The portion of the thoroughfare that is occupied by vehicles, usually consisting of the moving lanes and the parking lanes. The vehicular way, together with the pedestrian way, fills the right-of-way.

Vertical height—The height as measured to the highest point of a building or specific component.

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Walk—A lightly paved path of grass, gravel or sand within a garden or open space.

Wall wrap sign - 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 - 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 - 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 - 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 - 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 - 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 - Any sign visible from the exterior of a building or structure which is painted, attached, glued, or otherwise affixed to a window or door.

Yard—An open space, other than a court, on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building, nearest wall or other vertical part of the structure shall be used.

Yard, front—A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building.

Yard, rear—A yard extending across the rear of a lot measured between side lot lines and being the minimum horizontal distance between the rear of the main building and the rear lot property line. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard, side—A yard between the nearest wall or other vertical part of the structure and the side line of the lot and extending from the front line to the rear lot line.

## ARTICLE ~~XXVII~~XXII. ADMINISTRATION AND ENFORCEMENT

### Sec. 90-~~123~~72. Interpretation and municipal comprehensive plan.

The zoning ordinance is a principal implementation process of the legally adopted municipal comprehensive plan. In interpreting the ordinance, the planning needs and objectives as identified in the municipal comprehensive plan shall be considered in any determination relative to the administration of this ~~part 5~~ chapter.

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**Sec. 90-~~124~~73. Procedure for amending code and/or Comprehensive Plan.**

- A. *State law controlling.* The provisions of the Florida Statutes shall be adhered to on all matters pertaining to any changes in the Comprehensive Land Use Plan (CLUP) designation and/or the zoning classification of any property or district or the boundaries of any district within the town.
- B. *Application for change of land use/zoning.* Any property owner, the planning and zoning board or the town commission may initiate an action to effect a change in the CLUP designation and/or the zoning classification of real property by filing written application with the town clerk. The application shall contain:
- (1) The signature of the property owner(s) when the property owner is the person initiating the request. If the property owner is represented by an agent, proof of the agency shall be made a part of the application.
  - (2) The names and addresses of all owners of the property sought to be affected by the change.
  - (3) An accurate legal description of the property to be sought to be affected by the change.
  - (4) The CLUP designation and the zoning classification of said property at the time of the application.
  - (5) The CLUP designation and/or the zoning classification proposed for said property.
  - (6) The names and addresses of the owners of other properties lying within 300 feet of said property.
  - (7) When the application is initiated by the property owner, a certification of title stating that the applicant is the title holder of record of the property described in the application and setting out all mortgagees and lienholders. The certification shall be signed by an officer of a reputable title company.
  - (8) Statement of reasons for granting the requested change in CLUP designation and/or zoning classification. The reasons may include but are not to be limited to:
    - (a) Change of conditions in the area.
    - (b) Community need for additional lands with the CLUP designation and/or zoning classification proposed.
    - (c) Benefits to the community.
  - (9) Applications for a CLUP designation that would result in an increase in density or intensity within the Coastal High Hazard Area shall address the balancing criteria of Section 4.2.7.A – H of the Countywide Rules of Pinellas County.
  - ~~(9)~~(10) Any application for a rezoning shall be accompanied by a site plan showing the intended use and structure of the property sought to be rezoned.
  - ~~(10)~~(11) Application forms; fees.
    - (a) Applications for the following actions shall be on forms as may be prescribed from time to time by the board of commissioners, and shall be accompanied by the fees as indicated in the town's currently adopted fee schedule, copies of which may be obtained at Town Hall.
    - (b) The town's fee schedule may be revised by the town commission from time to time by resolution. However, any such resolution must be proposed at one meeting, but not enacted until a subsequent meeting of the town commission.
  - (11) Failure of an applicant or his representative to be present at a scheduled proceeding shall be sufficient cause to deny the request on the basis of lack of evidence.

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- ~~(12)~~(13) Withdrawal of an application must be made in writing over the signature of the applicant. If the applicant elects to withdraw the application after the town has commenced any work in processing the application, the applicant shall not be entitled to any refund of any fee that has been submitted.
- C. *Amending this regulation.* The town clerk shall refer applications to amend this regulation to the planning and zoning board for comment.
- (1) *General requirements.* The planning and zoning board shall hold a hearing on each application to amend this regulation or the comprehensive plan and thereafter submit to the Redington Shores Town Commission a written recommendation.
  - (2) *Requirements for CLUP and zoning amendments.*
    - (a) All applications for change in CLUP designation and/or zoning classification shall be forwarded to the Planning and Zoning Board for the Town of Redington Shores, functioning as the Local Planning Agency (LPA) for CLUP amendments, for review and recommendation to the town commission.
    - (b) The town shall adhere to the procedures of the Florida Statutes pertaining to notice requirements in the holding of any required hearings in considering any CLUP or zoning amendments.
    - (c) The planning and zoning board/LPA shall receive all direct testimony and evidence whether favorable or unfavorable to the application.
    - (d) Following the planning and zoning board/LPA review of the application and of pertinent testimony and evidence presented, the planning and zoning board shall make recommendation thereon which shall be presented to the town commission. The planning and zoning board/LPA recommendations shall include a summation of the testimony and evidence presented to the planning and zoning board/LPA.
  - (3) *Decision by town commission.*
    - (a) *Generally.* The town commission shall hold a hearing on the proposed amendment and may enact or reject the proposal or enact a modified proposal that is within the scope of matters considered in the hearing.
    - (b) *Changes in CLUP designations.* Applications concerning or involving a proposed change in CLUP designation shall be considered by the town commission in hearings noticed and conducted in accordance with the requirements of the Florida Statutes.
    - (c) *Zoning application.* Applications for change in zoning classification of real property that do not include or involve a change in the CLUP designation of that property shall be decided by the town commission at public hearing, duly noticed and scheduled in conformance with the requirements of the Florida Statutes.
- D. *Records and proceedings.*
- (1) All records of any proceedings shall be filed with the town clerk to be held as a part of the public records of the Town of Redington Shores Planning and Zoning Board.
  - (2) All hearings shall be recorded in the following manner:
    - (a) Minutes shall be kept in which applications, findings of fact, recommendations and all decisions shall be recorded.
    - (b) Whenever possible, all hearings shall be recorded by electronic recording device.

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- (c) Any person may request a verbatim transcript. The person so requesting shall furnish a reporter to take such transcript, bearing the cost thereof, and shall deliver a certified copy of the transcript to the town clerk who shall file it with the records of other proceedings on the application.

(Ord. No. 08-03, 6-11-2008)

**Sec. 90-~~125-74~~. Building department established.**

- A. There is hereby established in the Town of Redington Shores a department to be called a "building department," which shall be under the direction and supervision of a licensed building official, in accordance with ~~part 1 of~~ this chapter or amendments thereto. Any reference herein to the building inspector or the building official shall be interpreted to mean the building official, or his designee.
- B. No building permit shall be issued unless the use of the proposed structure and the installation and construction thereof shall be in accordance with the provisions of pertinent town ordinances.

**Sec. 90-~~126-75~~. Planning and zoning board established; procedures, powers and duties.**

- A. *Establishment.* There is hereby created a new Planning and Zoning Board of the Town of Redington Shores, which board shall have all of the duties and responsibilities of the prior planning and zoning board and the prior Board of Adjustment of the Town of Redington Shores, which prior planning and zoning board and prior board of adjustment are declared to cease in existence as of the date of passage of this chapter. The board of commissioners shall nominate and vote approval of members of the planning and zoning board, which shall consist of five members and two alternates who shall reside in the Town of Redington Shores. In addition, the planning and zoning board shall include a representative of the school district appointed by the school board as a nonvoting member to attend those meetings at which the planning and zoning board considers comprehensive plan amendments and rezonings that would, if approved, increase residential density on the property that is the subject of the application. The voting members of the planning and zoning board may be removed from time to time by the board of commissioners and shall be removed if any voting member misses three consecutive meetings. Vacancies shall be filled by the board of commissioners for the unexpired term of any voting member whose term becomes vacant. The initial appointment of voting members to the newly created planning and zoning board shall be conducted as follows: Nominations shall be made by the commissioners from districts I and III, and the mayor-commissioner, for an initial term of two years; and nominations shall be made by the commissioners from districts II and IV for an initial term of one year. The commission at large shall nominate one alternate voting member for an initial term of one year (designated as alternate member A), and one alternate voting member for an initial term of two years (designated as alternate member B). Thereafter, nominations shall be made by the commissioners from districts I and III in the odd-numbered years, and nominations shall be made by the commissioners from districts II and IV in the even-numbered years. The mayor/commissioner shall nominate the fifth voting member of the planning and zoning board, with such nomination being made in the odd-numbered years. All subsequent terms shall be for a period of two years. In addition, the commission at large shall nominate the two alternate voting members for two-year terms, with one position being appointed in the even-numbered years, and with one position being appointed in the odd-numbered years.
- B. *Procedures.* The board of commissioners shall appoint the chairperson of the planning and zoning board and may redesignate the chairperson from time to time. The planning and zoning board shall establish and promulgate rules and regulations for its own procedures and not inconsistent with the provisions of this ~~part 5~~ chapter. The planning and zoning board shall hold regularly scheduled meetings on a certain scheduled day and time each month. Such meetings may be cancelled in the event there is no business to come before the board. The planning and zoning board may appoint one of its members to serve as secretary.

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- C. *Quorum.* Three or more members of the board shall constitute a quorum; however, recommendation for approval of any site plan or any other substantive matter, as herein provided for, shall require the affirmative votes of three members of the board. No board member shall act in a case in which he or she has a personal interest. If any member of the board is unable to attend a meeting, alternate member A shall constitute a regular member of the board for such meeting; and if two members are unable to attend a meeting, alternate member B will also constitute a regular member of the board for such meeting.
- D. *Records.* The town clerk or representative shall attend all meetings of such board and shall make a detailed record of all its proceedings, which record shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member and any failure of a member to vote, which record shall be filed in the office of the town clerk and shall be open to the public.
- E. *Powers and duties.* It shall be the duty of the planning and zoning board to:
- (1) Serve as the town's local planning agency.
  - (2) Investigate and recommend to the board of commissioners proposed amendments to the municipal comprehensive plan and to prepare a comprehensive review of the municipal comprehensive plan in June 1983, and every three years thereafter, in accordance with the Local Government Comprehensive Planning Act.
  - (3) Investigate and make recommendations to the Board of commissioners on any proposed changes or amendments in this ~~part 5 chapter, zoning,~~ or in the boundaries or districts herein established or necessary building permit renewal actions.
  - (4) Investigate and make recommendations to the board of commissioners on all building applications requiring site plan reviews as encompassed in section 90-~~110~~ 237.
  - (5) Investigate and make recommendations to the board of commissioners on any applications which shall be made for the approval of plats or replats of land within the town. No unplatted land shall be platted, nor shall any platted land be replatted, until there shall first have been submitted to the planning and zoning board a preliminary plat of the proposed subdivision, and the planning and zoning board shall investigate such plat or replat and make its recommendations to the board of commissioners.
  - (6) Consider and grant or deny applications for all types of special use permits for the various zoning districts as specified in article ~~XXV~~ XXXVII, other than those issued by the town clerk in accordance with section 90-~~111-D~~ 173.C. In order to authorize special use permits under the terms of this ~~part 5 chapter,~~ the board must find:
    - (a) That the nature of the special use is in keeping with the intent of this ~~part 5 chapter.~~
    - (b) That the use is compatible and harmonious with the surrounding neighborhood and will not create any nuisance, hazard or hardship.
  - (7) Receive and make a recommendation to the Board of Commissioners concerning applications for transfer of development rights, as provided for in section 90-~~115~~ 177.
  - (8) Consider and make recommendations to the board of commissioners on applications for special exceptions, as defined herein; including recommendations as to when special exceptions should be granted with appropriate conditions and safeguards or denied when not in harmony with the purpose and intent of this ~~part 5 chapter.~~
    - (a) In recommending any special exception, the board shall find that such grant will not adversely affect the public interest.
    - (b) In recommending any special exception, the board may recommend appropriate conditions and safeguards in conformity with this ~~part 5 chapter.~~ Violation of such conditions and safeguards,

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when made a part of the terms under which the special exception is granted, shall be deemed a violation of this chapter.

- (9) Consider and make recommendations to the board of commissioners on appeals when it is alleged that there is error in any order, requirement, decision or determination made by the building inspector or other administrative official in the enforcement of this ~~part 5~~ [chapter](#) or any regulation issued pursuant thereto or when, in the opinion of the board, the interpretation of the building inspector or other official should be modified or reversed.
  - (10) In recommending authorization of any special use permit, special exception, or other such matters, ~~THE PLANNING AND ZONING BOARD~~ [The Planning and Zoning Board](#) shall provide a reasonable period of time, which in no event shall exceed a period of one year, during which action on such approval must be commenced. The commencement of such action shall be deemed to have occurred upon obtaining any required building permits and commencing substantial construction and keeping such construction underway, or commencing the activity for which any such special exception or special use permit has been granted. Upon timely application within such period of time, the planning and zoning board may recommend extension of any such period of time for an additional period of six months. Any approval on which action has not been commenced within the period of time allowed by the board of commissioners, or within a period of one year if no such reasonable period of time has been set forth by the board of commissioners, shall be deemed to have been withdrawn and shall be void, and any action or approval thereon shall be deemed void.
- F. *Zoning requests requiring site plan review as specified in sections 90-~~110~~ [237](#) and 90-~~124~~ [73](#).* For the purposes of determining what constitutes a variance, all site planning design criteria, traffic circulation and landscaping standards contained in section 90-~~110~~ [137](#) comprise nonbinding guidelines for the town planning and zoning board, and any proposed deviations from those guidelines do not constitute a variance under this ~~part 5~~ [chapter](#).
- G. *Appeals.* All applicants for appeals to the planning and zoning board must submit an application form. This application form is available at the Town Hall.

(Ord. No. 09-01, 3-11-2009; Ord. No. 10-01, 7-14-2010; Ord. No. 10-04, 9-9-2010; Ord. No. 12-01, 4-11-2012)

### **Sec. 90-~~127-76~~.** Appointment of special magistrate for variance requests; powers and duties.

The board of commissioners shall appoint such special magistrate as may be deemed necessary or required from time to time to hear variance requests filed with the town. Such special magistrate shall have the following powers and duties:

- A. Authorize such variance, as herein defined, from the terms of this ~~part 5~~ [chapter](#), other than those establishing zoning and density, as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary and undue hardship and when the requested variance meets all the requirements set forth herein.
- B. In order to authorize any variance from the terms of this ~~part 5~~ [chapter](#), the special magistrate must find:
  - (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
  - (2) That the special conditions and circumstances do not result from the actions of the applicant.
  - (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ~~part 5~~ [chapter](#) to other lands, buildings or structures in the same zoning district.

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- (4) That literal interpretation of the provisions of this [part 5 chapter](#) would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this [part 5 chapter](#) and would work unnecessary and undue hardship on the applicant.
  - (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - (6) That the grant of the variance will be in harmony with the general intent and purpose of this [part 5 chapter](#), and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- C. In granting any variance, the special magistrate may prescribe appropriate conditions and safeguards in conformity with this [part 5 chapter](#). Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this [part 5 chapter](#).
  - D. In authorizing any variance, the special magistrate shall provide a reasonable period of time, which in no event shall exceed a period of one year, during which action on such approval must be commenced. No variance shall be good for a period exceeding one year from its authorization, unless action has been commenced for construction in accordance with the variance. The commencement of such action shall be deemed to have occurred upon obtaining any required building permits and commencing substantial construction and keeping such construction underway. Upon timely application within such period of time, the special magistrate may extend any such period of time for an additional period of six months. Any approval on which action has not been commenced within the period of time allowed by the special magistrate, or within a period of one year if no such reasonable period of time has been set forth by the special magistrate, shall be deemed to have been withdrawn and shall be void, and any action or approval thereon shall be deemed void.
  - E. Under no circumstances, except as permitted above, shall the special magistrate grant a variance to permit a use not generally or by special exception permitted in the zoning district involved or by any use expressly or by implication prohibited by the terms of this [part 5 chapter](#) in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for the authorization of a variance.
  - F. This section shall apply to any variances hereinafter or heretofore granted. Any variance that has been granted prior to the effective date of this section shall have a period of one year from the effective date of this section in which action on such variance shall be commenced. Action on such variance shall be deemed to have been commenced upon the issuance of a land development permit (building permit) for the construction for which the variance was granted, and by continuing to keep such land development permit current, as required by the building code. Any variance heretofore granted for which action is not commenced pursuant to this section within a period of one year of the effective date of this section shall be deemed to be vacated and void.
  - G. Additional variance procedures for communication towers.
    - (1) In the event an applicant for a tower or antenna is required to apply for a variance to the section or other related section of the Town Code, in addition to the variance criteria set forth above, the following additional criteria shall be used:
      - (a) The variance, if granted, will result in the opportunity for co-location and thereby reduce the number of towers necessary to provide telecommunication services within the town.
      - (b) The proposed location must have a commercial, institutional or public/semipublic regulatory land use classification. In addition, the applicant must demonstrate to the reasonable satisfaction of the board that no existing tower or structure can accommodate the applicant's proposed tower or antenna.

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(2) Appeals may be made by the applicant to the board of commissioners.

(Ord. No. 10-04, 9-9-2010)

Editor's note(s)—Ord. No. 10-04 also provided for an effective date of 11-1-2010.

**Sec. 90-~~128-77~~. Reserved.**

**Sec. 90-~~129-78~~. Appeals to planning and zoning board.**

- A. Any person aggrieved or any officer or bureau of the Town of Redington Shores affected by any decision of the building department of said town may appeal ~~therefrom~~ to the planning and zoning board. Appeals to the planning and zoning board, other than those initiated by either elected or appointed officials of the town, shall be accompanied by a fee as required by the town's current fee schedule, which shall not be refunded for failure to grant the relief requested. All applicants for appeals to the planning and zoning board must submit an application form, which application form is available at the Town Hall. Notice of appeal shall be in writing and filed with the town clerk within ten calendar days after the date of the hearing or entry of the order, whichever is later.
- B. Procedure. Whenever a notice of appeal has been filed, the building department shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- C. Stay. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the planning and zoning board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by a court of competent jurisdiction, on application or notice to the officer from whom the appeal is taken and on due cause shown.
- D. Appearance and oath. Any party may appeal in person or by agent or by attorney. The presiding officer of the board may administer oaths and may compel the attendance of witnesses by subpoena.
- E. Recommendations of the planning and zoning board shall be in writing and shall indicate the vote upon the recommendation; shall specify in what manner any modification is made, the conditions upon which it is made and the reason therefor; shall be filed in the office of the town clerk and shall be open to public inspection.
- F. An adjustment from the FAR and ISR standards of this ~~part 5 chapter~~ may be granted by the board of commissioners upon recommendation by the planning and zoning board. An adjustment under this subsection shall only be recommended by the planning and zoning board governing body or its designee when substantial competent evidence in the official record of the hearing supports all of the following findings:
  - (1) A literal interpretation of the provisions of the FAR and ISR standards of these rules will deprive the applicant of rights commonly enjoyed by other properties in the same future land use category and will work unnecessary and undue hardship on the applicant.
  - (2) The alleged hardship is unique and singular with regard to the property for which the adjustment is sought and is not that suffered in common with other property similarly located.
  - (3) The alleged hardship is not self-imposed by the applicant, and the situation sought to be relieved by the adjustment does not result from an illegal act or result from the actions of the applicant, resulting in self-imposed hardship.
  - (4) The adjustment, if allowed, will not substantially interfere with or injure the rights of others whose properties would be affected by allowance of the adjustment.

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- (5) The adjustment, if allowed, will be in harmony with, serves the general intent and purpose of and is consistent with the countywide future land use plan and rules, the town's comprehensive plan and these regulations.
  - (6) The adjustment, if allowed, will be the minimum adjustment that will make possible the reasonable use of the land, building or structure.
  - (7) The adjustment, if allowed, will not confer on the applicant any special privilege that is denied by the countywide future land use plan and rules, the town's comprehensive plan or these regulations or other lands, buildings or structures in the same land use classifications.
  - (8) The adjustment, if allowed, shall not constitute an amendment to the town's comprehensive plan or land development regulations or to the countywide comprehensive plan.
  - (9) An amendment to another land use category under the countywide future land use plan has been considered by the applicant and the town, and it has been determined that such an amendment would not meet the objective of the adjustment and would not be appropriate.

(Ord. No. 09-01, 3-11-2009; Ord. No. 10-04, 9-9-2010; Ord. No. 12-01, 4-11-2012)

### **Sec. 90-~~130~~-79. Appeals from decisions of planning and zoning board and special magistrate.**

Any person aggrieved or any officer of the Town of Redington Shores affected by any decision of the planning and zoning board or the special magistrate may appeal therefrom to the board of commissioners. Notice of appeal shall be in writing and filed with the town clerk within ten calendar days after the date of hearing to be appealed from was held or entry of an order, whichever is later. For the purpose of this section, the term "person aggrieved" shall be defined as any contiguous, adjacent property owner, or other person directly impacted by the ruling who is determined by the board of commissioners to have standing. Whenever a notice of appeal has been filed, the planning and zoning board or the special magistrate shall forthwith transmit to the board of commissioners all of the papers constituting the record upon which the action appealed from was taken. Any determination of standing of a party to bring the appeal may be made by the board of commissioners prior to or at its hearing. The review and hearing of the board of commissioners shall be by certiorari proceedings. The only issues to be heard and decided are (1) whether procedural due process is accorded, (2) whether the essential requirements of the law have been observed, and (3) whether the findings and judgment are supported by competent substantial evidence. Every decision of the board of commissioners shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. Appeals to the courts may require a formal verbatim transcript. It is the appellant's burden to obtain such transcript, which might require a certified court reporter. Tapes of board of commissioners' meetings are normally maintained, and upon written request of the person deciding so to appeal and payment of any fees as required by the town's current fee schedule, a copy of any such tape which has been maintained will be produced.

(Ord. No. 10-04, 9-9-2010; Ord. No. 12-01, 4-11-2012; Ord. No. 17-01, § 1, 7-12-2017)

### **Sec. 90-~~131~~-80. Enforcement; violation and penalty.**

- A. *Unlawful to construct without a permit.* It shall be unlawful for any person to construct, repair, remodel, alter or convert any building or structure, except ordinary repairs and maintenance not affecting structural qualities, without first obtaining both a zoning permit and a building permit required by this ~~part 5~~ [chapter](#) and other ordinances of the Town of Redington Shores.
- B. *Unlawful to use premises without a zoning permit.* It shall be unlawful for any person to use permanently or part-time any building, structure or parcel of land without first obtaining a zoning use permit ~~therefor~~ as required by this ~~part 5~~ [chapter](#) and other ordinances of the Town of Redington Shores.

PART II - GENERAL LEGISLATION  
Chapter 90 - LAND DEVELOPMENT REGULATIONS  
PART 2. - FLOOD DAMAGE PREVENTION  
ARTICLE VIII. DEFINITIONS AND WORD USAGE

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- C. *Each day constitutes an individual violation.* Each day an individual violates any of the provisions of this ~~part 5 chapter~~ or order of the building inspector or order or subpoena of the planning and zoning board shall be considered a separate and distinct offense.
- D. *Penalties.* Any individual violating any of the provisions of this ~~part 5 chapter~~ or order or subpoena of the planning and zoning board shall, upon conviction thereof, be punished as set forth in chapter 1, general provisions, article II. When a co-partnership or a corporation violates any of the provisions of this ~~part 5 chapter~~, the member of the co-partnership responsible for said violation and the managing officer of the corporation guilty of the violation or who directs the same to be done shall be punished in the same manner as the punishment prescribed for an individual in this section. Every person who aids or assists in the violation of the provisions of this ~~part 5 chapter~~ shall be punished as a principal.

## **PART 2. FLOOD DAMAGE PREVENTION**

### **ARTICLE VIII. DEFINITIONS AND WORD USAGE**

#### **~~Sec. 63-32. General word usage.~~**

~~Unless otherwise expressly stated, the following words and terms shall, for the purposes of part 2, have the meanings shown in this section.~~

~~(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)~~

#### **~~Sec. 63-33. Terms.~~**

~~A. — Terms defined in the Florida Building Code. Where terms are not defined in this ordinance and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.~~

~~B. — Terms not defined. Where terms are not defined in this ordinance or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.~~

~~(Ord. No. 13-02, § 3, 5-8-2013)~~

#### **~~Sec. 63-34. Definitions.~~**

~~*Accessory structure.* A structure on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For floodplain management purposes, the term includes only accessory structures used for parking and storage.~~

~~*Appeal.* A request for a review of the building official's interpretation of any provision of this part 2.~~

~~*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.~~

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*Base flood.* A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, § 1612.2.] 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, § 1612.2.]

*Basement.* The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, § 1612.2.]

*Building official.* The officer or other designated authority charged with the administration and enforcement of the Florida Building Codes in the Town of Redington Shores.

*Coastal A Zone.* Area within a special flood hazard area, landward of a V zone or landward of an open coast without mapped coastal high hazard areas. In a coastal A zone, the principal source of flooding must be astronomical tides, storm surges, seiches or tsunamis, not riverine flooding. During the base flood conditions, the potential for breaking wave height shall be greater than or equal to 1½ feet (457 mm). The inland limit of the coastal A zone is (a) the limit of moderate wave action if delineated on a FIRM, or (b) designated by the authority having jurisdiction.

*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, 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.

*Critical facilities.* Any facility that, if flooded or impacted by a natural disaster, would result in severe consequences to public health and safety. Critical facilities include, but are not limited to, hospitals, nursing homes, police stations, fire stations, emergency operation centers, chemical or hazardous materials storage facilities, and utility facilities. The term includes facilities that are assigned Flood Design Class 3 and Flood Design Class 4 pursuant to the Florida Building Code, Building.

*Declaration of Land Restriction (Nonconversion Acknowledgment).* A form provided by the Floodplain Administrator to be signed by the owner and recorded on the property deed in official records of the Clerk of Courts, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations, enclosures below elevated buildings and structures. By executing the agreement, the owner agrees to periodic inspections.

*Design flood.* The flood associated with the greater of the following two areas: [Also defined in FBC, B, § 1612.2.]

- (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 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 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, § 1612.2.]

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*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.

*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, § 1612.2.]

*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, § 1612.2.]

(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, § 1612.2.]

*Flood hazard area.* The greater of the following two areas: [Also defined in FBC, B, § 1612.2.]

(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 flood hazard map, or otherwise legally designated.

*Flood Insurance Rate Map (FIRM).* The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, § 1612.2.]

*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, § 1612.2.]

*Floodplain.* Any normally dry land area that is susceptible to being inundated by waters of the one-percent annual chance flood, i.e., the one-hundred-year flood.

*Floodplain Administrator.* The office or position designated and charged with the administration and enforcement of part 2 (may be referred to as the Floodplain Manager).

*Floodplain development permit or approval.* An official document or certificate issued by the community, 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 ordinance.

*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.

*Freeboard.* A level higher than the base flood elevation. It is a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard compensates for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action or the hydrological effect of urbanization on the watershed. See also Section 90-40A.(8).

*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

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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 12 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 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.

*Limit of moderate wave action.* Line shown on FIRMs to indicate the inland limit of the 1½-foot (457 mm) breaking wave height during the base flood.

*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, § 1612.2.]

*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 part 2, 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.

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*New construction.* For the purposes of administration of part 2 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.

*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 15C-1.0101, F.A.C.]

*Recreational vehicle.* A vehicle, including a park trailer, which is: [Defined in F.S. § 320.01(b)]

- (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 1 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. The term also includes areas shown on other flood hazard maps, if such maps are adopted by the Town of Redington Shores, or otherwise legally designated. [Also defined in FBC, B § 1612.2.]

*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, and 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 § 1612.2.]

*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 49 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B § 1612.2.]

*Substantial improvement.* Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a one-year period, the cumulative cost of which equals or exceeds 49 percent of the market value of the structure before the improvement or repair is started. For each building or structure, the one-year period begins on the date of the first improvement or repair of that building or structure subsequent to May 8, 2013. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

- (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.

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~~(3) Costs for repairs whose express purpose is to repair wind and flood damage to pre-damage condition provided the costs of such measures plus the cost of any other improvements and repairs undertaken at the same time, do not exceed 49 percent of the market value of the structure before the damage occurred.~~

~~Variance. A grant of relief from the requirements of this part 2, 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 ordinance or the Florida Building Code.~~

~~(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 15-01, § 2, 4-8-2015; Ord. No. 19-04, § 2, 10-9-2019; Ord. No. 21-02, § 2, 3-10-2021)~~

## ~~ARTICLE XXIII. ADMINISTRATION~~

### **Sec. ~~63-35-90-81~~. General, title.**

These regulations shall be known as the floodplain management ordinance of the Town of Redington Shores, hereinafter referred to as "this part 2."

- A. *Scope.* The provisions of this part 2 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 tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- B. *Intent.* The purposes of this part 2 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, watercourses, 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.

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- C. *Coordination with the Florida Building Code.* This ordinance 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.
  - D. *Warning.* The degree of flood protection required by this part 2 and the Florida Building Code, as amended by this community, 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 part 2 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, § 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community 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 ordinance.
  - E. *Disclaimer of Liability.* This part 2 shall not create liability on the part of the Town of Redington Shores or any officer or employee thereof for any flood damage that results from reliance on this part 2 or any administrative decision lawfully made thereunder.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

**Sec. ~~63-36-90-82~~. 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 part 2 applies.* This part 2 shall apply to all flood hazard areas within the Town of Redington Shores, as established in section ~~90-36-90-82~~.C of this part.
- C. *Basis for establishing flood hazard areas.* The Flood Insurance Study for 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 part 2 and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Building Department, Town of Redington Shores, 17425 Gulf Boulevard, Redington Shores, Florida.
- D. *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section ~~90-40-86~~ of this part 2 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 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 part 2 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 part 2 shall not be deemed to nullify any provisions of local, state or federal law.
- F. *Abrogation and greater restrictions.* This part 2 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 ordinance and any other

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ordinance, the more restrictive shall govern. This part 2 shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this part 2.

- G. Interpretation. In the interpretation and application of this part 2, 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

**Sec. ~~63-37-90-83~~. Powers and duties of floodplain administrator.**

- A. Designation. The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.
- B. General. The floodplain administrator is authorized and directed to administer and enforce the provisions of this part 2. The floodplain administrator shall have the authority to render interpretations of this part 2 consistent with the intent and purpose of this part 2 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 part 2 without the granting of a variance pursuant to article ~~XXIV~~ of this part 2.
- C. Applications and permits. The floodplain administrator, in coordination with other pertinent offices of the community, 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 part 2;
  - (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 ordinance 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 part 2.
- 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

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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, together with a one year cumulative improvement valuation of previous additions or remodeling 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; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; 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 ordinance 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 article ~~XXIV~~ of this part 2.
- 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 part 2.
- G. Inspections. The floodplain administrator shall make the required inspections as specified in section 90-~~41 87~~ of this part 2 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, or if violations of permits or the requirements of this part 2 have occurred.
- 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 section 90-~~37.D~~ 83.D of this part 2;
  - (2) Reserved;
  - (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 ordinance and the Florida Building Code and this part 2 to determine that such certifications and documentations are complete;
  - (5) Notify the Federal Emergency Management Agency when the corporate boundaries of Town of Redington Shores are modified; and

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- (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."

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019; Ord. No. 21-02, § 2, 3-10-2021)

**Sec. ~~63-38-90-84~~. Floodplain management records.**

Regardless of any limitation on the period required for retention of public records, the town clerk shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this part 2 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 part 2; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this part 2 and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Town of Redington Shores, town hall, 17425 Gulf Boulevard, Redington Shores, Florida upon official records request to the town clerk.

**Sec. ~~63-39-90-85~~. 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 part 2, 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 part 2 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 ordinance 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. § 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 part 2:
- (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.
  - (4) Mobile or modular structures used as temporary offices.
  - (5) 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.

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- (6) 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.
  - (9) 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. 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 or construction documents as specified in FBC, B, Sec. 105, and § 90-40 of this part 2.
  - (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.
  - (8) For projects proposing to enclose areas under elevated buildings, include a signed Declaration of Land Restriction (Nonconversion Agreement): the agreement shall be recorded with the property deed prior to issuance of the certificate of occupancy.
- E. *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this part 2 shall not be construed to be a permit for, or approval of, any violation of this part 2, the Florida Building Codes, or any other ordinance of this community. 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 part 2 or any other ordinance, regulation or requirement of this community.
- 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 Water Management District; F.S. § 373.036.

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- (2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.
  - (3) 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.
  - (4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.
  - (5) 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; § 404 of the Clean Water Act.
  - (6) Federal permits and approvals.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

**Sec. ~~63-40-90-86~~. Site plans and construction drawings.**

- A. *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this part 2 shall be drawn to scale and shall include, as applicable to the proposed development:
- (1) Delineation of flood hazard areas, flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
  - (2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and coastal A zones, new buildings shall be located landward of the reach of mean high tide.
  - (3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
  - (4) 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.
  - (5) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
  - (6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
  - (7) Designation of proposed design flood elevation based on base flood elevation plus two feet of freeboard to lowest living level or lowest horizontal structural member as applicable.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this part 2 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 part 2.

- B. *Additional analyses and certifications.* For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V) and coastal A zones, the applicant shall have an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents.
- C. *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 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

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Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 15-01, § 3, 4-8-2015; Ord. No. 19-04 , § 2, 10-9-2019)

**Sec. ~~63-41-90-87~~. Inspections general.**

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

- A. *Development other than buildings and structures.* The building official shall inspect all development to determine compliance with the requirements of this part 2 and the conditions of issued floodplain development permits or approvals.
- B. Buildings, structures and facilities exempt from the Florida Building Code. The building official shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this part 2 and the conditions of issued floodplain development permits or approvals.
  - (1) 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 building official the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.
  - (2) 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 building official 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 90-~~41.B(1)~~ 90-87.B(1) of this part 2.
  - (3) Buildings and structures with enclosed areas below the lowest floor. When a declaration of land restriction (nonconversion agreement) has been executed, the building official is authorized to enter a structure or premises at reasonable times to make an inspection to enforce the provisions of this part 2 and to inspect the exterior and interior of enclosed areas to verify compliance, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. Such inspections will be conducted once each year. More frequent inspections may be conducted if a violation of an issued permit is identified on inspection. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

**ARTICLE ~~XXIV~~. VARIANCES AND APPEALS**

**Sec. ~~63-42-90-88~~. General.**

Pursuant to F.S. § 553.73(5), the special magistrate shall hear and decide on requests for appeals and requests for variances from the strict application of this part 2. Pursuant to F.S. § 553.73(5), the Special Magistrate 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. The Special Magistrate shall not have the power to issue variances to any requirement of the Florida Building Code, Building, § 3109 applicable seaward of the coastal construction control line.

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- A. Appeals. The special magistrate 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 part 2. Any person aggrieved by the decision of special magistrate may appeal such decision to the Circuit Court, as provided by Florida Statutes.
- B. Limitations on authority to grant variances. The special magistrate shall base his decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 90-42-F 88.F of this part 2, the conditions of issuance set forth in section 90-42-G 88.G of this part 2, and the comments and recommendations of the floodplain administrator and the building official. The special magistrate has the right to attach such conditions as it deems necessary to further the purposes and objectives of this part 2.
- C. Reserved.
- D. 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 12 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.
- E. 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 ordinance, provided the variance meets the requirements of section 63-42-C 90.88.F, 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.
- F. Considerations for issuance of variances. In reviewing requests for variances, the special magistrate shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ordinance, 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;
  - (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

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- (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.

G. *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 part 2 or the required elevation standards;
- (2) Determination by the special magistrate 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

## **ARTICLE ~~XL~~XXV. BUILDINGS, STRUCTURES, AND SUBDIVISIONS**

### **Sec. ~~63-43-90-89~~. Accessory structures.**

Accessory structures are not permitted in coastal high hazard areas (Zone V/VE). In other flood hazard areas, accessory structures are permitted below the base flood elevation provided the accessory structures are used only for parking or storage and:

- (1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.
- (2) Are anchored to resist flotation, collapse or lateral movement resulting from flood loads.
- (3) Have flood damage-resistant materials used below the base flood elevation plus one foot.
- (4) Have mechanical, plumbing and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one foot.

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(Ord. No. 21-02 , § 2, 3-10-2021)

**Sec. ~~63-44~~ 90-90. Design and construction of buildings, structures and facilities exempt from the Florida Building Code.**

Pursuant to section ~~90-42.C.~~ 90-85.C of this part 2, 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 article ~~XIV~~ XXX of this part 2.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

**Sec. ~~63-45~~ 90-91. 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 § 3109 and § 1612 or Florida Building Code, Residential § 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 part 2 and ASCE 24.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

**Sec. ~~63-46~~ 90-92. Minimum requirements.**

Subdivision proposals 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

**Sec. ~~63-47~~ 90-93. Subdivision plats.**

Where any portion of proposed subdivisions lies within a flood hazard area, the following shall be required:

- (1) Delineation of flood hazard areas, boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats; and
- (2) Compliance with the site improvement and utilities requirements of article ~~XII~~ XXVI of this part 2.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

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**ARTICLE ~~XII~~XXVI. SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS**

**Sec. ~~63-48-90-94~~. 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

**Sec. ~~63-49-90-95~~. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

**Sec. ~~63-50-90-96~~. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

**Sec. ~~63-51-90-97~~. Limitations on placement of fill.**

The use of structural fill is not permitted. Subject to the limitations of this part 2, 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. Fill placed to backfill stem walls is not subject to the limitations of this section.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

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**Sec. ~~63-52-90-98~~. Limitations on sites in coastal high hazard areas (zone v) and coastal A zones.**

In coastal high hazard areas and coastal A zones, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by section ~~90-43-A~~. 90-89.A of this part 2 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 section ~~90-66.H~~. 90-113.E of this part 2.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

**Sec. ~~63-53-90-99~~. Critical facilities.**

Critical facilities shall be directed and sited outside of the special flood hazard area and outside of the 0.2 percent annual chance flood hazard area (500-year floodplain). If documentation is provided that feasible sites that satisfy the objective of a proposed critical facility are not available, critical facilities shall be elevated or protect to or above three feet above the base flood elevation.

(Ord. No. 19-04, § 2, 10-9-2019)

**ARTICLE ~~XIII~~ XXVII. MANUFACTURED HOMES**

**Sec. ~~63-54-90-100~~. Manufactured homes.**

Manufactured homes are not allowed.

(Ord. No. 21-02, § 2, 3-10-2021)

**Sec. ~~63-55—63.59-90-101—90-106~~. Reserved.**

**ARTICLE ~~XIV~~ XXVIII. RECREATIONAL VEHICLES AND PARK TRAILERS**

**Sec. ~~63-60-90-107~~. 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 section ~~90-60-A~~. 107.A of this part 2 for temporary placement shall not be permitted.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

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## ARTICLE ~~XV~~ XXIX. TANKS

### Sec. ~~63-61-90-108~~. Tanks.

(Ord. No. 13-02, § 3, 5-8-2013)

### Sec. ~~63-62-90-109~~. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

### Sec. ~~63-63-90-110~~. Above-ground tanks, not elevated.

Above-ground tanks that do not meet the elevation requirements of section ~~90-64~~ 90-111 of this part 2 shall:

- (1) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas and coastal A zones, 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) and coastal A zones.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04, § 2, 10-9-2019)

### Sec. ~~63-64-90-111~~. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

### Sec. ~~63-65-90-112~~. 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.

(Ord. No. 13-02, § 3, 5-8-2013)

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## ARTICLE ~~XVI~~XXX. OTHER DEVELOPMENT

### Sec. ~~63-66-90-113~~. 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 ordinance or the Florida Building Code, shall:
- (1) Be located and constructed to minimize flood damage;
  - (2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
  - (3) Be constructed of flood damage-resistant materials; and
  - (4) Have mechanical, plumbing, and electrical systems above the design flood elevation, 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. *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones, 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.
- C. *Decks and patios in coastal high hazard areas (Zone V) and coastal A zones.* In addition to the requirements of the Florida Building Code, in coastal high hazard areas and coastal A Zones 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

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- floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent elevated 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 run-up and wave reflection.
- D. *Other development in coastal high hazard areas (Zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones, 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 run-up 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.
- E. *Nonstructural fill in coastal high hazard areas (Zone V) and coastal A zones.* In coastal high hazard areas and coastal A zones:
- (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 run-up and wave reflection that would increase damage to adjacent buildings and structures.
  - (3) Where authorized by the Florida 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 run-up 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.

(Ord. No. 13-02, § 3, 5-8-2013; Ord. No. 19-04 , § 2, 10-9-2019)

## **PART 63. RESOURCES; VEGETATION AND ENVIRONMENTALLY SENSITIVE LANDS<sup>3</sup>**

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<sup>3</sup>Editor's note(s)—Adopted 9-14-2004 by Ord. No. 04-09; amended in its entirety 12-12-2007 by Ord. No. 07-06.

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**ARTICLE ~~XXIX~~ XXXI. GENERAL PROVISIONS**

**Sec. 90-~~138~~ 114. Intent and purpose.**

- A. It is the legislative intent of this part 6 3 to protect and preserve the appearance, character, value and safety of the town's urban area and nearby properties and, by so doing, promote the general welfare of the community.
- B. The purpose is to improve the appearance of properties within the town through the protection, installation, and maintenance of trees and landscaping for screening and aesthetic effects, and to recognize the importance of such trees and landscaping, in the enhancement of property values, the improvement of air quality, and their contribution to the cooling of our environment. It is also recognized that native tree and landscape species are most compatible with the town's climate and soil conditions, require less irrigation and fertilization than do exotic species, and therefore help to conserve water and reduce the pollution in stormwater runoff, which in turn helps to maintain the water quality of Boca Ciega Bay and the Gulf of Mexico. Therefore, the use of native tree and landscape species, and removal of exotic invasive trees and vegetation, is strongly encouraged. The planting of exotic invasive trees and vegetation is to be prohibited.

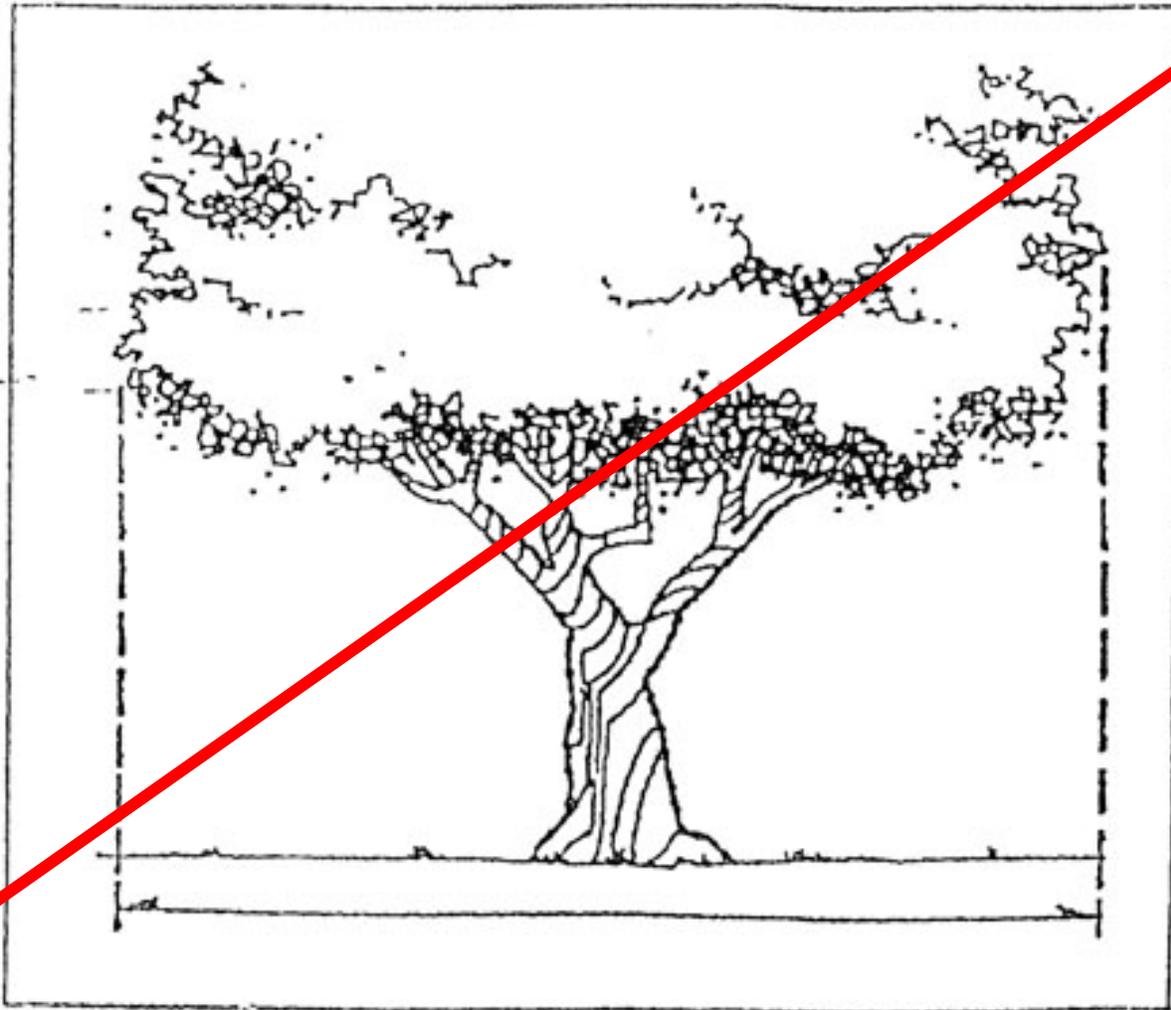
**Sec. 90-~~139~~. Definitions.**

~~The following words, terms and phrases when used in this part 6 shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Crown*—The main mass of branching of a plant above the ground.~~

~~*DBH*—The diameter at breast height. "Breast height" is defined to be 54 inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.~~

~~*Drip line*—The outermost perimeter of the crown of a plant as projected vertically to the ground. See Figure 1-A.~~



*Grubbing*—The effective removal of vegetation, other than defined trees, from the site.

*Hedge*—A dense row of shrubs or bushes forming a boundary.

*Land-clearing stage*—A stage in the construction process in which trees and/or vegetation are removed from the land, i.e., proposed right-of-way excavation and paving, drainage systems excavation; utility clearings, grubbing and prebuilding construction projects.

*Landscape area or green space*—An area or areas including beautification strips, consisting of those materials, such as, but not limited to, hedges, trees, planted ground cover, sodded and grassed areas and planted floral installations, all of which must be composed of natural plantings only, as distinguished from artificially manufactured planting reproductions.

*Mangrove*—Rooted trees and seedlings of the following species, but only when having a coastal or estuarine association:

- A. ——— Red mangrove (*Rhizophora mangle* L.);
- B. ——— White mangrove (*Laguncularia racemosa* Gaertn.);
- C. ——— Black mangrove [*Avicennia germinans* (L.) L.];
- D. ——— Buttonwood mangrove (*Conocarpus erecta* L.).

*Overall height (OH)*—The height, in feet, of a tree measured from the top of the root ball/system to the top of the uppermost foliage branches.

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~~*Protected tree*—Any tree that has a DBH of more than six inches, and which is not otherwise exempted from this Code. For the purpose of this Code, all mangroves are hereby declared to be protected trees.~~

~~*Remove, removal, replanting or replacement*—The act of digging up, cutting down, damaging, destroying, relocating, or killing any tree.~~

~~*Shrub*—A low-growing perennial, woody or evergreen plant with persistent stem.~~

~~*Species of trees*—Applies to trees possessing common distinctive characteristics and the ability to reproduce these characteristics.~~

~~*Transplant*—The act of digging up a tree from one location and planting the same tree in another place.~~

~~*Tree*—A self-supporting woody plant having one or more well-defined trunks capable of being maintained with a clear trunk and normally growing to an overall height at maturity in the county of a minimum of 15 feet. For the purpose of this definition, palms shall be considered trees.~~

~~*Tree bank*—The storage for future use of trees permitted for removal under the terms of this chapter which are donated to the town for its use.~~

~~*Tree cluster*—Two or more primary tree trunks that are within three feet of one another.~~

~~*Tree, historic*—A tree which has been found by a professional forester, horticulturist or other professional plantsman to be of notable historic interest to the town and/or county because of its age, type, size or historic association and has been so designated by resolution of the town commission of the town.~~

~~*Tree protection zone*—A circular zone around each protected tree defined as follows:~~

~~A. — If the drip line is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.~~

~~B. — If the drip line is more than six feet from the trunk of the tree, but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree.~~

~~C. — If the drip line is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree.~~

~~*Tree, shade/canopy*—An evergreen or deciduous tree that can be maintained with a clear trunk of not less than six feet and with a spreading branching structure of at least 15 feet and opaque foliage habit such that a reasonably dense shade pattern is provided during peak daylight hours in the late spring, summer and early fall months of the year. For the purposes of this part 6, palms shall not be considered shade/canopy trees.~~

~~*Tree, specimen*—A tree which has been determined by the judgment of a professional forester, horticulturist or other professional plantsman to be of high value because of its type, size, age or other professional criteria, and has been so designated by resolution of the town commission of the town.~~

~~*Vehicular use area*—An open area used for the storage of four or more vehicles, including the accessways to such area.~~

## **Sec. 90-~~140~~ 115. Planting in rights-of-way or near utilities.**

It shall be unlawful to plant trees, bushes and/or hedges with deep root systems over, upon or within ten feet of the paved portion of the town-owned rights-of-way or easements. It shall also be unlawful to plant trees, bushes and/or hedges with deep root systems within ten feet of any town-owned underground sewer lines. Trees with widespread root systems that might impact the paved portion of the town-owned rights-of-way or easements may not be used.

## **Sec. 90-~~141~~ 116. Hazardous conditions.**

- A. It shall be unlawful for the owner or occupant of any property to permit to remain upon property any tree or tree branch or other growth that is in danger of falling upon any public way. The canopy of shade trees must

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be maintained with a minimum of eight and one-half feet of clearance above the roadway within the limits of clear sight.

- B. When it shall be determined by the town that any existing trees, plants or hedges upon private property or public rights-of-way or easements contiguous to such private property are causing hazardous conditions to any underground sewer, water or electrical lines, or overhead electrical or telephone wires, it shall forthwith give notice to the property owner upon whose property or right-of-way or easement such hazard exists, that such trees, plants or hedges shall be removed within a time certain as designated in such notice.
- C. The notice hereby required shall be served as follows:
  - (1) By personal delivery to the owner; or
  - (2) By delivery to a person at least 18 years of age within the household of the owner;
  - (3) By affixing a copy of the notice in a conspicuous place near the entry to such premises; or
  - (4) By mailing by certified mail a copy of the notice to the last known address of the owner.
- D. If a person who has been served with notice to remove trees, plants or hedges which constitute the hazardous conditions described herein from private property, rights-of-way or easements shall fail to comply within the specified time, the town shall remedy the conditions, or contract with others to remedy such conditions; and the cost thereof shall be charged against the owner of such property.
- E. If the cost of remedying such conditions is not paid within 30 days after receipt of the statement therefor from the town, the amount thereof shall become and constitute a lien and charge against the real property with interest.
- F. The lien imposed by this section shall be a first and prior lien against the property subject only to the lien for taxes imposed by the county and the state, and shall be of the same character as the lien for municipal taxes and assessments. If the lien is not paid within 180 days from its effective date, the lien may be enforced in the same manner as delinquent ad valorem tax liens or special assessment liens and shall be certified by the director of finance to the town attorney for collection.

### **Sec. 90-~~142~~ 117. Exemption from county ordinance.**

The town does hereby exclude and exempt itself from the provisions of any county ordinance regarding the planting or removal of trees or other vegetation.

### **Sec. 90-~~143~~ 118. Variances.**

Where strict adherence to the provisions of this part ~~6.3~~ is impossible or impractical to enforce, the special magistrate may authorize a variance if such a variance can be made without destroying the intent of this part 6. Any request for a variance to the provisions of this part ~~6.3~~ shall be submitted in writing on the form provided for this purpose by the town to the special magistrate and shall clearly and in detail state what adjustment of requirements is being requested and the reason such adjustment is warranted. The appeal shall be accompanied by a processing fee as specified by resolution of the town commission.

(Ord. No. 10-04, 9-9-2010)

Editor's note(s)—Ord. No. 10-04, also provided for an effective date of 11-1-2010.

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**Sec. 90-~~144~~ 119. Reserved.**

**ARTICLE ~~XXX~~ XXXII. LANDSCAPING**

**Sec. 90-~~145~~ 120. Subject areas.**

- A. All vehicular use areas, except those located on, under or within buildings, and except those that service single-family, and duplex uses, shall conform to the minimum landscaping requirements hereinafter provided. "Vehicular use areas" shall include all areas used for the parking, circulation and/or display of any and all types of vehicles, boats or heavy construction equipment, or other machinery capable of movement over streets and highways, whether self-propelled or not, and all areas upon which such vehicles traverse as a function of the primary use of the related structures or property. This shall include, but is not limited to, activities of a drive-in nature, such as service stations, convenience stores, banks, restaurants and the like. The requirements set forth herein shall also apply to additions to existing vehicular use areas.
- B. Single-family dwellings, two-family dwellings and multiple-family dwellings. Required front yards and required side yards abutting public streets shall be maintained in permeable landscaped vegetative green space, with the exception of necessary driveways, walks, patios and similar paved areas, which shall not exceed 25 percent of the required yard area for corner lots and 45 percent of the required yard area for inside lots.
- C. All uses and structures other than those listed in subsection B. above. The exterior portion of all required yards abutting public streets, with the exception of necessary entrance driveways and walks, shall be maintained in permeable landscaped vegetative green space to the minimum depth as established according to the following table or to the minimum yard (building setback) requirements (depth and width), whichever requirement is lower.

Average Lot Depth From the Street (feet)	Minimum Depth of Required Permeable Green Space (feet)
From 80 to 100	5
Over 100 to 120	10
Over 120 to 160	15
Over 160	20

- D. Nonconforming uses of required yards and redevelopment.
  - (1) Any uses or required yard area inconsistent with subsection B. or C. above shall be nonconforming uses and no such nonconforming use shall be extended to occupy a greater area nor to occupy any other portion of the required yard area than was occupied at the time the nonconforming status was attached. Any nonconforming site that is redeveloped or altered at a total cost equal to or exceeding the percentage shown shall comply with the above provisions according to the following table:

Total Redevelopment Cost (as a percentage of)	Total Assessed Value
50%	Up to \$50,000
45%	From \$50,000 to \$100,000
40%	From \$100,000 to \$150,000
35%	From \$150,000 to \$200,000
30%	From \$200,000 to \$250,000
25%	\$250,000 and more

- (2) When redevelopment costs are one-half or more of the redevelopment threshold percentages shown, then not less than one-half of required landscaping under subsection B. or C. shall be installed. Such landscaping plan shall be approved by the board which normally reviews the redevelopment plan and may be modified to fit site constraints, so long as the basic intent of the landscaping requirements are met.
- (3) Construction costs shall be determined by the building inspector or, at the expense of the applicant, a licensed contractor, itemizing total costs in a certified estimate. In the event that such construction costs have not been determined at time of application, the town building commissioner or his or her designee shall determine a reasonable and fair cost of the proposed redevelopment, based on current conditions.
- E. Should the requirements of subsection C. prohibit proper design of structures or parking area because of abnormal lot configuration, the required depth of the permeable green space along any one street may be varied up to 20 percent, provided that the total required green space area along that street is not diminished.
- F. Where the average lot depth from a street lies between two streets, that lot depth shall be halved in order to determine the depth of required green space, according to subsection C.

**Sec. 90-~~146~~ 121. Application of article.**

All uses of land and development thereof, excepting single-family dwellings, and duplex, and triplex dwellings on lots of 6,000 square feet or less, shall be required to comply with the provisions of this article, as contained within the following sections, prior to obtaining a building permit.

**Sec. 90-~~147~~ 122. Development requiring approval.**

- A. All uses of land and development thereof, excepting as permitted within section 90-~~145~~ 120, single-family dwellings and duplex dwellings on lots of 6,000 square feet or less, ~~where shall comply with the provisions of this article in areas where outdoor~~ off-street parking and open lot sales, ~~and outdoor~~ display and services are provided, ~~except within buildings, shall comply with the provisions of this article~~, and the developer shall submit required information for review and approval.

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- B. All property within existing paved vehicular use areas on the effective date of the ordinance from which this article was derived shall not be required to conform to provisions of this article unless reconstruction or expansion of improvements on the property requires a site plan approval in accordance with the town site plan review as set forth in chapter 90, article ~~XXXV~~ XXXVI.

**Sec. 90-~~148-123~~. Application for approval: submission requirements.**

An application for landscape approval in accordance with the requirements of this article shall be accompanied by the following information and processed by the town only after the following procedural requirements have been complied with:

- A. Three copies of all plans and required supporting documentation, together with an application signed by the owner of record, shall be submitted to the designated official's office. Each application shall be accompanied by the application fee as specified by resolution of the town commission, and no application will be accepted nor a review conducted until the fee is paid to the town.
- B. All paved area landscape plans shall be prepared at a scale ~~not smaller than one inch equals 50 feet and shall be submitted on sheets 24 inches by 36 inches and format acceptable by the Town.~~
- C. All paved area landscape plans submitted for review and approval shall include the following information:
- (1) The shape and dimensions of the lot or parcel;
  - (2) All existing and proposed parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls;
  - (3) The location of existing and proposed curb and/or driveway cuts and median openings;
  - (4) The distance between curb cuts, including the distance from any curb cuts on adjacent property;
  - (5) Existing and proposed lighting and irrigation systems, planting areas and decorative or screen walls. Planting areas must indicate the quantity, spacing, size and name of proposed plant material. An exterior elevation and wall section shall be provided for any decorative or screen wall indicated on the plan.

**Sec. 90-~~149-124~~. Application for approval: submission and review procedures.**

- A. An application for landscape approval in accordance with the provisions of this article shall be made to the town prior to an application for a building permit. The paved area landscape plan shall be submitted with the site plan review application and serve to comply with the site plan review application requirement for landscaping.
- B. Upon receipt of an application for landscape approval, the town shall have ten working days to determine its appropriateness and completeness and accept or reject the application. Upon acceptance of such application, the review process shall be a component of and concurrent with a site plan review application. The review period, procedures and approval shall be in conformance with those provisions of the site plan review application.

**Sec. 90-~~150-125~~. Findings required for approval.**

The granting of approval or granting of approval with conditions and/or changes by the planning and zoning board shall indicate not only the approval conclusion, but also findings of fact related to the specific

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proposal and shall set forth with particularity compliance with the criteria set forth in sections 90-~~147~~ 122 and 90-~~148~~ 123.

**Sec. 90-~~151~~ 126. Exceptions for landscape plans.**

Applicants required to submit a proposed development for site plan review and approval before obtaining a building permit shall be entitled to demonstrate, by submission of the requirements of the site plan review, that an improvement or betterment of the environment can be accomplished over the existing site conditions if such landscaping plan is carried out in full. If such landscape plan is so offered and is approved as a part of the site plan review and approval, completion of the landscaping plan in its entirety shall be completed prior to the issuance of a certificate of occupancy for the development.

**Sec. 90-~~152~~ 127. Grounds permit required.**

The building official is to be responsible for the issuance of grounds permits. Prior to the development, modification or expansion of any vehicular use areas, application shall be made to the building official for the issuance of a grounds permit. The grounds permit shall be issued by the building official upon submission of the following requirements by the applicant and upon a finding by the building official that the provisions of this article have been complied with:

- A. Vehicular use plan. The developer shall submit to the building official such information as the building official deems necessary, to include three copies of a combination site plan/planting plan and which shall be in addition to any plans submitted for building permits. Such plan shall hereinafter be referred to as the "vehicular use plan" and shall be required to be submitted for all proposed vehicular use areas. When the vehicular use area is adjacent to or developed in connection with a proposed new structure, the vehicular use plan shall be submitted at the time of the submittal of a site plan for the proposed structure.
- B. Contents. The name and address of the owner and of the designer shall be indicated on the plan. The date the plan is completed shall be stated. The plan shall be drawn to scale no smaller than one inch equals 30 feet, indicate all dimensions and property lines, provide elevation data and the North point, and clearly delineate existing and proposed parking spaces, access aisles, driveways, sidewalks, wheel stops, curbs and other vehicular use controls. The location of curb cuts on adjacent property, median openings on abutting streets, lighting, irrigation systems, fire hydrants, water check valves, proposed planting areas, decorative or screen walls and fencing, existing trees and related buildings shall be shown to completion of the vehicular use area. A temporary certificate of occupancy may be issued if a financial guarantee, acceptable in form to the building official, is provided.
- C. Filing fee. At the time of the issuance of the grounds permits, the applicant shall pay to the town a filing fee in the amount as established by the town commission. If any person commences work on the development of any vehicular use area prior to obtaining the necessary grounds permit, the filing fee shall be five times the normal permit fee; and such person shall be liable for the penalties prescribed for violation of this Code.
- D. Certification of compliance. Upon completion of improvements, the building official shall inspect the vehicular use area for compliance with the approved vehicular use plan and other requirements of this article. A certificate of compliance must be issued by the building official before a certificate of occupancy can be issued for any related structure. When occupancy of a related building is desired prior to completion of the vehicular use area, a temporary certificate of occupancy may be issued if a financial guarantee, acceptable in form to the building official, is provided.

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## Sec. 90-~~153~~ 128. Landscaping standards.

The development of vehicular use areas within the town shall conform to and meet the standards as set forth herein:

- A. Landscaping shall consist of any of the following or combination thereof: material, such as, but not limited to, grass, ground covers, shrubs, vines, hedges, shade/canopy trees or palms. In addition, nonliving durable material may be used to complement, but not to be credited as, landscaping. These materials include, but are not limited to, rocks, pebbles, walls or fences, but excluding paving and sand.
- B. Plant material used in conformance with provisions of this article shall conform to the standards for Florida #1 or better, as given in Grades and Standards for Nursery Plants, Part I, 1963, and Part II, State of Florida, Department of Agriculture, Tallahassee, or equal thereto. Grass sod shall be clean and reasonably free of weeds and noxious pest or diseases. Grass seed shall be delivered to the job site in bags with State Department of Agriculture tags attached, indicating the seed grower's compliance with the department's quality control program:

(1) *Trees.*

- (a) Trees shall be of species recognized by the State Division of Forestry as being drought-tolerant and suitable for successful propagation and growth in the town. Trees shall be of species having average spreads/crowns of greater than 15 feet in diameter, and which can be maintained with a minimum of five feet of clear trunk. At least 60 percent of required trees shall be of species native to Florida or drought-tolerant, including, but not limited to, the following species: Red Maple (*Acer rubrum*); Silver Buttonwood (*Conocarpus erectus* "sericeus"); American Holly varieties (*Ilex opaca*); Yaupon Holly (*Ilex vomitoria*); Sweet gum (*Liquidambar styraciflua*); Southern Magnolia (*Magnolia grandiflora*); Southern Wax Myrtle (*Myrica cerifera*); Slash Pine (*Pinus elliotti*); Longleaf Pine (*Pinus palustris*); Loblolly Pine (*Pinus taeda*); Cherry Laurel (*prunus caroliniana*); Oaks (*Quercus* spp.); Cabbage Palm (*Sabal palmetto*); Saw Palmetto (*Serenoa repens*); Bald Cypress (*Taxodium distichum*). Trees having an average mature crown spread of less than 15 feet may be substituted by grouping same so as to create the equivalent of a fifteen-foot crown spread.
- (b) Tree species shall have a minimum two-inch diameter at breast height (DBH), and shall be a minimum of eight feet in overall height immediately after planting. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior containing dimensions shall be five feet square and five feet deep and for which the construction requirements shall be four-inch thick concrete reinforced with No. 6 road mesh, six inches by six inches by six inches or equivalent.
- (c) The following tree species are considered undesirable due to their growth characteristics, and their planting shall be prohibited. No formal authorization by the town shall be required for the removal of these species, which include trees considered undesirable plant species by either the Town and/or Pinellas County (Pinellas County Land Development Code Chapter 166, Article II, § 166-53): Australian Pine (*Casuarina* sp.); Bishopwood (*Bischofia javanica*); Brazilian Pepper (*Schinus terebinthifolius*); Punk Tree (*melaleuca leucadendra*); Ear Tree (*Enterolobium cyclocarpum*); Laurel Fig (*Ficus retusa* "nitida"); Weeping Fig (*Ficus benjamina*); Chinese tallow (*Sapium sebiferum*); Silk Oak (*Grevillea robusta*); Java Plum (*Syzygium cumini*); Carrotwood (*Cupaniopsis anacardioides*); Eucalyptus (*Eucalyptus* spp.); and Willow trees.

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- (2) Shrubs and hedges. Shrubs shall be a minimum of one and one-half feet in height when measured immediately after planting. Hedges, where required, shall be of species which, when planted at appropriate spacing and properly maintained, will form a continuous, unbroken, and solid visual screen within a maximum of two years after time of planting. At least 60 percent of the shrubs and hedges planted shall be of native or drought-tolerant varieties, including, but not limited to, the following species: Century plant (*Agave attenuata*); Ponytail Palm (*Beaucarnea recurvata*); Bougainvillea spp.; Powderpuff (*Calliandra haematocephala*); Natal Plum (*Carissa grandiflora*); Sea Grape (*Coccoloba uvifera*); Croton (*Codiaeum variegatum*); Ti Plant (*Corydine terminalis*); King Sago (*Cycas revoluta*); *Dracaena* spp.; Silverthorn (*Elaeagnus pungens*); Chinese Juniper (*Juniperus chinensis*); Texas Sage (*Leucophyllum frutescens*); Oleander (*Nerium oleander*); Dwarf Philodendron (*Philodendron "Xanadu"*); Indian Hawthorn (*Raphiolepis indica*); Boxthorn (*Severina busiflia*); White Bird of Paradise (*Strelitzia Nicolai*); Bird of Paradise (*Strelitzia reginae*); Sandankwa Viburnum (*Viburnum suspensum*); Spineless Yucca (*Yucca elephantipes*).
  - (3) Vines. Vines shall be of native or drought-tolerant species, a minimum of 30 inches in height immediately after planting, and may be used in conjunction with fences, screens, or walls to meet physical requirements as specified.
  - (4) Ground covers. The use of ground covers in lieu of grass, in whole or in part, is encouraged in the interest of water conservation. Ground covers shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within 18 months after planting. At least 60 percent of the ground covers shall be of native or drought-tolerant varieties, including, but not limited to, the following species: Aloe spp.; Dwarf Carissa (*Carissa macrocarpa*); Periwinkle (*Catharanthus roseus*); Crown-of-Thorns (*Euphorbiamilli*); Creeping Fig (*Ficus repens*); Day Lily (*hemerocallis* spp.); Railroad Vine (*Ipomoia pes-cprae*); Lily Turf (*Liriope muscari*); Sea Purslane (*Sesuvium portulacastrum*); Dwarf Confederate Jasmine (*Trachelospermum asiaticum*); Society Garlic (*Tulbaghia violacea*); Sea Oats (*Uniola paniculata*); Coontie (*Zamia floridana*).
  - (5) Lawn grass. Grass areas shall be planted and grown as permanent lawns using varieties that are suitable for the county. Grass may be sodded, plugged, sprigged or seeded, except that solid sod shall be used in swales or other areas subject to erosion, and provided that, in areas where other than solid sod or grass seed is used, nursegrass seed shall be sown for immediate effect and protection until coverage is achieved.

## **Sec. 90-~~154~~ 129. Installation and maintenance.**

- A. All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures, with the quality of plant materials as herein described. All elements of landscaping exclusive of plant material, except hedges, shall be installed so as to meet all other applicable ordinances and code requirements. Landscaping shall be maintained in good condition so as to present a healthy, neat, and orderly appearance. Lineal and mass planting beds shall be mulched with a minimum of two inches of organic mulch (bark, leaves, pine needles, etc.) in order to decrease evaporation of moisture from the soil. Plastic surface covers shall be prohibited. Landscaped areas are to be irrigated with reclaimed wastewater, if available to the site. In order to conserve water, planting areas shall be irrigated by automatically timed drip-type systems, only in accordance with county regulations or guidelines established by the Southwest Florida Water Management District, whichever may be more stringent. In accordance with F.S. § 373.62, any new irrigation system shall be equipped with a rain sensor device or switch which will override the automatic cycle of the system when adequate rainfall has occurred. Landscaped areas shall be protected from vehicular encroachment (defined as any protrusion of a vehicle outside of a parking space, display area, or accessway

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into a landscaped area) and shall be kept free of refuse and debris. The property owner, tenant, and/or agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. The responsibility for maintenance as set forth herein shall include the parkways within right-of-way areas outside the property line contiguous to the site.

- B. Failure of the owner or tenant of the property to maintain the premises in good condition as set forth in subsection A. of this section shall make such owner or tenant liable for the penalties for violation of a town ordinance.
- C. On the site of any development requiring site plan approval, where such site abuts a public right-of-way, excluding dedicated alleys, a landscaped strip shall be provided along the boundary of the site abutting said right-of-way as follows:
  - (1) Landscaped strip. A strip of land at least three feet in depth, located along and within the boundary of the site abutting said right-of-way, shall be landscaped, such landscaping to include one tree for every 35 linear feet or fraction thereof, spaced not less than 30 feet nor more than 40 feet apart. In addition, a hedge, wall or other durable landscape barrier, maintained at least two feet in height, shall be placed along the entire length of this linear frontage. If such durable barrier is of nonliving material, for every ten feet thereof, one shrub or vine shall be planted abutting such barrier, unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the landscape strip shall be improved with grass, ground cover, shrubs or other landscape treatment, excluding gravel, paving or sand.
  - (2) Other property. All property, other than the required landscaped strip lying along and within the boundary of the site abutting the street, shall be landscaped at least with grass or other ground cover.
  - (3) Necessary accessways. Necessary driveways and other accessways from the public right-of-way shall be permitted to service the vehicular use areas, and the widths of such accessways may be subtracted from the linear dimensions used to determine the number of trees required.

**Sec. 90-~~155~~ 130. Perimeter landscaping relating to abutting properties.**

- A. On the site of a building or structure or open lot having a vehicular use area, where such area will not be entirely screened visually by an intervening building or structure from abutting property, that portion of such area not so screened shall be provided with a wall or hedge or other durable landscape barrier maintained no greater than six feet in height nor less than three and one-half feet in height to form a continuous screen between the common lot line and the vehicular use area and such abutting property. Such landscape barrier shall be located at any point between the common lot line and the vehicular use area exposed to the abutting property, provided the purpose of screening the vehicular use area is accomplished. If such barrier consists all or in part of plant materials, such plant material shall be planted in a planting strip averaging at least three feet in depth.
- B. In addition, one tree shall be provided for every 50 linear feet of such landscape barrier or fractional part thereof, spaced not less than 45 feet nor more than 55 feet apart. Such trees shall be located between the common lot line and the vehicular use area. Each planting area shall be landscaped with grass, ground cover or other landscape material, excluding paving or sand, in addition to the required tree(s).
- C. Compliance with this section is required in all cases of new construction, change of use or expansion of use or structure.
- D. The provisions of this section shall not be applicable in the following situations:

- (1) When a property line abuts a dedicated alley;
- (2) Where a proposed parking area or other vehicular use area abuts an existing hedge, wall or other durable landscape barrier on an abutting property, the existing barrier may be used to satisfy the landscape barrier requirements of this section, provided that the existing barrier meets all applicable standards of this section, and protection against vehicular encroachment is provided for hedges;
- (3) Where the abutting property is categorized and used for nonresidential uses, only the tree provisions with its planting area as prescribed in this article shall be required. The number of trees shall be one tree for every 50 linear feet or fraction thereof, spaced no less than 45 feet nor more than 55 feet apart; but all perimeter requirements shall apply within the front setback area.

E. Buffer requirements.

- (1) The purpose and intent of this section is to reduce the impacts of a development on adjacent uses which are of a significantly different character.
- (2) A buffer consists of a horizontal distance from a property line which may only be occupied by drainage areas, utilities and landscaping materials. The required buffering distance between land uses on adjoining lots is set forth in the buffer matrix below. Mechanical/air-conditioning equipment, outdoor storage areas and parking areas shall not be located within the required buffers.
- (3) Compliance with this section is required in all cases of new construction, change of use or expansion of use or structure.
- (4) The following buffer matrix identifies required horizontal distances between adjacent property uses.

Table 90-~~155~~ **130-A**  
Landscape Buffer Matrix  
Abutting Use

Proposed Use	Dwelling, Single or Two-Family (feet)	Dwelling, Multiple-Family (feet)	Nonresidential (feet)	<u>Public Recreation Areas</u>
Dwelling, Single- or Two-Family				
Dwelling, Multiple-Family	5		15	<u>15</u>
Nonresidential	15	10		<u>15</u>
<u>Public Recreation Areas</u>		<u>15</u>	<u>15</u>	

**Sec. 90-~~156~~ **131**. Interior landscaping requirements.**

- A. An area or a combination of areas equal to eight percent (see section 90-~~108-G~~ **108.G.**) of the total vehicular use area shall be devoted to interior landscaping. Any perimeter landscaping provided in excess of that required may be counted as part of the interior landscaping requirement. Landscaping adjacent to a structure or structures on the same parcel of land, which serves to beautify the vehicular use area and implements the purpose and intent of this article, may be counted toward meeting the interior landscape requirements. The credit may not exceed 50 percent of the total required interior landscaping and shall be reviewed by the building official for compliance with the purpose and intent of this article.

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- B. Such landscaped areas shall be located in such a manner so as to divide and break up the monotony and expanse of paving, to prevent and discourage cross taxiing and to provide well-dispersed tree canopy shading. A combination of the following interior landscaping elements shall be counted as part of the interior landscaping requirements, where applicable:
- (1) Terminal islands. Contiguous rows of 15 or more parking spaces shall be terminated on both ends by landscaped islands which measure an average of not less than five feet in width and extend the entire length of the parking space(s). At least one deciduous tree, palm, or grouping, as per section 90-~~153~~ 128.B.(1), shall be planted on such island.
  - (2) Interior islands. Interior landscaped islands which measure an average of not less than five feet in width and extend the length of a parking space shall be placed within rows of contiguous parking spaces so that there is at least one interior island for every 18 parking spaces or major portion thereof within the row. These islands shall be placed at intervals of not less than six spaces nor more than 18 spaces. At least one deciduous tree or grouping, as per section 90-~~153 B.(1)~~ 128.B(1), shall be planted on every interior island. Interior islands need not be placed directly opposite each other when in abutting parking rows.
  - (3) Additional interior landscaping requirements.
    - (a) Trees. There shall be a minimum of one tree, planted for each separate planter installed in the vehicular use area, but the total number of trees shall not be less than one for each 200 square feet, or fraction thereof, of required interior landscaped area.
    - (b) Perimeter landscaping. In vehicular use areas where the strict application of this section will seriously limit the function of such area, the required landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on the site. Such required interior landscaping which is relocated as herein provided shall be in addition to the perimeter landscaping requirements.
    - (c) Vehicle encroachment; wheel stops. The front of a vehicle may encroach upon any interior landscaped area when such area is at least three and one-half feet in depth per abutting parking space and protected by wheel stops that are anchored and placed within the confines of a parking area or curbing. Two feet of such interior landscaped area may be part of the required depth of each abutting parking space.

## Sec. 90-~~157~~ 132. Sight visibility at intersections.

All landscaping shall be subject to the sight visibility requirements of Section 90-251.

- ~~A. —General standards. Sight visibility triangles are designated areas located near streets and/or driveway intersections that shall be free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All property shall maintain sight visibility triangles as described in this section.~~
- ~~(1) —Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or a driveway; and, on all corners of the intersection of an alley and driveway.~~
  - ~~(2) —Within sight visibility triangles, unobstructed sight lines and cross visibility shall be maintained between a height of two and one-half feet and eight feet.~~
  - ~~(3) —No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.~~

B. *Sight visibility triangle areas.* The required sight visibility triangle area is based on the type of intersection and specified below.

- (1) *Intersection of two streets.* The sight visibility triangle is formed with two sides being 25 feet in length along the abutting street pavement (illustrated by the letter "B" on the diagram below), measured from their point of intersection, illustrated by the letter "A" in the diagram below, and the third side being a line connecting the ends of the other two sides, illustrated by the letter "C" in the diagram below.

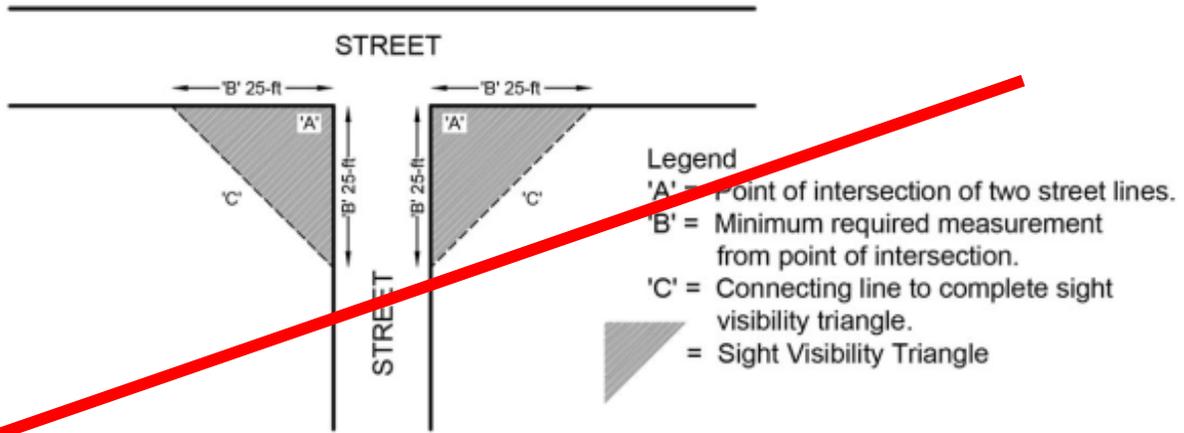


Figure 1 — Sight visibility triangle at the intersection of two streets.

- (2) *Intersection of an alley and a street, a street and a driveway, and/or alley and a driveway.* The triangle is formed on both sides of the alley and driveway with two sides of each triangle being ten feet in length along the abutting street pavement, measured from their point of intersection, illustrated by the letter "A" on diagram below, and the third side being a line connecting the ends of the other two sides, illustrated by the letter "C" on the diagram below.

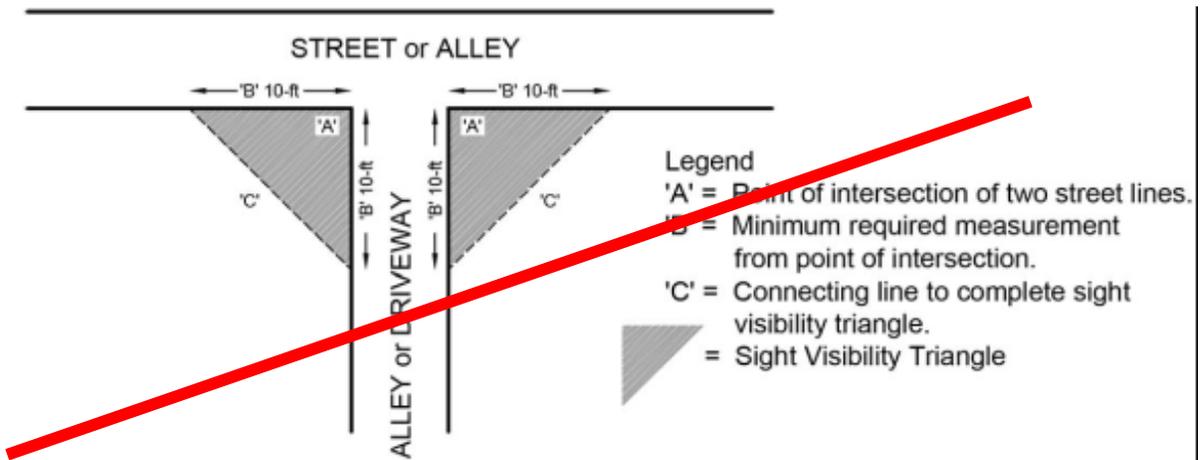


Figure 2 — Sight visibility triangle at the intersection of a street and alley or driveway; OR alley and driveway.

(3) For all of the above cases, in the case of rounded corners and corner chords, the point at which the street/driveway/alley pavement would meet, if extended without such rounding, will be used as the point of intersection, as illustrated by the letters "A" and "B" in the diagram below.

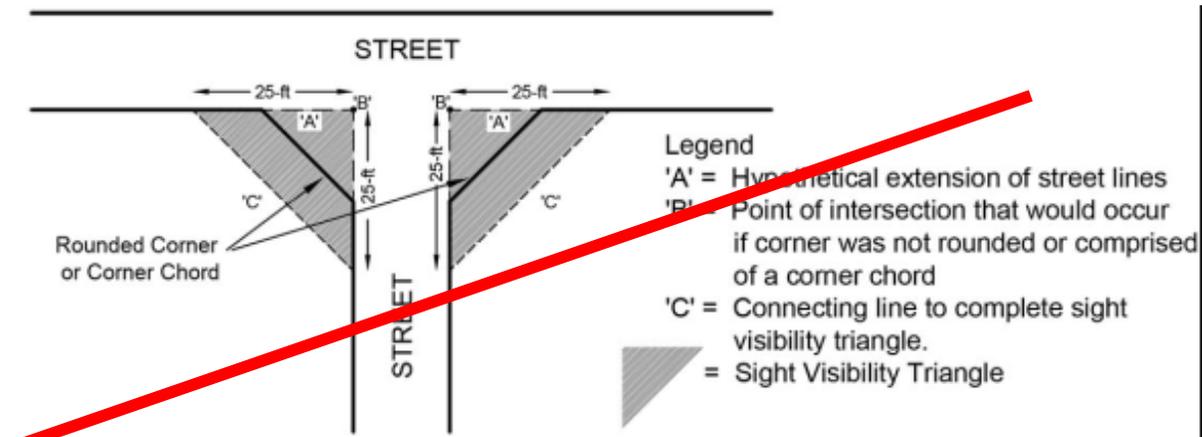


Figure 3 — Sight visibility triangle calculation with corner chords.

C. Exemptions. The following exemptions may apply to sight visibility standards.

- (1) Governmental signage and governmental sign posts in the right-of-way.
  - (2) Fire hydrants, benches, and traffic control devices in the right-of-way.
  - (3) Utility poles and one utility transmission or control device in the right-of-way.
- (Ord. No. 20-03, § 1, 7-8-2020)

### Sec. 90-158 133. Existing plant material.

In instances where healthy native plant material exists on a site prior to its development, in part or in whole, for the purposes of off-street parking or other vehicular use areas, the application of the above landscape standards may be adjusted to allow credit for such plant material if such an adjustment is in keeping with and will preserve the intent of this article. In no event will exotic species such as Australian pine, Bishopwood, Brazilian pepper, punk tree, ear tree, laurel fig, weeping fig, eucalyptus and willow trees be considered for credit.

### Sec. 90-159 134. Existing developed vehicular use areas.

- A. Existing developed vehicular use areas not meeting the requirements contained in this article shall be brought into full compliance under one or more of the following conditions:
- (1) If expansion of 30 percent or more of an existing vehicular use area requires the installation of additional parking spaces.
  - (2) If an existing vehicular use area is improved or remodeled in a value of 30 percent or more of the valuation of the existing use as reflected on the property appraiser's current records.
  - (3) If an existing structure is improved or remodeled in a value of 50 percent or more of the valuation of the existing structure as reflected on the property appraiser's current records.
  - (4) If an existing structure is increased in covered floor area by 20 percent or greater.

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- (5) If an amendment is required to an existing final site plan.
- B. However, in the event that such compliance would prohibit required parking areas from meeting the minimum off-street parking requirements, as set forth in other sections of this Code, then the requirements of this section may be adjusted, first modifying the requirements of the interior landscaping requirements portion and, if minimum off-street parking requirements still cannot be met, then modifying the requirements of the perimeter landscaping portion.
- C. The requirements for the responsibility of the owner, tenant or agent for the maintenance of parkway and right-of-way outside the property line contiguous to the site, as set forth herein, shall become immediately effective and applicable to all existing developed properties upon passage of this article.

**Sec. 90-~~160~~ 135. Marine vegetation.**

Nonseawalled intracoastal waterways lacking wetland vegetation should be planted with native marine vegetation in order to minimize potential flood damage, stabilize the shoreline and trap sediments and other nonpoint source pollutants, and provide additional habitat for fish and wildlife.

**Sec. 90-~~161~~ 136. Reserved.**

**ARTICLE ~~XXXI~~ XXXIII. TREES**

**Sec. 90-~~162~~ 137. Reserved.**

**Sec. 90-~~163~~ 138. Exceptions to tree planting requirements.**

- A. *Nuisance trees.*
- (1) The following types of trees shall be exempt from the tree protection requirements of this Code:
- (a) Australian pine.
  - (b) Bishopwood.
  - (c) Brazilian pepper.
  - (d) Punk tree.
  - (e) Ear tree.
  - (f) Laurel fig.
  - (g) Weeping fig.
  - (h) Eucalyptus.
  - (i) Willow.
- (2) In addition, the planting of the above listed species is specifically prohibited.
- B. *Utility operations.* Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state or county agencies, or engineers or surveyors working under a contract with such

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utility companies or agencies, shall be exempt, provided the removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers; and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Code as necessary to achieve safe electrical clearances.

- C. *Florida Department of Transportation.* The Florida Department of Transportation shall be exempt from the provisions of this article.
- D. *Surveyors.* A state-licensed land surveyor, in the performance of his duties, is exempt, provided such alteration is limited to a swath three feet or less in width.
- E. *Commercial growers.* All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this article, but only as to those trees which were planted for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.
- F. *Emergencies.* During emergencies caused by a hurricane or other disaster, the building official may temporarily suspend these tree protection regulations.

**Sec. 90-~~164~~ 139. Reserved.**

**Sec. 90-~~165~~ 140. Removal of trees.**

- A. *Special conditions for authorization to remove native and/or protected trees.*
  - (1) It is the intent of this section to minimize the removal of native and/or protected trees, and no authorization shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the least number of native and/or protected trees will be removed. In particular, the design must attempt to preserve specimen and historic trees.
  - (2) No authorization for the removal of a native and/or protected tree shall be granted unless the developer demonstrates that one or more of the following conditions exists:
    - (a) A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
    - (b) The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
    - (c) The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
    - (d) The tree creates a substantial hazard to motor, bicycle or pedestrian traffic due to physical proximity to traffic or impairment of vision.
    - (e) The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
    - (f) Any law or regulation requires the removal.
  - (3) Authorization required. No native or otherwise protected tree (two-inch diameter at breast height or larger) shall be removed without prior authorization by the town. The Building Official or his/her designee shall have the authority to issue tree removal permits, subject to the provisions of Subsection B of this section.
- B. *Replacement of removed trees.*

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- (1) Trees removed pursuant to subsection A. of this section shall be replaced at the expense of the developer.
  - (2) For each inch of diameter at breast height removed, an inch of diameter at breast height shall be replaced. (Example: If a 12-inch DBH tree is removed, four three-inch DBH trees may be used to replace it.)
  - (3) A replacement tree may be a tree moved from one location to another on the site, or moved off the site pursuant to subsection B. of this section.
  - (4) Replacement trees shall, if practicable, be planted on the development site. If on-site replacement is not practicable, replacement trees may be donated, or a fee-in-lieu may be paid to the town for the purpose of planting trees on public property. The fee-in-lieu shall be based on the cost of purchasing the requisite size and number of replacement trees.

C. *Historic and specimen trees.*

- (1) An historic tree is one that has been designated by the town commission as one of notable historical interest and value to the town because of its location or historical association with the town community. A public hearing shall be held by the town commission on the designation, with due notice to the owner of the tree.
- (2) A specimen tree is one that has been officially designated by the town commission to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the town commission, with due notice to the owner of the tree.
- (3) No historic or specimen tree shall be removed without a finding by the town commission that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the historic or specimen tree. The town building official shall make a presentation to the commission on the application and make a recommendation as to whether it should be approved or denied. The decision by the town commission on the application shall be made within 30 days of the date the application was filed.

**Sec. 90-~~166~~ 141. Protection of trees during development activities.**

A. *Generally.*

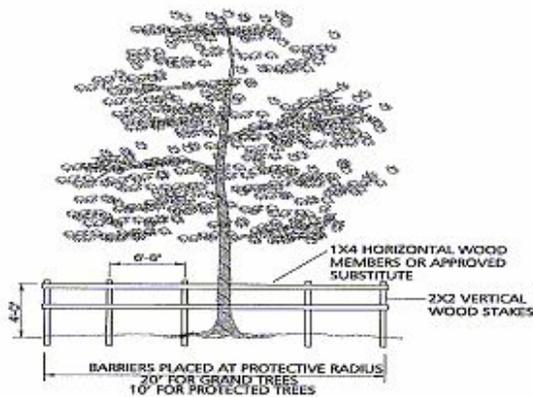
- (1) To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
  - (a) Mechanical injuries to roots, trunk and branches;
  - (b) Injuries by chemical poisoning;
  - (c) Injuries by grade changes;
  - (d) Injuries by excavations; and
  - (e) Injuries by paving.
- (2) At a minimum, the protective measures described in Subsections B through F of this section shall be taken where appropriate to the development activity.

B. *Avoiding mechanical injuries.*

- (1) Prior to any land preparation or other development activities, a protective barrier easily visible to equipment operators shall be placed around all protected trees so as to encompass the entire tree protection zone. See Figure 90-~~166~~ 141-A.

- (2) No attachment, wires (other than supportive wires), signs or permits may be fastened to any protected tree.
- (3) No equipment, construction materials or debris of any kind shall be placed within the protective barrier.
- (4) Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery or manual labor. Grubbing and similar activities are prohibited.
- (5) In lieu of constructing the barriers required in subsection B.(1) of this section, the developer may physically designate large areas containing protected trees where no land preparation or other development activities of any kind will occur. The area shall be designated by placing stakes a maximum of 25 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeter of the area. This perimeter line shall be beyond the tree protection zone of any protected trees growing within the area.
- (6) Required protective barriers and perimeter lines shall remain in place until all construction activity, except landscaping within the protected area, is terminated.

**Figure 90-166-141-A Protective Tree Barricade**



**C. Avoiding injuries due to chemical poisoning.**

- (1) No fuel, paint, solvent, oil, thinner, asphalt, cement, grout or any other construction chemical or other material or tools of any kind shall be stored, or allowed in any manner to enter, within a required protective barrier or perimeter line.
- (2) No equipment shall be cleaned within a required protective barrier or perimeter line.

**D. Avoiding injuries due to grade changes.** Grade changes shall not be made within the tree protection zone unless the following protective measures are taken:

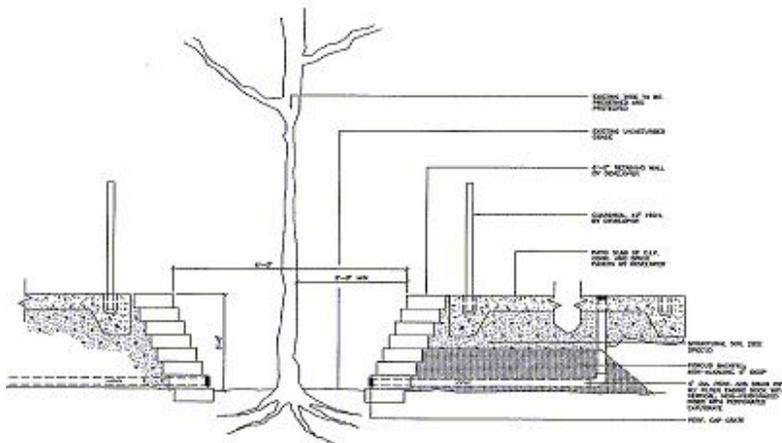
- (1) *Raising the grade.* When raising the grade, the following measures shall be taken:
  - (a) Within the tree protection zone, existing sod, vegetation and leaf litter shall be removed and the soil loosened without injuring the roots.
  - (b) The area within the tree protection zone shall be properly fertilized to improve the vigor and growth of the roots.

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- (c) Porous, four-inch agriculture drain shall be laid over the soil to drain liquids away from the trunk. A drop of at least one-eighth inch per foot shall be provided. The drain field shall be designed to provide adequate drainage of the existing configuration of the trees.
  - (d) The number of drains shall depend upon soil material; lighter sandy soils and porous gravelly material require fewer drains than heavy nonporous soils.
  - (e) Aeration shall be provided by installing vertical tiles along the system. The vertical tiles shall be filled with gravel and capped with a heavy-duty mesh to keep out trash and debris.
  - (f) Dry wells shall be large enough to allow for maximum growth of the tree trunk. Most large shade trees require at least a 60-inch diameter well. For slow-growing mature trees, a space of 12 inches to 18 inches shall be provided between the trunk and the side of the well at every point.
  - (g) To prevent washing of material into the well, the dry well casing walls shall be high enough to bring the coping just above the level of the proposed fill.
  - (h) Dry well walls shall be constructed of materials that permit passage of air and water. Concrete blocks backed with galvanized screening may be used for the sides of the well.
  - (i) Gratings or barriers shall be used around openings that are large enough to present a hazard to pedestrians.
  - (j) Open wells shall be cleaned regularly to remove sediment, leaves, and debris that might interfere with the free passage of air.
  - (k) Large stones shall be placed over the drainage tiles, and a layer of smaller stones shall be placed over the remainder of the ground within the drip line.
  - (l) A layer of gravel shall be placed over the stones.
  - (m) The fill shall be completed with a layer of porous soil. See Figures 2-B, 2-C, 2-D.\*<sup>4</sup>
- (2) *Lowering the grade.* When lowering the grade, the following measures shall be taken:
- (a) Roots shall be cut cleanly and retrimmed after excavation.
  - (b) The canopy shall be pruned to aid in maintaining tree vigor.
  - (c) When lowering the grade of the soil surrounding a protected tree, the maximum number of tree roots within the tree protection zone shall be preserved by using any of the following methods:
    - [1] *Terracing.* The area within the tree protection zone is left at the original grade by terracing.
    - [2] *Retaining wall.* The area within the tree protection zone is left at the original grade constructing a dry retaining wall. The retaining wall shall be porous to allow for aeration.
    - [3] *Terracing and retaining wall.* The area within the tree protection zone is left at the original grade by the combined use of terracing and dry retaining wall. See Figure 90-~~166~~ 141-B.
- (3) *Minor changes in grade.* When the change in grade is minor, as determined by the building official, lesser protective measures than those described in subsection D.(1) and D.(2) of this section may be taken. The building official shall approve the use of these methods where their use will not endanger the health of the protected tree.

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<sup>4</sup>\***Editor's Note:** Figures 2-B, 2-C and 2-D are included at the end of this chapter.

Figure 90-~~166~~ **141**-B Grade Changes Near Existing Trees



- E. *Avoiding injuries due to excavations.*
  - (1) Water, sewer, and other utility lines should be routed around the tree protection zones of protected trees.
  - (2) If a line cannot reasonably be routed around the tree protection zone, the line shall be tunneled beneath the area within the zone. The tunnel shall be offset to one side of the trunk to prevent damage to the main taproots.
- F. *Avoiding injury by paving within the drip line.* Porous paving may be placed within the tree protection zone of a protected tree, so long as no damage is inflicted to the tree by grade change, compaction of the soil, or any other cause.

**Sec. 90-~~167~~ **142**. Special provisions for protection of mangroves.**

- A. *Generally.* In addition to the foregoing tree protection requirements, the following special provisions shall apply to the removal or alteration of mangroves and other vegetation from wetland areas, as defined in F.S. § 373.019, and Rule 62-340.200, F.A.C. These standards shall apply to all property owners, including single-family, duplex, and multifamily homeowners.
- B. *Replacement.* Mangroves and wetland vegetation may not be removed unless the developer replaces or relocates on the same development site at least an equal number of mangroves and sufficient other wetland vegetation to revegetate a land area equal to or greater than the land area from which mangroves/wetland vegetation was removed. The developer shall provide a plan, to be approved by the Building Official, to ensure the survival of the replaced or relocated mangroves and wetland vegetation, and to stabilize the shoreline from which mangroves/wetland vegetation was removed. The approved plan shall be an express condition of any permit. Failure to carry out any provision of the plan shall be a violation of this Code.
- C. *Other protective measures.* The following protective measures shall apply to all mangroves and/or wetland vegetation:
  - (1) A permit shall be obtained from the State Department of Environmental Protection (DEP) for any alteration of mangroves or wetland vegetation in jurisdictional waters.
  - (2) A permit shall be obtained from the Pinellas County Environmental Management Department for any alteration of mangroves or wetland vegetation that may be exempt from DEP permit requirements.

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- (3) The alteration of mangroves shall be subject to the provisions of F.S. §§ 403.9321 through 403.9333, ("Mangrove Trimming and Preservation Act"), and any additional standards contained in Chapter 166, Article II, Division 3, of the Pinellas County Land Development Code.

**Sec. 90-~~168~~ 143. Automatic waiver.**

The terms and provisions of this sections 90-~~165~~ 140 through 90-~~167~~ 142 may automatically be waived by the administration as follows:

- A. *No-tree verification.* Upon submission of a notarized statement by the owner or his agent that no trees as defined within the province of this article exist upon the site, the administration, after a verification visit to the site, may waive the requirements and provisions of sections 90-~~165~~ 140 through 90-~~167~~ 142.
- B. *No-effect verification.* Upon submission of a notarized statement by the owner or his agent that the proposed improvements or development involves less than ten percent of the total site and that no trees as defined within the province of this article will in any manner be affected, the administration, after a verification visit to the site, may waive the requirements and provisions of sections 90-~~165~~ 140 through 90-~~167~~ 142.

**Sec. 90-~~169~~ 144. Reserved.**

**ARTICLE ~~XXVI~~ XXXIV. ENVIRONMENTAL PERFORMANCE STANDARDS**

**Sec. 90-~~117~~ 145. Pollution performance standards.**

All uses, existing and proposed, in all zoning districts are subject to the following performance standards and procedures:

- A. *Air pollution.* No person shall cause or permit an air emission from any source of air pollutants in violation of standards enforced by the Pinellas County Department of Environmental Management. No smoke emission from any combustion source shall be permitted which is darker than shade No. 1 of the Ringelmann Smoke Chart. No open burning is permitted within the Town of Redington Shores unless a special permit is issued. No emission of fly ash, dust, fumes, vapors, gases and other forms of air pollution shall be permitted which may constitute a nuisance or which can cause any damage to health, to animals, vegetation or other forms of property or which can cause any excessive soiling.
- B. *Noise.* No person shall cause or permit a noise emission from any source in violation of standards enforced by the Pinellas County Department of Environmental Management Code. No outdoor public address system, audible from any property line, is permitted in the Town of Redington Shores except by one-time permit for a special civic purpose.
- C. *Outdoor storage.* No person shall cause or permit outdoor storage of materials, objects, debris, litter, disassembled motor vehicles, household furnishings, gravel, fill dirt or construction materials on any lot within the Town of Redington Shores with the exception of construction sites where the temporary storage of building materials is essential. Storage of firewood in quantities not to exceed one cord is permitted, provided that it shall be neatly stacked, screened and maintained, and further provided that the owner shall take all reasonable measures to eliminate invasion by termites, vermin or other pests.

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- D. *Odor.* No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be readily detectable, without instruments, at the property line of the lot from which they are emitted.
  - E. *Radioactivity and electrical disturbance.* The standards for radioactive emissions shall be those of the United States Federal Atomic Energy Commission. No electrical disturbance is permitted affecting the operation of any equipment.

**Sec. 90-~~118~~ 146. Standards governing flood and beach erosion control.**

No new use shall be issued a building permit unless it is found to be in complete compliance with the standards of the coastal construction requirements of the Florida Department of Natural Resources and with part 2 of this chapter.

**Sec. 90-~~119~~ 147. Standards governing waterfront and underwater lands.**

- A. All areas within the corporate limits of the Town of Redington Shores which are under water and not shown as included within any district shall be subject to all of the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district. Accretions to lots in zoned districts shall be subject to the same zoning regulations as the original lots. Dimensions as shown on the zoning district map shall apply.
- B. Standards governing beach access. Under site plan review the planning and zoning board may require the dedication of access to the public beach in the form of an improved, dedicated ten-foot right-of-way.

**Sec. 90-~~120~~ 148. Land dedication for public use; cash contribution in lieu thereof.**

The standard for land dedication for public use shall be calculated for all new residential and commercial use in the town in land dedication units (LDUs) as follows:

- A. Each \$50,000.00 in value of land and buildings equals one LDU.
- B. Each new dwelling unit, motel or hotel rental unit or new or improved commercial structure shall be required to dedicate 100 square feet of real property per one LDU or a cash contribution of \$500.00 per one LDU.
- C. All dedications of public use property shall be at the option of the planning and zoning board, which will generally not consider dedications of less than one acre in size, unless there is a clear public interest to accept a smaller parcel.
- D. All such funds or land accepted by the Town of Redington Shores shall be used for park and recreational facility capital development, and any other uses deemed by the town commission to be aesthetically pleasing enhancements to the visual environment in the town, such as landscaping of traffic medians, streets or other such matters. Such funds shall not be used for park maintenance or operating recreation programs.
- E. For the purpose of this article, no credit shall be given for privately owned or maintained park or recreational facilities existing or proposed within the site to be developed.
- F. All dedications of park land or cash payments in lieu thereof shall be received by the town prior to the issuance of a building permit.
- G. The town commission can waive any LDU payment of any amount over \$100,000.00 for any single applicant for any single project in the following situations:

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- (1) When the project will provide to the town, in the discretion of the town commission, an increase in the tax base of the town or an economic improvement in the town sufficient to justify the waiver of any LDU amounts over the first \$100,000.00.
  - (2) When the applicant agrees in the development of its property to provide parks, green space or waterfront access available to the general public of the town, deemed sufficient to the town commission to justify waiving any LDU fees over the amount of \$100,000.00.

**Sec. 90-~~121~~ 149. Natural resource protection.**

The following requirements must be met in order to protect trees, wetland vegetation and dune systems:

- A. All development and redevelopment must be consistent with F.S. ch. 161, Beach and Shore Preservation.
- B. All developments must meet the requirements of ~~Chapter 17-27 F.A.C., Mangrove Regulations of the Department of Environmental Regulations~~ the 1996 Mangrove Trimming and Preservation Act (F.S. §§ 403.9321 – 403.9333).
- C. Developments shall utilize native vegetation to stabilize shoreline and to provide native wildlife habitat. The use of punk trees, Australian pine trees and pepper trees shall be prohibited.
- D. All new development and redevelopment must be consistent with the Pinellas County Tree Protection Ordinance.
- E. All development must meet the requirements of Chapter ~~62-312~~ 62-312 F.A.C., Dredge and Fill Activities, ~~of the Department of Environmental Regulations~~.

**Sec. 90-~~122~~ 150. Water quality protection measures.**

The Town of Redington Shores adopts by reference the standards and regulations set forth in the Pinellas Aquatic Preserve Management Plan.

- A. All new development and redevelopment which may affect tidal circulation/flushing must provide sufficient hydrographic information prior to development approval.
- B. All projects which may inhibit tidal circulation shall include measures to maintain or improve tidal circulation/flushing.
- C. All new development and redevelopment must be consistent with ~~the Department of Environmental Regulations~~ Chapter ~~17-312~~ 62-312 F.AC.

**PART ~~5~~ 4. ZONING<sup>5</sup>**

**ARTICLE ~~XXII~~ XXXV. TITLE, PURPOSE AND APPLICABILITY**

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<sup>5</sup>Editor's note(s)—Adopted 10-27-1981 by Ord. No. 81-10 (Appendix A of the 1977 Code); amended in its entirety 12-12-2007 by Ord. No. 07-06.

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**Sec. 90-~~88~~ 151. Short title.**

This part ~~5 4~~ shall be known as the "Town of Redington Shores Zoning Ordinance."

**Sec. 90-~~89~~ 152. Purpose and interpretation.**

- A. The purposes of these regulations are to reduce congestion and prevent overcrowding of the land; to secure safety from fire, flood and other danger; to promote health and the general welfare; to provide adequate light and air; to avoid undue concentration of population in order to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; to conserve the value of the property and the natural environment; and to encourage the most appropriate use of the land within the area delineated on the official zoning map. Such regulations shall be consistent with Chapter 26164, Laws of Florida, Special Acts, 1949, and as amended by Chapter 57-1730, Laws of Florida, Special Acts, 1957, all in accordance with a Comprehensive Plan developed pursuant to the ~~Florida Local Government Comprehensive Planning Act, F.S. § 163.3177~~ Florida Local Government Community Planning Act, Chapter 2011-139, Laws of Florida.
- B. In interpreting and applying the provisions of this part ~~5 4~~, they shall be held to be those which are reasonable for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.
- C. It is not intended by this part ~~5 4~~ to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this part ~~5 4~~, nor is it intended by this part ~~5 4~~ to interfere with or abrogate or annul any easements, covenants or other agreement between parties, except that if this part ~~5 4~~ imposes a greater restriction, this part ~~5 4~~ shall control.

**Sec. 90-~~90~~ 153. Applicability.**

- A. No building, structure or land shall be used or occupied and no building or part thereof shall be erected, moved or structurally altered unless in conformity with the regulations of this part ~~5 4~~. However, the regulations of this part ~~5 4~~ shall not require any change to any building, structure or use legally existing at the effective date of this part ~~5 4~~ or any addition thereto except as regards nonconforming uses as provided for in section 90-~~114~~ 175, provided that such use shall be in compliance with other public safety provisions of the Code of the Town of Redington Shores as to setbacks, off-street parking and Federal Flood Insurance Program hazard-reduction factors.
- B. Neither this part ~~5 4~~ nor any provision thereof shall apply to the use or construction by the Town of Redington Shores, Florida, of or upon lands or interest therein owned by said town or lands, parks, easements, rights-of-way, streets, alleys and thoroughfares dedicated or held for municipal purposes.

**Sec. 90-~~91~~ 154. Codification.**

It is the intention of the town board of commissioners that the provisions of this part ~~5 4~~ shall become and be made a part of the Town of Redington Shores Code, and the publisher of the Town Code is hereby authorized to appropriately renumber or otherwise designate the provisions of this part ~~5 4~~ to accomplish proper inclusion into the existing Code.

***ARTICLE XXIII. DEFINITIONS***

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## **Sec. 90-92. Word usage; terms defined.**

For the purpose of this part 5, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" includes the word "premises"; and the word "shall" is mandatory and not directory. Said definitions are as follows:

*Abandon*—To discontinue a use for more than 180 consecutive days.

*Accessory use or structure*—A use or a structure (attached or detached) subordinate to the principal use or building on the same lot and serving a purpose customarily incidental to the use of the principal building. Accessory structures must not include cooking facilities.

*Acreage, gross*—Net acreage, when applicable, multiplied by 1.1 as recognition of a lot's or tract's approximate share of infrastructure land, exclusive of submerged lands or public road right-of-way.

*Acreage, net*—The fee simple (deeded) acreage contained in a given lot or tract as platted and recorded in the official records of Pinellas County, Florida.

*Advertising*—The action of attracting public attention to a product, sale, property location, business, organization, event, public matter, political candidacy or advocacy of an issue on a ballot.

*Advertising structure*—A structure erected or intended for advertising purposes, with or without advertisement display thereon, situated upon or attached to real property, upon which any poster, bill, printing, painting or device is fastened, affixed or displayed.

*Alley*—A through public right-of-way of less than minimum required street width which affords only a secondary means of access to abutting property.

*Alteration*—Any change, rearrangement, enlargement, extension or reduction of any structure or part thereof on the same site.

*Apartment house*—See "dwelling unit, multiple."

*Approved plans*—Plans and specifications which have met with the approval of the building inspector, the town building code and any ordinance and amendments thereto.

*Basement*—A story having part but not more than one-half of its height below grade. A "basement," as herein defined, is counted a story for the purpose of height regulations.

*Beach*—All lands fronting on the Gulf of Mexico seaward of the coastal construction control line, as established by the Florida Department of Natural Resources.

*Billboard*—See "sign, off-premises."

*Boardinghouse*—A building other than a hotel or motel where for compensation and by prearrangement meals or lodging and meals are provided for three or more persons, but not exceeding 20 persons.

*Building*—Any habitable structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animal, chattels or property of any kind.

*Building, height of*—The vertical distance from the design flood elevation to the highest point of the eave of a flat roof or to the deckline of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

*Carport/covered parking areas*—A roofed structure open at two or more sides, either attached to or apart from the main structure on a lot, and used to park and shelter motor driven vehicles.

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*Certificate of occupancy*—A certificate issued by the Town of Redington Shores for all residential dwellings and commercial and nonprofit establishments identifying the legal use of the property and any limitations thereto as established by ordinance or administrative procedure.

*Commercial/nonresidential (C-NR)*—All commercial uses permitted in any district, but excluding dwellings, hotels and motels, boardinghouses and any other use which provides overnight sleeping accommodations.

*Commercial tourist uses*—All uses permitted in the commercial tourist district identified in section 90-103.

*Commercial uses*—All business uses listed in the general commercial (C-NR) zoning district, and those residential uses that are transient and multifamily greater than three units.

*Community services laundry*—A building or portion of a building equipped with washing machines, drying and ironing machines, electric irons and other equipment and supplies used in the washing, drying and ironing of clothes, which are to be rented and used on the premises by the customer to launder his or her own washing.

*Condo hotel*—A hotel comprised of units that are owned by an individual, corporation or any other legal entity, having mandatory membership of all units in the structure into an association comprised of all owners of all units within the same development. All units must be made available for guest rental on a daily, weekly or monthly basis. Each unit is part of a larger complex of similarly situated units and is not to be used as a time share or fractional interest. In addition, in order for a structure to be considered as a condo hotel, it must be used in accordance with the provisions of section 90-103 H. and applicable state laws, as amended.

*Court*—An open area or yard bounded on two or more sides by structural walls of a residential use building.

*Density*—The measure of permitted development expressed as a maximum number of dwelling or transient accommodation units per gross acre of land area.

*Design flood elevation*—The elevation of the "design flood," including wave height, relative to the datum specified on the community'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, § 1612.2.] Flood Insurance Rate Map base flood elevation, plus freeboard as defined in Part 2.

*District, zoning*—Any section of the town for which the regulations governing the use of building and premises or the height and area of buildings are uniform.

*Duplex*—A building designed to contain two dwelling units on a single lot under a single roof.

*Duplex townhouse*—A one family dwelling attached to one other one family dwelling by a common vertical wall, with each dwelling located on a separate lot. The minimum lot size shall not be less than 2,520 square feet.

*Dwelling, townhouse*—A one family dwelling attached in a series by common walls to at least two other one family dwellings, with each dwelling located on a separate lot. Each townhouse must provide direct means of access from the outside. Furthermore, each dwelling unit shall be provided with cooking, sleeping and sanitary facilities for the use of each family or household of the townhouse. For the purpose of this part 5, a townhouse shall be a residential dwelling owned in fee simple.

*Dwelling unit*—Any building or portion thereof which is designed or used exclusively for residential purposes. Each dwelling unit shall contain kitchen, bath and living areas designed or designated for the use of a single individual or family.

*Dwelling unit, multiple*—One structure containing three or more dwelling units on a single lot.

*Dwelling unit, single family*—A building designed for or occupied exclusively by one family.

*Easement, subsurface*—A grant by a property owner to another party of the use of the subsurface of his or her land for a specific purpose, such as for a conduit or pipe.

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*Easement, surface*—A grant by a property owner of the use of the surface of his or her land to another party for a specific purpose.

*Family*—A group of one or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house or hotel, as herein defined.

*Filling station*—Any building or premises used solely or principally for the storing, dispensing, sale or offering for sale at retail of any vehicular or marine motor fuel or heating oil or propane.

*Floor area*—The sum of the total area of all floors of a building.

*Floor area ratio (FAR)*—A ratio of square footage of gross floor area divided by the square footage of land area, as applied to nonresidential uses.

*Floors*—See "story."

*Frontage, street*—That portion of a plot of real estate abutting a public or private vehicular thoroughfare.

*Frontage, water*—That portion of a plot of real estate abutting the Gulf of Mexico, Boca Ciega Bay or any related waterways.

*Garage, commercial parking*—A building or portion thereof used for parking motor driven vehicles owned by persons not residing on the same premises.

*Garage, condominium or apartment parking*—A structure accessory to a duplex or multiple dwelling used for parking motor driven vehicles owned by persons residing on the same premises.

*Garage, private parking*—A building accessory to a single family dwelling, designed or used for parking of not more than three motor driven vehicles owned and used by the occupants of the dwelling to which it is accessory.

*Garage, public*—A building or portion thereof designed or used for servicing, repairing, equipping, hiring, selling or daily storage of motor driven vehicles.

*Garage, storage*—A building or portion thereof designed exclusively for long term storage of motor driven vehicles.

*Grade*—For the purpose of regulating height of structures, excluding buildings the legal established grade shall be the highest point of that portion of any street bounding the land to be filled, altered or built upon.

*Gross floor area*—See "floor area."

*Gross land area*—For the purpose of computing density/intensity, that total land area within the property boundaries of the subject parcel, and specifically exclusive of any submerged land or public road right of way.

*Guest house*—A building where lodging only is provided for compensation to three or more, but not exceeding 20, permanent guests or tenants.

*Height*—The vertical distance between the design flood elevation to midpoint of a pitched roof or to the decline of a mansard roof over highest floors, or the top of a flat roof if no rooftop structures other than mechanical equipment exist; or if half story is being measured, the vertical distance between grade to the midpoint of the half story.

*Home occupation*—Any business or professional operation in or from a dwelling by a member or members of a family residing in said dwelling.

*Hotel and motel unit*—Each room or suite with bath facilities which can be or is ever rented as a separate rental unit shall be deemed to be a "hotel or motel unit." The minimum square foot area for hotel and motel units is 200 square feet.

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*Hotels and motels*—Commercial enterprises offering rooms or suites for rent, holding a valid business tax receipt as a hotel or motel and operating under the jurisdiction of the state department of business regulation, division of hotels and restaurants.

*Impervious surface*—A surface that has been compacted or covered with a layer of material so that it is highly resistant to or prevents infiltration by stormwater. It includes limerock or clay as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

*Impervious surface ratio (ISR)*—A measure of the intensity of hard surfaced development on a site. An impervious surface ratio is the relationship between the total impervious surface area on a site and the gross land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area.

*Infrastructure land*—Streets, roads, parks, beach and other municipally owned open land.

*Kennel*—Any of the conditions listed shall constitute a kennel for the purpose of this part 5: the maintenance of more than four adult dogs and/or cats over six months in age; the maintenance of more than one brood bitch maintained for active breeding; the production of more than two litters annually.

*Livestock maintenance*—The maintenance of animals other than those commonly considered as household pets, including fowl, grazing farm animals, including horses, and wild animals of a type normally found in zoos. These animals are not permitted within the Town of Redington Shores, except as may be specially permitted by the planning and zoning board.

*Living area*—The area actually occupied, including accessory unoccupied areas such as corridors, stairs, closets, thickness of walls, columns, toilet room, mechanical area or other features.

*Lodging house*—A building where lodging only is provided for compensation to three or more but not exceeding 20 permanent guests or tenants.

*Lot*—A parcel of subdivided real estate, improved or unimproved, platted and recorded in the office of the Clerk of the Circuit Court of Pinellas County.

*Lot, corner*—A lot having frontage upon two or more streets at their intersection.

*Lot coverage*—Includes the lot area covered by the ground floor of all principal and accessory uses and structures, including all areas covered by the roof of such uses and structures.

*Lot, depth of*—The mean horizontal distance between the front and rear lot lines.

*Lot, double frontage (through lots)*—A lot having a frontage on two streets, other than at any intersection of those streets.

*Lot, interior*—A lot other than a corner lot.

*Lot lines*—The lines bounding a lot.

*Lot of record*—A lot, the map of which has been recorded in the office of the Clerk of the Circuit Court of Pinellas County.

*Lot width*—The mean width measured at right angles to its depth.

*Marina*—Any dock, pier or wall area used for the support, rental, maintenance, servicing or storage of more than two boats not the personal property of the proprietor.

*Minimum standard of improvements*—Includes a paved road, connection with a water main providing a supply of potable water and a connection with the municipal sewer system.

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*Nonconforming use*—Any building or land lawfully occupied by a use at the time of passage of this part 5, or amendments thereto, which does not conform after the passage of this part 5, or amendments thereto, with the use regulations of the district in which it is situated.

*Open space*—Any portion of a lot or parcel unoccupied and open to the sky.

*Ornamentation, sign*—Any illustration, pictorial or other embellishment on signs or structures which relates to products or services of the business or is used to attract attention for business purposes.

*Parking space*—An improved land surface area, enclosed or unenclosed, required for parking one automobile. For computation and plan review purposes, the minimum standard is 200 square feet per required vehicle space, excluding passageways.

*Person*—Includes a natural person, corporation, general partnership, limited partnership, management group, owners' association, general association or any other group of two or more persons engaged in any cooperative effort for a common purpose.

*Plat*—A map prepared and sealed by a professional engineer or land surveyor designating parcel boundaries, lots, rights-of-way and easements, suitable for recording as an official public record.

*Premises*—An individual lot, including its building and accessory structures.

*Professional*—Practitioners of healing arts and sciences, architects, engineers, lawyers, accountants and other occupations requiring comparable academic training, experience and public recognition.

*Public/semipublic uses*—Those primary and secondary uses listed under the institutional, transportation/utility, recreation/open space, and preservation plan categories.

*Rental, transient*—The rental of a structural unit (dwelling/hotel/ motel/lodging house/guest house) in the RM-15 District or in the RD-15 district to a tenant for any period of time less than one month, or in the RS-7 District or the RS-10 District to a tenant for any period of time less than 181 consecutive days. As used in this definition, such term of "rental, transient" shall mean any rental of a dwelling unit, or any portion thereof, for less than the period of time as stated herein, and shall include any subletting or the use of such real property for overnight housing purposes, whether or not such overnight housing purposes involve consideration or remuneration specifically related to the housing of such tenant.

*Repair/maintenance*—The repair or replacement of existing materials in a structure in a manner which does not result in any rearrangement, enlargement, extension or reduction of any structure or part thereof.

*Replat*—A change in an existing plat which changes the existing boundaries of the platted lots for the purpose of creating more or fewer lots or to change the area and size of existing lots.

*Restorium, rest home or nursing home*—Any building and premises used for housing and caring for the aged, convalescents or physically unfit, except persons suffering from mental ailments and persons so ill as to require regular hospitalization.

*Retail business*—The sale of goods or services directly to the general public.

*Satellite antenna*—Any spherical, parabolic or dish-like antenna structure used for receiving television or other signals from orbiting satellites or other devices. The height of the antenna is the maximum elevation of the top of the structure above grade to which the antenna is capable of being raised. A satellite antenna shall be considered as an accessory structure unless it is an integral part of a public utility (e.g., telephone system).

*Seawalls*—Any hardening of the shore by the installation of a vertical wall where such structure is toed in within the waters of the town, county or state. This definition specifically excludes upland retaining walls located outside the waters of the town, county or state.

*Setback*—Minimum distances specified between the nearest vertical wall of any construction on a lot and any of the lot boundaries or seawalls.

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*Sign*—Any display of characters, letters, illustration or related ornamentation and the structure on which they are applied and supported, intended to draw attention to businesses, products or services and to promote their use or to identify properties, institutions or activities.

*Sign, animated*—A sign with action or motion, including flashing lights or other changes in color or form, but not including wind-activated pennants or flags.

*Sign, banner*—Any sign having characters, letters, illustrations or ornamentation applied to cloth, paper or sheeting of any kind hanging freely, not attached to solid backing or framing.

*Sign, billboard*—A sign and/or sign structure advertising an establishment, merchandise, service or entertainment provided at a place other than on the property on which the sign is located.

*Sign, canopy*—A sign attached, painted and/or made a part of an awning or other fixed shelter structure projected from a building.

*Sign, flat or wall*—A sign erected on the wall or parallel to it and extending not more than 12 inches from the wall and supported throughout its area by that building facade.

*Sign, marquee*—A sign attached, printed, affixed or otherwise made a part of the flat forward edge or vertical side edge of a marquee.

*Sign, off premises*—A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than on the premises where the sign is located.

*Sign, painted, wall*—A sign painted on any outside wall of any building.

*Sign, pole (pylon or freestanding)*—A sign erected on a self-supporting advertising structure, including a pole or poles firmly installed into the surface of the ground, wholly independent of any building or other structure for support.

*Sign, political*—A sign supporting the election or defeat of a candidate seeking political office or urging passage or defeat of any issue, question or other matter in a public election or referendum.

*Sign, portable*—A sign readily movable (neither installed in the ground nor firmly affixed to a building or other structure). Examples are towable, A-frame or other signs that can be moved easily from the ground or are lightly attached to a structure.

*Sign, projecting*—A sign attached to and projecting from the wall of any building at any angle.

*Sign, roof*—A sign erected on or over the roofline of any building (cannot be part of a roof).

*Sign, swinging*—A sign projecting from any structure and suspended in such a manner that all sides of the sign are not firmly attached permitting the sign to swing in one or more directions.

*Sign, temporary*—A sign for a limited time or purpose, normally related to an occurrence of a predestined event, not permanently attached to a building or other structure and constructed of lightweight materials.

*Sign, window*—A sign painted, taped, glued or otherwise mounted on a window or door of a business establishment.

*Special exception*—A use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare.

*Special use permit*—A permit issued by the planning and zoning board or the town clerk for uses defined as special uses within this part 5 in accordance with procedures specified in section 90-111-D.

*Spot zoning*—Any zoning different from the zoning of property on both sides of the subject property.

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~~*Story*—That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.~~

~~*Story, half*—A space under a sloping roof which has the line of intersection of roof decking above the top floor level exceeding three feet in height if usable and in which space not more than two thirds of the floor area is finished for use. A half story shall not contain independent apartments or living quarters.~~

~~*Street*—All property dedicated or intended for public or private street purposes or subject to public easements therefor. The minimum width shall be 35 feet.~~

~~*Street line*—A dividing line between a lot, tract or parcel of land and a contiguous street.~~

~~*Structure*—Anything constructed, erected or installed, whether permanent or portable, the use of which requires location on the ground or attached to something having a location on the ground. When a building is divided into separate parts by unpierced walls, each part shall be deemed a separate building. It ("structure") includes a movable structure while it is located on the land which can be used for housing, business, commercial, agricultural or office purposes, either temporarily or permanently. "Structure" also includes signs and swimming pools, etc.~~

~~*Supermarket*—A market in excess of 10,000 square feet of floor space specializing in groceries and household sundries.~~

~~*Tenant*—A person or persons occupying a dwelling unit to which he or she does not hold title. Where two or more persons simultaneously occupy such a dwelling unit under a common rental arrangement, the singular term "tenant" shall include all such persons.~~

~~*Tract*—A parcel of real estate, platted but not subdivided into lots, recorded in the office of the Clerk of the Circuit Court of Pinellas County.~~

~~*Transfer of development rights*—The conveyance of development rights, which are transferrable pursuant to the provisions of this Code, by deed, easement, or other legal instrument authorized by this Code, to another parcel of land or within the same parcel of land, and the recording of that conveyance pursuant to this Code.~~

~~*Transient accommodation unit*—An individual room or rooms within a transient accommodation use designed to be rented as a single unit for temporary occupancy of a limited duration, and without independent cooking or kitchen facilities.~~

~~*Transient accommodation use*—A facility containing one or more transient accommodation units, the occupancy of which occurs, or is offered or advertised as being available, for a term of less than one month, more than three times in any twelve month period. In determining whether a property is used as a transient accommodation use, such determination shall be made without regard to the form of ownership interest in the property or unit; and without regard to whether the right of occupancy arises from a rental agreement, or other agreement, or payment of consideration.~~

~~*Transient rental*—See "rental, transient."~~

~~*Vacation rental*—Any dwelling unit or residence, including, but not limited to, any unit or group of units in a condominium, cooperative, or apartment building, that is rented in whole or in part to a transient occupant for a period of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place that may be rented to a transient occupant, but shall not include a hotel or motel as defined in this Code.~~

~~*Variance*—A modification of this part 5 or of regulations issued pursuant thereto when such variance will not be contrary to the public interest and when, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this part 5 would result in unnecessary and undue hardship.~~

~~Vehicle—Any automobile, trailer, motor home, truck, bus, motorcycle, moped or any other conveyance designed for operation on the streets or highways and normally requiring the issuance of a license plate or license tag.~~

~~Yard—An open space, other than a court, on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building, nearest wall or other vertical part of the structure shall be used.~~

~~Yard, front—A yard extending across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building.~~

~~Yard, rear—A yard extending across the rear of a lot measured between side lot lines and being the minimum horizontal distance between the rear of the main building and the rear lot property line. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.~~

~~Yard, side—A yard between the nearest wall or other vertical part of the structure and the side line of the lot and extending from the front line to the rear lot line.~~

~~(Ord. No. 08-04, 7-9-2008; Ord. No. 10-01, 7-14-2010; Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 4, 4-8-2015; Ord. No. 20-06, § 2, 8-12-2020)~~

~~Editor's note(s)—Ord. No. 10-05 also provided that it should be retroactive to and concurrent with the adoption of Ord. No. 08-04 on 7-9-2008.~~

## ARTICLE ~~XXIV~~ XXXVI. ESTABLISHMENT OF ZONING DISTRICTS

### Sec. 90-~~93~~ 155. Districts enumerated.

In order to classify, regulate and restrict the location of trades, industries and the location of buildings designed for specified uses, to regulate and limit the intensity of the use of lots and to regulate and determine the area of yards, courts and other open spaces surrounding buildings, the town is hereby divided into districts, of which there shall be 11 in number, known as:

RS-7	Low-density residential
RS-10	Medium/low-density residential
RD-15	Medium-density duplex residential
RM-15	Medium/high-density multiresidential
ROR-15	Residential/office/retail
CTF	Commercial tourist facilities
C-NR	General commercial
PUD	Planned unit development
PP	Outdoor recreation/public open space
PI	Public/semipublic institutional
GBO	Gulf Boulevard Overlay

**Sec. 90-93.1 156. Correlation of zoning districts and future land use plan categories.**

The table below shows the correlation between the town's zoning districts and future land use plan categories. The Gulf Boulevard Overlay District is not represented, as it is an overlay district addressing design standards and its boundaries are established in Figure 90-107 170-A [in section 90-107-A 170.A].

Future Land Use Plan Categories	Zoning Districts									
	RS-7	RS-10	RD-15	RM-15	ROR-15	CTF	C-NR	PUD	PP	PI
Residential Urban (RU)	X							X		
Residential Low Medium (RLM)		X						X		
Residential Medium (RM)			X					X		
Residential High (RH)				X				X		
Commercial General (CG)							X	X		
Resort Facilities Medium (RFM)						X		X		
Residential/ Office/ Retail (R/O/R)					X			X		
Institutional (I)								X		X
Transportation/Utility (T/U)										X
Recreation/Open Space (R/OS)									X	
Preservation (P)										

X = Zoning district is consistent with the future land use plan category.

Blank = Zoning district is not consistent with the future land use plan category.

(Ord. No. 10-01, 7-14-2010)

**Sec. 90-94 157. Zoning map.**

The locations and boundaries of these districts are established as shown on the current Zoning Map of the Town of Redington Shores. The zoning map is hereby made a part of this part 5.4. The zoning map shall be identified by the signature of the mayor-commissioner, attested by the town clerk and bear the seal of the town. The official zoning map shall be maintained on display in the Town Hall.

**Sec. 90-95 158. Interpretation of boundaries.**

If uncertainty exists as to the boundary of any district shown on the Zoning Map, the Planning and Zoning Board shall determine the location of such boundaries. Generally, district boundaries are either streets, alleys or lot lines unless otherwise shown.

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**ARTICLE ~~XXV~~ XXXVII. DISTRICT USE REGULATIONS**

**Sec. 90-~~96~~ 159. General provisions.**

- A. Except as hereinafter provided, no building shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building or land be used which does not comply with all of the district regulations established by this part-~~5~~ 4 for the district in which the building or land is located. No mobile home parks (trailer parks) shall be permitted in the Town of Redington Shores, Florida.
- B. Open swimming pools, hot tubs/spas (no walls, posts, or roof either screen or other) less than 18 inches above the adjacent grade shall maintain a minimum ten-foot setback from all property line in all zoning districts. Open swimming pools, hot tubs/spas 18 inches or higher above the adjacent grade and all covered swimming pools (walls, posts, or roof either screen or other) shall be subject to the building setbacks of the zoning district in which it is proposed.
- ~~B~~ C. No building or other facility, such as a swimming pool, shall be built nearer than 20 feet to a seawall; provided, however, that where a lot has a depth of less than 100 feet, the building or other facility may be constructed not nearer than a distance equal to 20 percent of the depth of the lot, but in no case less than 15 feet, in order that tieback access be protected. As an alternative to the above with regard to seawall tiebacks, a swimming pool may be constructed nearer to the seawall if the seawall cap is replaced with a new cap designed and certified to be adequate by a licensed Florida structural/civil engineer, at least two feet high, minimum, by a width to be designed and certified to be adequate by a licensed Florida structural/civil engineer, with adequate reinforcing and tiebacks flanking the swimming pool with adequate tieback anchors. The beam of such seawall cap shall be not less than the length of the swimming pool plus three feet on each side. In this instance, a swimming pool may be constructed within six feet from the water's edge of the pool to the water's side face of the seawall cap.
- ~~C~~ D. On property fronting on the Gulf of Mexico, no seawall shall be constructed seaward of the coastal construction control line; no bearing wall shall be constructed less than 25 feet landward of that line; and no recreational facility, such as swimming pools, shall be constructed less than 18 feet landward of that line.
- E. Open area and accessory structures.
- (1) Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in the rear or side yard and except for the ordinary projections such as skylights, sills, belt courses, cornices and ornamental fixtures projecting not to exceed 24 inches. This requirement shall not prevent construction of fences, ornamental coping design or ornamental shrubbery within landscape buffers and fencing guidelines. Roof overhangs in front and rear yards may extend up to 36 inches.
  - (2) An accessory structure shall observe the setback regulations for the district in which it is located. An accessory structure shall not include cooking facilities, and no cooking or other preparation of food shall be allowed in any accessory structure.
  - (3) No accessory sheds, utility buildings, or lockers, etc. shall exceed ten feet, measured from grade to the highest point of the structure.
  - (4) No accessory structure of any type, including decks that are attached to the principal structure, are permitted to be built on the top of the roof of a single family or a duplex structure that leaves the undercarriage of the structure exposed. For the purpose of this subparagraph, a roof shall be defined as that element of a building that covers the top of a building as a wall covers the side of the building.
- Exceptions:

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- (a) Accessory structures such as roof decks are permitted, providing the construction of the deck is in such a manner that the undercarriage of the structure is concealed with an exterior wall structure that maintains the continuity of the existing structure and meets all applicable building codes.
- (b) Other decks attached to the sides of a structure that meet all side, front and rear setbacks and meet all applicable building codes with an exposed undercarriage.
- (c) All plans for any such deck or structure are subject to site plan review. **Delete from Building Code**
- F. Wood-constructed, masonry or metal prefabricated utility rooms, sheds or lockers, etc., may be constructed within the confines of a carport or in storage areas under elevated principal structures where it is possible to place such items in those locations. Where such placement is not possible, they may be constructed as extensions of a principal structure or as a separate accessory structure. They shall be constructed in accordance with the following requirements:
- (1) Metal, wood or masonry sheds may be constructed near the front line of the principal structure. All utility rooms or sheds erected or constructed in accordance with this subsection shall be placed and anchored on a concrete slab not less than three and one-half inches thick or be firmly fastened to the ground with no fewer than four anchors of the screw-auger type, having a five-eighths-inch shaft, six inches in diameter and four feet long minimum, or the arrowhead type, deadman type or equivalent with a horizontal area of at least 28 square inches, not less than 38 inches below the surface of the ground. Any wooden beams or other wood that protrudes into or is adjacent to any ground or concrete shall be pressure-treated.
- (2) All utility rooms, etc., shall be placed in conformity to setback regulations for accessory structures, except that five-foot-minimum side setbacks may be reduced to two feet when such structures must be placed within such setbacks. No such structures shall exceed 100 square feet in area. This section shall not be construed to allow any storage shed, etc., to be placed within any existing setback from any seawall.
- (G) Corner lots may be considered to have two front yards. Yard standards less than the guidelines may be approved if there is a finding that the proposed yards are in harmony with the neighborhood, comprise the most appropriate use of the land and, furthermore, that the yard reduction serves the greater public interest. Accessory structures may be located in yards based upon the standards of section 90-159.F(2).
- H. Setback for Structures. Setbacks shall be measured from the adjacent property line to the outer face of the vertical call or supporting post nearest and generally parallel to the property line.
- I. The following structures and items are permitted in the setback area:
- (1) Mechanical and pool equipment may encroach and project up to four feet into the side and rear yard.
- (2) Poles, radio and television antennas (not including satellite disks over 24 inches in diameter) mounted on the roof or to the side of the structure near the roofline.
- (3) Children's play equipment.
- (4) Utility wires, lights and mailboxes are exempt from setback requirements.
- (5) Bay or bow windows may protrude from the structure no more than 24 inches into the required setbacks and shall not be considered an encroachment. Bay or bow windows within a setback area shall not exceed eight feet in width and shall be a minimum of 18 inches above the finished habitable floor level. There shall be no more than one exempt bay window in any horizontal lineal 25 feet of exterior wall.
- (6) Decorative trim of not more than 12 inches thick shall be exempt from setback requirements.

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- (7) Roof overhangs extending from the main roof system shall not project more than 36 inches into a setback area.
  - (8) Entry door stoop roof overhangs provided solely for protection of the entry doors from rain exposure shall not project more than 36 inches into a setback area and shall be supported by cantilevered beams, corbels, or brackets.

J. Fences.

- (1) Fences shall be subject to the construction standards of Chapter 63, Article II of the Code of Ordinances.
- (2) Height measurements. All height measurements for purposes of this article will be from the average ground elevation. These measurements are to be established by the building official based on the existing average ground elevation of the property abutting the lot on which the fence is erected, or the average ground elevation of the property on which the fence is erected, whichever is lower, at the time immediately prior to the erection of the fence.
- (3) Front yards and secondary front yards. No fence may be constructed on, within, or enclosing the front yard or secondary front yard of any lot in residential zones, except as buffer requirements for vehicular use areas, or as approved by site plan.
- (4) Side yards. Side yard fences (except as otherwise provided) may run from the rear lot line to a point in line with the nearest adjacent front corner of the main structure and may be returned to the primary structure at that point. If the fence is returned to the primary structure on both sides, a three-foot wide pass-through or gate shall be provided in one side return to provide access to the rear yard in an emergency. Any fence which is constructed on, within, or enclosing the side yard of any lot shall not exceed six feet in height.
- (5) Rear yards facing water. Any fence constructed on, within, or enclosing the rear yard of any lot adjacent to or fronting on the Gulf of Mexico, the inland waterways or any bays, canals or seawalls within the Town of Redington Shores shall not exceed four feet in height.
- (6) Rear yards not facing water. Any fence constructed on, within, or enclosing the rear yard of any lot which is not adjacent to or fronting on the Gulf of Mexico, the inland waterways or any bays, canals or seawalls within the Town of Redington Shores shall not exceed six feet in height. Exception: If the primary structures on two adjoining lots are so situated that they are perpendicular to each other, such that the rear yard of one lot would be the side yard of the other lot, then any fence which is erected or constructed on this rear yard/side yard lot line may not exceed four feet in height. The intent of this exception is to ensure that any fence constructed or erected adjacent to any side yard of any property within the town shall not exceed four feet in height, and this exception shall be interpreted in conformity with such intent.
- (7) Any lot not containing a primary structure. Any fence which is constructed on, within or enclosing any lot which is undeveloped or which does not contain a primary structure shall not exceed four feet in height.
- (8) Under no circumstances shall any fence constructed or installed within the Town of Redington Shores exceed six feet in height.
- (9) Fences may be built to enclose rear and side yards, but not front yards.

K. Retaining walls. A retaining wall not exceeding two feet in height may be constructed anywhere within the confines of an owner's property. Retaining walls...

D L. The word "density," when used in this part 5 4, is an expression of the permitted number of structural units (dwelling/hotel/motel/lodging house/~~guest house~~) per net acre, as herein defined, and is expressed as units

per acre or "u/a." The total number of units permitted on a lot or tract shall be calculated by multiplying the allowed density by the gross net acreage, as herein defined, of the lot or tract. Less than whole numbers of total permitted units shall in all cases be rounded off to the next lower whole number. The exception is in the RD-15 land use district only, if a lot has an existing single-family dwelling, the lot may be developed for a duplex containing two living units, provided other dimensional lot requirements are met, in order to provide uniformity throughout the land use district. Under no circumstances shall the exception herein stated be deemed to permit more than three units on any combined two lots.

**E M.** All land use and land development shall be in accordance with the town's comprehensive plan, the countywide comprehensive plan and rules and these regulations. Where these regulations differ from the town's comprehensive plan or the countywide comprehensive plan and rules, the more restrictive of the two shall be applied.

**F N.** Spot zoning is not desirable and should be discouraged.

**Sec. 90-97 160. RS-7 low-density residential district.**

The following regulations shall apply in the RS-7 low-density residential district:

- A. Permitted uses shall be as follows:
  - (1) Single-family detached dwellings.
  - (2) Municipally owned or operated parks and playgrounds.
  - (3) Accessory structures.
- B. Special uses requiring a permit shall be as follows:
  - (1) ~~Home occupations~~ Home-based businesses.
- C. ~~Transient rentals~~ Short-term rentals, as defined by the Code, are specifically prohibited in the RS-7 district.
- D. Minimum lot dimensions.
  - (1) Minimum lot dimensions shall be as follows:

Type	Lot Area of 3,500 to 4,999 Square Feet	Lot Area of 5,000 or More Square Feet
Lot width	45 feet	50 feet
Lot depth	75 feet	90 feet
Front yard	20 feet	20 feet
Side yard	5 feet	5 feet
Rear yard	15 feet	20 feet*
Height	2½ stories, not to exceed	2½ stories, not to exceed
	30 feet	30 feet
Lot coverage	40%	40%
Pervious surface	30%	30%

\*NOTE: Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line.

- (2) Every lot shall have an area of not less than 5,808 square feet, except that if a lot has less area than herein required and the plat thereof was of record at the time of passing of this part ~~5 4~~,

such lot may be used for a single-family dwelling in conformity with other provisions of this section.

~~E.E.~~ Minimum living area shall be as follows:

- (1) First floor: 1,000 square feet.
- (2) Second floor: 500 square feet.

~~F.F.~~ Maximum density. A maximum of seven and one-half residential dwelling units per acre are permitted within this district.

~~G.G.~~ Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.

~~H.~~ See also chapter 90, parts 1 and 2; §§ 90-108 and 90-138; and chapter 133, article I, business tax and business tax receipts.

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 5, 4-8-2015)

**Sec. 90-~~98~~ 161. RS-10 medium/low-density residential district.**

The following regulations shall apply in the RS-10 medium/low-density residential district:

A. Permitted uses shall be as follows:

- (1) Single-family dwellings.
- (2) Municipally owned or operated parks and playgrounds.
- (3) Accessory structures.

B. Special uses requiring a permit shall be as follows:

- (1) ~~Home occupations~~ Home-based businesses.

C. ~~Transient rentals~~ Short-term rentals, as defined by the Code, are specifically prohibited in the RS-10 district.

D. Minimum lot dimensions.

- (1) Minimum lot dimensions shall be as follows:

Type	Lot Area of 3,500 to 4,000 Square Feet	Lot Area of 4,001 to 4,999 Square Feet	Lot Area of 5,000 or More Square Feet
Lot width	40 feet	45 feet	50 feet
Lot depth	50 feet	75 feet	90 feet
Front yard	15 feet	20 feet	20 feet
Side yard	5 feet	5 feet	5 feet
Rear yard	10 feet	15 feet	20 feet*
Height	2½ stories, not to exceed 30 feet	2½ stories, not to exceed 30 feet	2½ stories, not to exceed 30 feet
Lot coverage	45%	40%	40%
Pervious surface	30%	30%	30%

\*NOTE: Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line.

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- (2) Every lot shall have an area of not less than 4,356 square feet, except that if a lot has less area than herein required and the plat thereof was of record at the time of passing of this part ~~5~~ 4, such lot may be permitted, if variance is warranted, a single-family dwelling in conformity with other provisions of this section.
  - (3) Maximum building height shall be two and one-half stories, not to exceed 30 feet.

~~E~~ E. Minimum living area shall be as follows:

- (1) First floor: 1,000 square feet.
- (2) Second floor: 500 square feet.

~~F~~ F. Maximum density. A maximum of 10.0 residential dwelling units per acre are permitted within this district.

~~G~~ G. Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.

~~H~~ H. ~~See also chapter 90, parts 1 and 2; sections 90-108 and 90-138; and Chapter 133, article I, business tax and business tax receipts.~~

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 6, 4-8-2015)

### **Sec. 90-~~99~~ 162. RD-15 medium-density duplex residential district.**

The following regulations shall apply in the RD-15 medium-density duplex residential district:

A. Permitted uses shall be as follows:

- (1) Single-family dwellings.
- (2) Duplexes.
- (3) Multifamily dwellings and townhouses, with the following limitations:
  - (a) Maximum building height shall be two stories or 30 feet.
  - (b) No such multifamily dwelling or townhouse shall exceed three living units in any structure.
  - (c) There shall be a maximum of one such structure (maximum of three living units) on any platted or replatted lot.
- (4) Municipally owned or operated parks and playgrounds.
- (5) Accessory structures and uses.
- (6) Single-family semidetached in accordance with subsections ~~G. and H.~~ H. and I. below.

B. Special uses requiring a permit shall be as follows:

- (1) ~~Home occupations~~ Home-based businesses.
- (2) Parking lots.

C. ~~Transient rentals~~ Short-term rentals, as defined by the Code, are specifically prohibited in the RD-15 district.

D. Minimum lot dimensions shall be as follows:

- (1) Single-family dwellings and duplexes shall be governed by the ~~minimum dimensions for lots of 5,000 square feet or more as contained in section 90-97.~~ following minimum lot dimensions and setbacks:

Lot width. 50 feet.

Lot depth. 90 feet.

Front yard. 20 feet.

Side yard. 5 feet.

Rear yard. 20 feet. Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line.

- (2) Maximum density shall be 15 residential dwelling units per net acre.
- (3) Maximum building height for single-family and duplex dwellings shall be two and one-half stories or 30 feet.
- (4) Pervious surface shall be 30 percent of each lot.

E. Building Setbacks, other than for single-family dwellings and duplexes, shall be as follows:

<u>Number of Stories</u>	<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Rear (feet)</u>
<u>1 – over nonhabitable garage/storage</u>	<u>20</u>	<u>5</u>	<u>20</u>
<u>2-2.5 - over nonhabitable garage/storage</u>	<u>25</u>	<u>10</u>	<u>25</u>

~~E. F.~~ Minimum living area shall be as follows:

- (1) First floor: 1,000 square feet.
- (2) Second floor: 500 square feet.

~~F. G.~~ Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.

~~G. H.~~ In the event that any structure located in the RD-15 district is damaged or destroyed by a hurricane, tornado, fire, flood, wind, storm or other natural disaster, or if any owner of a structure desires to replace the structure, even if such structure has not been damaged or destroyed by any such natural disaster, it can be replaced, repaired or reconstructed in a manner which guarantees that each unit and all permitted accessory uses can be restored to the same number of units, and square footage as determined by established setbacks and building height. Replacement, repairs and reconstruction shall adhere to all flood management regulations in effect.

~~H. I.~~ In accordance with subsection ~~G. H.~~ above, a duplex structure in the RD-15 district and CTF district can be replaced with another duplex or, at the option of the owner, with a duplex townhouse. The single lot on which the duplex was located can be divided in two equal parts to allow each duplex townhouse to be located on a separate lot with each lot having frontage on a public right-of-way. Minimum setbacks for a semidetached structure shall be: side, five feet, one wall attached. Each development that includes a duplex townhouse shall submit a minor subdivision plat to the town for review, including a survey of the existing single lot and the proposed lots as divided, proposed structures and a

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means of maintenance of attached and common portions of the structure (i.e., the roof and common wall) by way of a homeowners' association or other legal document. Such lots can only be created if approved by the Building Commissioner, and if so approved, shall be noted in the town's records, and the lot configuration and homeowners' association or other legal document shall be recorded by the property owner in the records of Pinellas County, with a recorded copy filed with the town.

~~I. See also chapter 90, parts 1 and 2; sections 90-108 and 90-138; and chapter 133, article I, business tax and business tax receipts.~~

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 7, 4-8-2015)

### **Sec. 90-~~100~~ 163. RM-15 medium/high-density multiresidential district.**

The following regulations shall apply in the RM-15 medium/high-density multiresidential district:

A. Permitted uses shall be as follows:

- (1) Single-family dwellings.
- (2) Duplexes.
- (3) Multifamily dwellings and townhouses.
- (4) Municipally owned or operated parks and playgrounds.
- (5) Accessory structures and uses.

B. Special uses requiring a permit shall include the following:

- (1) ~~Home occupations~~ Home-based businesses.
- (2) Private, nonprofit recreational uses or social uses where membership is limited to adjacent residential areas.
- (3) Nonresidential use shall not exceed a floor area ratio (FAR) of forty hundredths (.40), nor an impervious surface ratio (ISR) of seventy hundredths (.70).
- (4) Accessory off-street parking lots and retention facilities as part of an abutting office or commercial use are allowed as a special exception in the RM-15 zoning district. Such accessory uses are allowed when the abutting office or commercial use abuts Gulf Boulevard and gains access through the abutting office or commercial use.

C. ~~Transient rentals~~ Short-term rentals, as defined by the Code, are specifically prohibited in the RM-15 district.

D. Single-family dwellings and duplexes:

- (1) Minimum lot sizes for single-family dwellings and duplexes shall be 6,000 square feet.

~~(2) Other lot dimensions, height restrictions and minimum living areas for such structures shall be governed by those established for lots of 5,000 square feet or more contained in section 90-97.~~

(2) Single-family dwellings and duplexes shall be governed by the following minimum lot dimensions, setbacks, height restrictions, and minimum living areas:

Lot width. 50 feet.

Lot depth. 90 feet.

Front yard. 20 feet.

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Side yard. 5 feet.

Rear yard. 20 feet. Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line.

Height. Not to exceed 2.5 stories or 30 feet.

Living Area. First Floor - 1,000 square feet. Second Floor – 500 square feet.

E. Multifamily dwellings and townhouses:

- (1) Multifamily dwellings and townhouses shall be governed by the minimum lot dimensions established under the site plan review procedures described in section 90-110 following minimum lot dimensions and setbacks:

Lot width. 50 feet.

Lot depth. 90 feet.

Front yard. 20 feet.

Side yard. 5 feet.

Rear yard. 20 feet. Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line.

- (2) Maximum density shall be 15 residential dwellings per net acre.
- (3) Maximum building height shall be four stories of living area, and no building or structure shall exceed 45 feet in height, except that in the area east of Gulf Boulevard and north of 177th Terrace, the maximum height shall be two stories of living area, exclusive of ground-level parking and utility space, and no building or structure shall exceed 30 feet in height.
- (4) Subject to site plan approval, height and density bonuses may be earned as follows:
- (a) Under-building, off-street parking in an amount sufficient to constitute a significant addition to the basic requirements of this part ~~5 4~~ zoning, will earn a bonus of one additional living story, an additional ten feet in height, with a maximum density of 20 residential dwelling units per net acre.
  - (b) Side setbacks on those sides of the lot or tract perpendicular to Gulf Boulevard equal to one-half of the width of the lot or tract, but in no case less than 30 feet on the lesser side, will earn a bonus of one additional living story, an additional ten feet in height, with a maximum density of 20 residential dwelling units per net acre.
  - (c) A combination of under-building parking and additional setbacks as prescribed in subsection ~~D E~~.(4)(a) and (b) above will earn a bonus of two additional living stories, an additional 20 feet in height, with a maximum density of 25 residential dwelling units per net acre.
  - (d) Under no circumstances shall the maximum of six living stories, 65 feet height or a maximum density of 25 residential dwelling units per net acre be exceeded, except that in the area east of Gulf Boulevard and north of 177th Terrace, the maximum height shall be four living stories and 50 feet.
  - (e) Under no circumstances shall the density permitted exceed that allowed in the town and/or countywide future land use plan, whichever is more restrictive.

F. Side setbacks as open areas. To ensure maintenance of open vistas, no structures or plantings will be permitted in the side setback open areas without prior approval of the planning and zoning board.

G. Minimum living area shall be as follows:

- (1) First floor: 1,000 square feet.
- (2) Second floor: 500 square feet.

~~H. See also chapter 90, parts 1 and 2; section 90-108 and 90-138; and chapter 133, article I, business tax and business tax receipts.~~

(Ord. No. 10-05, 7-14-2010; Ord. No. 15-01, § 8, 4-8-2015)

**Sec. 90-~~101~~ 164. ROR-15 residential/office/retail district.**

In the ROR-15 residential/office/retail district, the following regulations shall apply:

A. Permitted uses shall be as follows:

- (1) Multiple-family dwellings.
- (2) Commercial buildings.
- (3) Combination multiple-family residential/office/retail buildings.
- (4) For purely commercial buildings, all uses permitted in the C-NR district except automotive, bars, restaurants, lounges and all special uses requiring a permit.
- (5) For combination residential/office/retail buildings, all uses permitted in the purely commercial buildings except fast-food service, bakeries, hardware stores, food stores, restaurants and office reproduction facilities.

B. Special uses shall be as follows: None.

C. Minimum lot dimensions and density.

- (1) All permitted uses shall be governed by the ~~minimum lot dimensions established under site plan review procedures described in section 90-110, and residential density shall not exceed 15 units per net acre.~~ following minimum setbacks:

<u>Number of Stories</u>	<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Rear (feet)</u>
<u>1 – over nonhabitable garage/storage</u>	<u>20</u>	<u>5</u>	<u>20</u>
<u>2-2.5 - over nonhabitable garage/storage</u>	<u>25</u>	<u>10</u>	<u>25</u>
<u>3 – over nonhabitable garage/storage</u>	<u>30</u>	<u>15</u>	<u>30</u>

- (2) Maximum height of all buildings in the ROR-15 zoning district shall be three stories, not to exceed 30 feet.
- (3) Pervious surface shall be 20 percent of each lot.
- (4) Transient accommodation uses shall not exceed 25 units per acre.

D. Residential density shall not exceed 15 units per net acre.

~~D~~ E. Intensity regulations. Nonresidential uses shall not exceed a floor area ratio (FAR) of forty hundredths (.40), nor an impervious surface ratio (ISR) of eighty hundredths (.80).

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~~E F.~~ Mixed use shall not exceed, in combination, the respective number of units per acre and the floor area ratio permitted, when allocated in their respective proportion to the total lot area. Mixed uses shall not exceed a maximum impervious surface ratio (ISR) of eighty hundredths (.80).

~~F.~~ See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts.

(Ord. No. 15-01, § 9, 4-8-2015)

## **Sec. 90-~~102~~ 165. C-NR general commercial district.**

In the C-NR general commercial district, the following regulations shall apply:

A. Permitted uses shall be as follows:

- (1) General commercial, office, personal service, and professional service uses, limited to:
  - (a) ~~Real-estate.~~ Professional offices, except for any special use identified in Section 90-165.B.
  - (b) ~~Travel agencies.~~ Retail sales, except for the sale of boat, vehicle, heavy equipment, and any special use identified in Section 90-165.B.
  - (c) Medical, dental and eye doctors, including other similar health-related professions.
  - (d) Professional services.
  - (e) ~~Brokerage houses.~~ Personal services, except for any special use identified in Section 90-165.B.
  - (f) Financial institutions.
  - (g) Studio schools: art, sculpture, music, dance, pottery and like instruction.
  - (h) Automotive service facilities, excluding body repair and major vehicular repair.
    - ~~(i) Office reproduction services.~~
    - ~~(j) Barbershops, salon/day spas, and beauty parlors.~~
    - ~~(k)(i)~~ Laundromat and dry-cleaning pickup facilities.
    - ~~(l) Shoe repair shops.~~
    - ~~(m) Tailors.~~
    - ~~(n) Pharmacies.~~
    - ~~(o) Bakeries, selling at retail on premises.~~
    - ~~(p) Hardware stores.~~
    - ~~(q) Florists.~~
    - ~~(r) Food stores.~~
    - ~~(s)(i)~~ Restaurants.
    - ~~(t) Variety stores, sundries.~~
    - ~~(u) Stationery, book, tobacco shops.~~
    - ~~(v)(i)~~ Liquor stores.
    - ~~(w) Novelty stores.~~

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- ~~(x) —Television and appliance stores, sales and service.~~
  - ~~(y) —Specialty shops: men's, women's, children's clothing, shoes and similar apparel shops.~~
  - ~~(z) —Photographic supplies and studios.~~
  - ~~(aa) —Sporting goods stores.~~
  - ~~(bb)(k) Bars/restaurants/lounges.~~
  - ~~(cc) —Antique shops.~~
  - ~~(dd) —Gift shops.~~
  - ~~(ee)(l) Fast-food service, snack bars (non-drive-in or drive-through).~~
  - ~~(ff) —Drugstores.~~

~~(gg)(2)~~ Telecommunication towers and antennas.

~~{1}(a)~~ Telecommunication transmission towers or antennas and accessory buildings east of Gulf Boulevard, south of 180th Avenue, but north of Shells Restaurant, or west of Gulf Boulevard at Town Hall property and east of Gulf Boulevard between 174th Terrace Drive and 174th Avenue, properties zoned CNR, commercial, institutional, semipublic or public, or on existing buildings in excess of 86 feet zoned RM-15, west of Gulf Boulevard, north of Coral Avenue, but south of 180th Avenue West; also within the Town of Redington Shores in areas zoned RM-15 west of Gulf Boulevard, north of 174th Avenue, but south of 175th Terrace Drive.

~~{2}(b)~~ Towers and antennas that increase the height of any building or structure are prohibited from being attached to any new or existing structure. Structures to qualify for the supporting of antennas shall be a minimum of 86 feet in height. Antennas shall be attached to the sides and made obscure from vision with neutral color similar to that of the structure. Antennas preexisting this subsection used for the sole private use, such as emergency communication for that institution, shall be considered grandfathered.

~~{3}(c)~~ ~~A permit shall be required as described in section 133-21.\*<sup>6</sup>~~ Towers and antennas shall also be subject to the requirements of Chapter 133, Article II of the Code of Ordinances (Local Communications Services Tax).

~~{4}~~ —Definitions. As used in this subsection, the following terms shall have the meanings indicated:

~~*Antenna*—Any exterior apparatus designed for telephonic, radio or television communications, through the sending or receiving of electromagnetic waves.~~

~~*FAA*—The Federal Aviation Administration.~~

~~*FCC*—The Federal Communications Commission.~~

~~*Tower*—Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna lattice towers, guy towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave, common carrier and cellular towers.~~

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<sup>6</sup>\***Editor's note**—Former § 133-21, regarding required permits for telecommunications services, was superseded by the provisions of Ord. No. 01-08, adopted 7-10-2001. See now Ch. 133, Art. II, Local Communications Services Tax.

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~~(2)~~(3) Government/public service uses, limited to:

- (a) Police station.
- (b) Fire station.
- (c) Library.
- (d) Post office.
- (e) Town Hall.
- (f) ~~Churches~~ Places of worship.

~~(3)~~(4) Accessory uses and structures for all permitted uses.

B. Special uses requiring a permit shall be as follows:

(1) Commercial uses, limited to:

- (a) Garden supplies and plant nurseries.
- (b) Gas and service stations.
- (c) Marinas and light marine repair facilities.
- (d) Laundry and dry-cleaning facilities.
- (e) Department stores.
- (f) Furniture stores.
- (g) Supermarkets.
- (h) Parking garages.
- (i) Passenger car rentals.
- (j) Delivery services.
- (k) Rental of bicycles, scooters, and beach related items.
- (l) Tattoo parlors.

(2) Commercial recreation uses, limited to:

- (a) Health clubs.
- (b) Gymnasiums.
- (c) Miniature golf courses.
- (d) Movie theaters.
- (e) Fishing piers.
- (f) Tennis clubs.
- (g) Shuffleboard clubs.

C. Minimum lot dimensions. All general commercial uses shall be governed by the ~~minimum lot dimensions established under the site plan review procedures described in section 90-110- following:~~

- (1) Maximum building height is three stories, not to exceed 30 feet.
- (2) Pervious surface shall be 20 percent of each lot.

(3) Minimum setbacks:

<u>Number of Stories</u>	<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Rear (feet)</u>
<u>1 – over nonhabitable garage/storage</u>	<u>20</u>	<u>5</u>	<u>20</u>
<u>2-2.5 - over nonhabitable garage/storage</u>	<u>25</u>	<u>10</u>	<u>25</u>
<u>3 – over nonhabitable garage/storage</u>	<u>30</u>	<u>15</u>	<u>30</u>

- D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of 0.55, nor an impervious surface ratio (ISR) of 0.80.
- E. Government/public service uses shall not exceed a maximum area of five acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.
- ~~F. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts.~~

(Ord. No. 15-01, § 10, 4-8-2015)

**Sec. 90-~~103~~ 166. CTF commercial tourist facilities district.**

The following regulations shall apply in the CTF commercial tourist facilities district:

- A. Permitted uses shall be as follows:
  - (1) ~~Hotels and motels.~~ Transient accommodations.
  - (2) Lodging ~~and guest~~ houses.
  - (3) General commercial uses permitted in the C-NR district.
  - (4) Accessory uses and structures for all permitted uses.
  - (5) Single-family dwellings.
  - (6) Duplexes.
  - (7) Telecommunication towers and antennas.
    - (a) Towers shall not exceed 70 feet in height from the ground base of the structure to the highest point of that structure.
    - (b) Towers and supporting structures shall be a neutral and nonglare color or finish so as to reduce visual obtrusiveness.
    - (c) All towers shall meet applicable standards of the FAA and FCC.
    - (d) Towers shall be set back from a residential area a distance equal to that of its height, plus 20 additional feet.
    - (e) All guides and accessories must meet the minimum setback required as set forth in the Building Code.
    - (f) Towers shall be enclosed by security fencing six feet in height, and a landscape buffer shall be installed.
    - (g) Towers shall be free of advertising.
- B. Special uses shall be as follows:

- (1) Commercial recreation uses permitted with special permit in the C-NR district.
  - (2) Accessory off-street parking lots and retention facilities as part of an abutting office or commercial use are allowed as a special exception in the CTF commercial tourist facilities zoning district. Such accessory uses are allowed when the abutting office or commercial use abuts Gulf Boulevard and gains access through the abutting office or commercial use.
  - (3) Municipally owned parking lots.
- C. Minimum lot dimensions. All permitted uses shall be governed by the ~~minimum lot dimensions established under site plan review procedures described in section 90-110.~~ following:

(1) Minimum setbacks:

<u>Number of Stories</u>	<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Rear (feet)</u>
<u>1 – over nonhabitable garage/storage</u>	<u>20</u>	<u>5</u>	<u>20</u>
<u>2-2.5 - over nonhabitable garage/storage</u>	<u>25</u>	<u>10</u>	<u>25</u>
<u>3 – over nonhabitable garage/storage</u>	<u>30</u>	<u>15</u>	<u>30</u>
<u>4 – over nonhabitable garage/storage</u>	<u>35</u>	<u>20</u>	<u>35</u>
<u>5-6 – over nonhabitable garage/storage</u>	<u>40</u>	<u>25</u>	<u>40</u>

- ~~(1) Maximum height of all hotels and motels shall be the same as for multiple dwellings in the RM-15 district. A height and density bonus as described in the RM-15 district shall apply.~~
- ~~(2) Maximum density shall be 15 residential dwellings per net acre.~~
- ~~(3) Maximum height of all transient accommodations shall be four stories of living area, and no building or structure shall exceed 45 feet in height, except that in the area east of Gulf Boulevard and north of 177th Terrace, the maximum height shall be two stories of living area, exclusive of ground-level parking and utility space, and no building or structure shall exceed 30 feet in height.~~
  - ~~(a) Subject to site plan approval, height and density bonuses may be earned as follows:~~
    - ~~[1] Under-building, off-street parking in an amount sufficient to constitute a significant addition to the basic requirements of this part 4, zoning, will earn a bonus of one additional living story, an additional ten feet in height, with a maximum density of 20 residential dwelling units per net acre.~~
    - ~~[2] Side setbacks on those sides of the lot or tract perpendicular to Gulf Boulevard equal to one-half of the width of the lot or tract, but in no case less than 30 feet on the lesser side, will earn a bonus of one additional living story, an additional ten feet in height, with a maximum density of 20 residential dwelling units per net acre.~~
    - ~~[3] A combination of under-building parking and additional setbacks as prescribed in this subsection will earn a bonus of two additional living stories, an additional 20 feet in height, with a maximum density of 25 residential dwelling units per net acre.~~
    - ~~[4] Under no circumstances shall the maximum of six living stories, 65 feet height or a maximum density of 25 residential dwelling units per net acre be exceeded, except that in the area east of Gulf Boulevard and north of 177th Terrace, the maximum height shall be four living stories and 50 feet.~~
  - ~~(b) Under no circumstances shall the density permitted exceed that allowed in the town and/or countywide future land use plan, whichever is more restrictive.~~

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- (2) In no case will the maximum of six living stories, not to exceed 65 feet in height, or 25 transient accommodation units per acre be exceeded. Each rental unit shall contain a minimum floor area of 200 square feet and shall contain complete bathroom facilities.
  - (3) All other permitted and special uses shall have a maximum height of three stories, not to exceed 30 feet.
  - (4) Pervious surface shall be 20 percent of each lot.
- D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of .55, nor an impervious surface ratio of (ISR) .80.
- E. Mixed use shall not exceed, in combination, the respective number of units per acre and the floor area ratio permitted, when allocated in their respective proportion to the total lot area. Mixed uses shall not exceed a maximum impervious surface ratio (ISR) of .80.

~~F. Height restriction and design criteria:~~

- ~~(1) Towers shall not exceed 70 feet in height from the ground base of the structure to the highest point of that structure.~~
- ~~(2) Towers and supporting structures shall be a neutral and nonglare color or finish so as to reduce visual obtrusiveness.~~
- ~~(3) All towers shall meet applicable standards of the FAA and FCC.~~
- ~~(4) Towers shall be set back from a residential area a distance equal to that of its height, plus 20 additional feet.~~
- ~~(5) All guides and accessories must meet the minimum setback required as set forth in the Building Code.~~
- ~~(6) Towers shall be enclosed by security fencing six feet in height, and a landscape buffer shall be installed.~~
- ~~(7) Towers shall be free of advertising.~~

G.F. Residential density regulations. The number of permitted residential units shall not exceed 15 units per acre.

H.G. Condo-hotels. A condo-hotel is a specialized form of transient accommodation use. Condo-hotels shall be allowed in any land use district where a hotel, motel or transient accommodation use would be allowed. Units in a condo-hotel are exempt from the prohibition of kitchens in transient accommodations, provided the structure of the condo-hotel and the units within the condo-hotel are constructed, maintained and used in accordance with the following criteria:

- (1) All units in a condo-hotel shall be considered transient accommodation units and must be made available for rentals on a continual basis on a daily, weekly or monthly basis. If the occupancy of any such unit does not change more frequently than 12 times or more in any continuous twelve-month period, then a rebuttable presumption shall arise that the unit is not being used as a condo-hotel unit for transient accommodations.
- (2) All units in a condo-hotel must have appropriate licenses as hotel units prior to any certificate of occupancy being issued for the structure. All licenses must be kept up-to-date annually.
- (3) Business tax receipts for the rental of each unit from the Town of Redington Shores shall be required, and such business tax receipts must be maintained annually for all such units.

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- (4) All units in a condo-hotel shall be subject to all applicable tourist tax collection requirements.
  - (5) No unit in a condo-hotel shall be used for homesteading purposes.
  - (6) No home business tax receipt shall be issued for any unit in a condo-hotel.
  - (7) All units in a condo-hotel must be subject to requirements of mandatory membership in a common association and may be subject to rental by an exclusive rental agency selected by such condo association, or shall be subject to rental by the owner or by a rental agency selected by the unit owner, and all unit owners shall make such units available for rent through one of such rental agencies, or directly by the unit owner.
  - (8) No unit in a condo-hotel shall be used as a time-share or fractional-ownership unit.
  - (9) One unit in a condo-hotel structure may be used for the permanent, year-round occupancy by a person or family unit serving as the on-site manager. However, the occupant of such unit must have the ability to handle rentals and rent all other units in the building on a daily, weekly or monthly basis.
  - (10) A condo-hotel structure must be designed with and must contain a front desk lobby, internally oriented, and easily signed and accessible to members of the public.
  - (11) All condo-hotels must have sufficient signage viewable by the general public on adjacent streets advertising such structure as a rental facility, available for daily, weekly or monthly rentals.
  - (12) Units in a condo-hotel may not be occupied by the individual owners of such units for more than a total of 60 days in any twelve-month consecutive period.
  - (13) The books and records of the condo-hotel pertaining to the rentals of each unit in the condo-hotel shall be open for inspection by representatives of the Town of Redington Shores, upon reasonable notice, in order to confirm compliance with these regulations.
  - (14) Each unit in a condo-hotel structure shall be limited to a maximum of two bedrooms, a maximum of two bathrooms and a maximum square footage per unit not to exceed 850 square feet.

~~I. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts.~~

~~¶ H. Vacation rentals. All permitted vacation rentals must comply with the regulations set forth in section 90-116 178.~~

(Ord. No. 15-01, § 11, 4-8-2015; Ord. No. 20-06 , § 3, 8-12-2020)

## **Sec. 90-~~104~~ 167. Planned unit development (PUD).**

### **A. Purpose.**

- (1) It is the purpose of the planned unit development zoning district to allow for a creative and flexible approach to development, which may include a harmonious and cohesive mix of uses on a single site.
- (2) Further, it is the purpose of the planned unit development zoning district to promote implementation of the Gulf Boulevard Overlay District the objectives of which are:
  - (a) To preserve, enhance or create public spaces that are distinctive, accessible and desirable.
  - (b) To create compact concentrations of compatible uses through the development of multiple uses within the same buildings, parcels or blocks.

- (c) To create safe and welcoming pedestrian environments, particularly along and near Gulf Boulevard, through the use of streetscaping, traffic calming, and effective architectural design.
  - (d) To create a coherent design aesthetic for the town through attention to the placement, configuration and architectural detail of new construction.
- B. *Application of zoning.* Planned unit development zoning may be applied to:
- (1) Properties that are encompassed within the Gulf Boulevard Overlay District; or
  - (2) Properties that are ~~sizable in area (generally~~ four or more acres) in size and are proposed for development utilizing a creative approach not available through other zoning.
- C. *Submission of plans for review by town commission; advertisement required.* To allow town officials the opportunity to determine that a proposed development meets the articulated purposes and standards for planned unit development zoning, plans shall first be submitted to and reviewed by the Planning and Zoning Board of the Town of Redington Shores, which shall make recommendation concerning such proposed planned unit development to the town commission, and such plans shall then be submitted to and reviewed by the town commission in conjunction with any application for this zoning. Consideration of the development plans by the commission shall occur concurrently with consideration of the application for zoning and shall be advertised as part of such zoning. These provisions shall supersede the requirements of sections 90-~~110~~ 237 and 90-~~126~~ 75 of this Code.
- D. *Approval of zoning and plans by town commission.* In order for the town commission to approve planned unit development zoning and the associated development plans, it must find that the development advances the purposes of the zoning, complies with the standards of this Code and the town's comprehensive plan, is compatible with the surrounding neighborhood and the town and, if in the Gulf Boulevard Overlay District, the commission must find that plans are substantially consistent with the urban design guidelines. Furthermore, the commission may prescribe conditions of approval as determined necessary to ensure compliance with all standards, compatibility with the neighborhood and town, and substantial consistency with the design guidelines.
- E. *Design and use standards.*
- (1) *Uses.*
    - (a) The future land use plan category of the town's comprehensive plan shall be used to determine permitted and special uses within planned unit development districts, specifically:

Future Land Use Plan Category	Zoning Districts Permitted and Special Uses
Residential urban (RU)	All uses and special uses permitted within the RS-7 district
Residential low medium (RLM)	All uses and special uses permitted within the RS-7 and RS-10 districts
Residential medium/duplex (RM-D)	All uses and special uses permitted within the RD-15 district
Residential high (RH)	All uses and special uses permitted within the RD-15 and RM-15 districts
Commercial general (CG)	All uses and special uses permitted within the C-NR district
Resort facilities medium (RFM)	All uses and special uses permitted within the RS-7, RS-10, RD-15, RM-15, and CTF districts
Residential/office/retail (R/O/R)	All uses and special uses permitted within the RS-7, RS-10, RD-15, RM-15, C-NR, and ROR-15 districts
Institutional (I)	All uses and special uses permitted within the PI district

- (b) Within the Gulf Boulevard Overlay District, uses shall conform to the ground floor requirements specified in the urban design guidelines.

(2) Density, floor area ratio and impervious surface ratio.

(a) The future land use plan category of the town's comprehensive plan shall determine the maximum density and intensity of uses within planned unit development districts, specifically:

Future Land Use Plan Category	Maximum Density (dwelling units per <del>gross</del> <u>net</u> acre)	Maximum Floor Area Ratio	Maximum Impervious Surface Ratio
Residential urban	7.5	.40	.65
Residential low medium	10.0	.50	.75
Residential medium/duplex	15.0	.50	.75
Residential high	15.0 with allowances up to 25.0	.60	.85
Commercial general	0.0	.55	.90
Resort facilities medium	15.0	.65	.85
Residential/Office/Retail	15.0	.40	.85
Institutional	0.0	.65	.85

(b) Use mixes consisting of residential and nonresidential uses shall not exceed, in combination, the respective number of units per acre and the floor area ratio permitted, when allocated in their respective proportion to the total lot area.

(3) *Lot area, width and depth.* No minimum lot dimensions are required; however, lots shall be sufficiently proportioned to support the buildings and uses proposed and provide comfortable spatial relationships with surrounding buildings and uses.

(4) *Setbacks.*

(a) Within the Gulf Boulevard Overlay District, setbacks shall be provided in conformance with the urban design guidelines.

(b) Outside of the Gulf Boulevard Overlay District:

[1] Building setbacks shall be determined through the course of development plan review.

[2] Setbacks shall provide appropriate spatial relationships between buildings and uses. That is, setbacks shall be based on the size, height and use of proposed buildings in relationship to other nearby buildings on and off site, and shall include consideration of all other land use and natural characteristics of the surrounding neighborhood that affect appropriate building placement.

[3] All setbacks shall be delineated or otherwise specified on the preliminary development plan. Approval of the preliminary development plan by the commission constitutes approval of such setbacks.

[4] Uniform front building setback lines shall be provided for single-family development.

[5] Garages shall not be situated forward of the front wall of single-family dwellings.

[6] No building shall be located closer than ten feet to any exterior boundary of the planned unit development.

[7] Setbacks are not required for accessory structures except as may be expressly designated on the preliminary development plan.

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- [8] If a zero lot line development is proposed, maintenance easements on adjoining lots shall be recorded to facilitate building maintenance.
- [9] As an alternative to the positioning requirements contained in section ~~90-12~~ 63-12 of this Code, docks, boat lifts and davits may be constructed continuously along the waterfront of planned unit development properties adjoining Boca Ciega Bay and its waterways, provided such structures pose no obstruction to navigation or conflict with the shared use of the water and:
- [a] Have a minimum setback of 15 feet from the extension of the side property lines; or
  - [b] Are shared by adjacent properties and, accordingly, are constructed across the extension of the common side property line with no setback.
- (5) *Building height.*
- (a) Within the Gulf Boulevard Overlay District:
    - [1] Buildings or portions thereof located within 100 feet of the Gulf Boulevard right-of-way shall conform to the height criteria set forth in the urban design guidelines.
    - [2] Buildings or portions thereof located more distant than 100 feet from the Gulf Boulevard right-of-way shall not exceed 85 feet in height as measured from the crown of the adjoining road to the bottom of the eave of the primary roof.
  - (b) Outside of the Gulf Boulevard Overlay District, the maximum allowable height as measured from the crown of the adjoining road to the bottom of the eave of the primary roof shall be 75 feet, except that the maximum height for single-family dwellings shall be 40 feet.
- (6) *Architecture.*
- (a) Within the Gulf Boulevard Overlay District, buildings shall conform to the architectural standards contained in the urban design guidelines.
  - (b) Outside of the Gulf Boulevard Overlay District:
    - [1] Buildings other than single-family dwellings shall conform to the Spanish or Mediterranean architectural standards contained in the urban design guidelines. Furthermore, any such building over 200 feet in length shall be provided with vertical architectural breaks to provide visual interest and relief.
    - [2] Single-family dwellings are not required to conform to any specific architectural motif.
- (7) *Parking.* Off-street parking and loading shall conform to the requirements contained in section 90-~~108~~ 171, except that development of properties located within the Gulf Boulevard Overlay District shall be guided by the parking standards set forth in the urban design guidelines, including those which may be less restrictive than section 90-~~108~~ 171.
- (8) *Landscaping.*
- (a) Street trees shall align all public and private roadways. Within the Gulf Boulevard Overlay District, trees planted within the Gulf Boulevard/SR699 right-of-way will need the prior written approval of the Florida Department of Transportation. In all other areas, trees shall be planted in accordance with the terms of the urban design guidelines. Outside of the Gulf Boulevard Overlay District, deciduous shade trees shall align both sides of all roadways in planned unit development districts. Specifically, one tree shall be planted on each side of the roadway per 100-foot length of roadway. Palm trees may substitute for deciduous shade trees; however, if palm trees are used, one tree shall be planted on each side of the roadway per 30-foot length of roadway.

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- (b) Any opaque fence or wall located within ten feet of a public or private street right-of-way shall be buffered on the right-of-way side with mass plantings of a variety of shrubs. The shrubs shall provide an interesting landscape buffer of varying textures and heights. Shrubs shall be selected that, at maturity, will attain a minimum height of three feet and will cover at least 50 percent of the length of the fence or wall.
- (9) *Signs.* Within the Gulf Boulevard Overlay District, all signs shall be placed in accordance with the standards contained in the urban design guidelines. Outside of the Gulf Boulevard Overlay District, signs shall be placed in accordance with the standards contained in [section 90-112 part 5](#) of this Code.
- (10) *Density averaging.* Density averaging may be allowed upon approval by the town commission in accordance with the "Rules Concerning the Administration of the Countywide Future Land Use Plan."
- (11) *Storm preparedness.* Design and construction of all buildings and other site improvements shall take into account the town's coastal exposure to severe storms that may produce flooding and hurricane-force winds. In particular, roll-down shutters or shatter-resistant windows shall be installed during construction.
- (12) *Construction of streets, sidewalks and utilities.*
- (a) All streets, whether public or private, shall be constructed in accordance with Pinellas County specifications. Maintenance of private streets shall be the responsibility of the respective homeowners' or condominium owners' association.
  - (b) Streetlights shall be installed in accordance with the specifications of the town. All streetlights shall be shielded so that direct light is deflected away from residences. Maintenance of private streetlights shall be the responsibility of the respective homeowners' or condominium owners' association.
  - (c) Sidewalks aligning public and private streets shall be constructed in accordance with specifications of the Town of Redington Shores, including the urban design guidelines.
  - (d) Water lines and fire hydrants shall be installed and constructed in accordance with specifications of the Pinellas County Water Department.
  - (e) Storm drainage improvements shall be constructed in accordance with specifications of the Town of Redington Shores, and stormwater runoff shall conform to the requirements of the Southwest Florida Water Management District.
  - (f) Sanitary sewer lines shall be installed and constructed in accordance with specifications of the Pinellas County Utility Department.
  - (g) Locations of utilities, existing and proposed, including depicting all easements on the property, whether such are utility easements or private easements. Any property fronting on Gulf Boulevard shall show and provide a ten-foot-wide utility easement, for aboveground and below-ground utilities, along such portions of the property abutting Gulf Boulevard. The providing of such utility easement to the Town of Redington Shores shall be a condition that must be fulfilled prior to the issuance of any building permit.
- F. *Processing of plans.* All plans submitted for development in the planned unit development district shall be of sufficient clarity and detail to facilitate judgments by town officials regarding compliance with all applicable development standards.
- (1) *Conceptual development plan.* The conceptual development plan provides an opportunity for the applicant and building official to have an informal and nonbinding exchange of information regarding the development proposal at an early stage in the development process. To initiate this review, the applicant submits three copies of a conceptual development plan to the building official. The building

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official in turn shall identify any major concerns and the need for additional support data. The conceptual plan shall, at a minimum, consist of the following information:

- (a) Project name.
  - (b) North arrow, scale and date.
  - (c) Boundary survey.
  - (d) Site acreage.
  - (e) Existing and proposed streets.
  - (f) Existing and proposed drainage patterns.
  - (g) Proposed land uses, including number and location of dwelling units, and floor area and location of nonresidential uses.
  - (h) Density calculations for residential development and floor area ratio calculations for nonresidential development.
  - (i) Proposed building heights.
  - (j) Proposed parking locations.
  - (k) Existing and proposed driveway access locations.
  - (l) Pedestrian and open space areas.
  - (m) Phase lines, if the development is to be built in phases.
- (2) *Preliminary development plan and architectural plans.*
- (a) Following review of the conceptual plan, the applicant shall submit eight copies of a preliminary development plan to the building official. The preliminary development plan shall consist of the information enumerated in section 90-~~110~~ 237 of this Code and such other information as may be necessary to facilitate determination by town officials regarding the development's compliance with this Code, the urban design guidelines, and applicable concurrency requirements.
  - (b) In addition, if the property is located within the Gulf Boulevard Overlay District, eight copies of architectural plans shall be submitted. The architectural plans shall consist of sufficient detail to facilitate determination by town officials regarding the development's consistency with the urban design guidelines.
  - (c) The building official, upon determining that the preliminary development plan and architectural plans meet all requirements for submission, shall coordinate with the town clerk the advertisement of the plans for review by the town commission. This plan review shall occur concurrently with the request for planned unit development zoning.
  - (d) As part of the aforementioned plan review, the town commission may grant waivers of development standards that do not affect density, floor area ratio or impermeable surface coverage.
- (3) *Final building plans.* The final building plans shall consist of detailed site, engineering, architectural, landscaping and other plans as may be necessary to procure building permits. The applicant shall submit three complete sets of final building plans to the building official within one year of preliminary development plan approval. The applicant may, prior to the one-year expiration date, submit a written request for one extension of up to one additional year, which the town commission may grant for good cause. Review of any extension request shall take into account changed conditions, including the effect

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of new regulations on the project. If final building plans are not submitted within the aforementioned time frames, the preliminary plan approval shall expire and all subsequent development proposals shall be processed as new submissions.

- (4) *Amendment of an approved preliminary development plan.* The building official shall determine whether a proposed preliminary development plan amendment is a minor or major amendment based upon the type and magnitude of the proposed change, including the cumulative effect of multiple changes.
- (a) *Minor amendments.* The building official is authorized to approve minor plan modifications that do not present issues regarding neighborhood compatibility or consistency with the urban design guidelines. Any changes must be resubmitted in the form of a revised preliminary or final development plan.
- (b) *Major amendments.* Major amendments shall be subject to review by the town commission and shall be advertised as part of a zoning change. In order for the commission to approve a major amendment, it must find the amendment to be appropriate for and compatible with the neighborhood, compliant with this Code and the comprehensive plan and, if in the Gulf Boulevard Overlay District, it must find that the development remains substantially consistent with the urban design guidelines. The Commission may prescribe conditions of approval as determined necessary to ensure both neighborhood compatibility and compliance with all applicable development standards. The following modifications typically constitute major amendments:
- [1] Any change that denigrates the objectives of the urban design guidelines.
  - [2] Any change that increases density or floor area ratio (not to exceed that permitted by the future land use plan).
  - [3] Any change of land use that produces significant new or additional impacts.
  - [4] Any change that affects uniform setbacks approved on the preliminary development plan by the town commission.
  - [5] Any significant change to the size, height, location, or appearance of a building.
  - [6] Any change or changes that increase traffic generation rates in excess of ten percent of that approved on the preliminary development plan by the town commission.
  - [7] Any change that creates additional vehicular access points.
  - [8] Any reduction, relocation, or changed use of open space.
  - [9] Any change that affects existing conditions of approval.
  - [10] Any other change that produces significant impacts, such as, but not limited to, the alteration of fire lanes, a change affecting a public access easement, or a change that affects drainage flows or patterns.

~~G. — See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; and chapter 133, article I, business tax and business tax receipts; and section 90-113, satellite antennas.~~

(Ord. No. 15-01, § 12, 4-8-2015)

### **Sec. 90-~~105~~ 168. PP outdoor recreation/public open space district.**

In the PP outdoor recreation/public open space district, the following regulations shall apply:

- A. Permitted uses shall be as follows:
- (1) Public beach and public access thereto.
  - (2) Public parks and bayside public accesses.
  - (3) Public parking off-highway areas.
  - (4) Fishing piers and marinas.
  - (5) Miniature golf courses.
  - (6) Tennis, shuffleboard and swimming clubs.
  - (7) Accessory uses and structures for permitted uses.
- B. Special uses shall be as follows: None.
- C. Minimum lot dimensions. All permitted uses shall ~~be governed by the minimum lot dimensions established under site plan review procedures described in section 90-110. the following:~~

(1) Setbacks

<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Rear (feet)</u>
<u>20</u>	<u>5</u>	<u>20</u>

- ~~(1) (2)~~ The height limit for accessory structures shall be one story, not to exceed 15 feet.
- ~~(2) (3)~~ Pervious surface shall be 40 percent of each lot.
- D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of 0.25, nor an impervious surface ratio (ISR) of 0.60.
- ~~E. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; chapter 133, article I, business tax and business tax receipts; and section 90-113, satellite antennas.~~

(Ord. No. 15-01, § 13, 4-8-2015)

**Sec. 90-~~106~~ 169. PI public/semipublic institutional district.**

The following regulations shall apply in the PI public/semipublic institutional district:

- A. Permitted uses shall be as follows:
- (1) Public buildings and support facilities.
  - (2) Public utility installations (sewer, water, drainage, etc.).
  - (3) Schools, libraries, ~~churches~~ places of worship.
  - (4) Fraternal, veterans, public service clubs.
  - (5) Accessory uses and structures.
- B. Special uses shall be as follows: None.
- C. Minimum lot dimensions.
- (1) All permitted uses shall be governed by the ~~minimum lot dimensions established under site plan review procedures described in section 90-110. following:~~

Front (feet)	Side (feet)	Rear (feet)
20	5	20

- (2) The height limit for accessory structures shall be one story, not to exceed 15 feet, but public utility poles and lines or church steeples shall not be considered as structures for this purpose.
- D. Intensity regulations. No use shall exceed a floor area ratio (FAR) of sixty-five hundredths (0.65), nor an impervious surface ratio (ISR) of eighty hundredths (.80).
- E. All transportation/utility and institutional uses shall require the appropriate corresponding plan designation.
- ~~F. See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; chapter 133, article I, business tax and business tax receipts; and section 90-113, satellite antennas.~~

(Ord. No. 15-01, § 14, 4-8-2015)

**Sec. 90-~~107~~ 170. GBO Gulf Boulevard Overlay District.**

A. *Purpose and applicability.*

- (1) It is the purpose of the Gulf Boulevard Overlay District (GBOD) to establish a unifying set of development design standards that guide infill and redevelopment activities occurring within the town on properties located adjacent to portions of Gulf Boulevard. See Figure 90-~~107~~ 170-A for the GBOD limits.
- (2) Implementation of the design standards will create a pedestrian-friendly and aesthetically cohesive town; a desirable place to live, work, and play that is known for its distinctive coastal character. This coastal character is fostered through a building's size and mass, placement, relationship to other buildings and ancillary facilities, and overall appearance.
- (3) Further, the objectives of the overlay district are:
  - (a) To preserve, enhance or create public spaces that are distinctive, accessible and desirable.
  - (b) To create compact concentrations of compatible uses, through the development of multiple uses within the same buildings, parcels or blocks.
  - (c) To create safe and welcoming pedestrian environments, particularly along and near Gulf Boulevard, through the use of streetscaping, shading, protection from weather, traffic calming, and effective architectural design.
  - (d) To create unifying design treatments throughout the district through attention to the placement, configuration and architectural detail of new construction.
- ~~(4) The standards and requirements of this section do not apply to building design elements for single-family or two-family dwellings.~~

Figure 90-107 170-A



B.—*Definitions.* For the purpose of this district, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "building" includes the word "premises"; and the word "shall" is mandatory and not discretionary. Said definitions are as follows:

*Alignment*—The configuration of the building facades cooperating to define open space in much the same way as walls define a room.

*Arcade*—A series of arches linked together, usually as an element of a building and covering a sidewalk.

*Arcade frontage*—Certain lines designed for arcades on the ground story. The arcade length is measured as the distance along the building facade. The depth is measured back from the building facade. The height is measured from the sidewalk to the ceiling of the arcade.

*Awning*—An ancillary lightweight structure of wood, metal or canvas, cantilevered from a building facade and providing shade to the building windows, doorway openings, and spatial containment for pedestrians.

*Back building*—An ancillary segment of a building extending from a principal building into a rear yard. A back building may connect the main building to an outbuilding.

*Balcony*—An unenclosed, habitable structure, usually cantilevered from a facade or an elevation, providing private outdoor space to an apartment.

*Bands of windows*—A horizontal series of three windows or more, separated only by mullions, that forms a horizontal band across the facade of a building.

*Bays*—Openings formed by the supports of the arcade or colonnade.

*Build to line*—A line appearing graphically on the site development plan and/or stated as a setback dimension, along which a building facade must be placed.

*Canopy sign (awning sign)*—A sign that is mounted on, painted to, or otherwise attached to an awning.

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*Canopy tree*—A large-scale deciduous or evergreen shade tree used as part of streetscape plantings to define space, buildings, and shade sidewalks.

*Cap*—A horizontal cross-member at the top of a window frame in semicircles, arches, or triangular shapes.

*Colonnade*—A series of columns similar to an arcade but spanned by straight lintels instead of arches (see "gallery").

*Configuration, building*—The three-dimensional form of a building, including the form and materials of roofs, walls, openings, and other elements.

*Cornice*—Any crowning projection.

*Crosswalk*—The axis of pedestrians crossing a thoroughfare. The crosswalk typically to connect sidewalks at the corners of blocks.

*Detached single family house*—A freestanding building, designed for or occupied exclusively by one family.

*Diagonal parking*—A pattern of parking where the vehicle is stored at an angle to the curbline.

*Door, entry*—A primary entrance that provides security at the main building entry point.

*Driveway*—A vehicular accessway within a private lot connecting a garage to a thoroughfare.

*Dwelling, multifamily*—A dwelling where three or more dwelling units are contained in one structure on a single lot or parcel and attached by common vertical walls.

*Dwelling, single family detached*—A dwelling unit on a single parcel or parcels attached to one or more one-family dwellings connected by common vertical walls.

*Dwelling, single family attached*—A one-family dwelling on a single lot attached to two or more one-family dwellings that are on single lots attached by common vertical walls.

*Eave*—The junction of the wall of a building and an overhanging roof. To avoid discouraging pitched roofs, the designated maximum building height should be measured to the eave, and not the ridge of the roof.

*Facade, primary*—The elevations of a building usually set parallel to a frontage line.

*Fenestration*—The arrangement, proportioning, and design of windows and doors in a building.

*Frontage lot*—That portion of a lot, between the facade and the lot line, that fronts onto a public open space or a thoroughfare.

*Frontage width*—The measure of the lot line that coincides with the right-of-way of a thoroughfare. In a corner condition, a frontage width is measured at the more important of the two thoroughfares.

*Gable*—The orientation of a pitched roof that shows the vertical, triangular side rather than the sloped.

*Gallery*—A roofed promenade where the columns are set at regular intervals.

*Garage door ratio*—The vertical surface area of the garage (the doors and their surrounds) relative to the rest of the facade.

*Gate*—An exterior door connecting one outdoor space within another.

*Green*—A public open space available for unstructured recreation, generally contained by building facades, landscaped with grassy areas and trees.

*Head-in parking*—A pattern of parking where the vehicle is stored at a ninety-degree angle to the curbline.

*Lawn*—Grassed lands controlled by mowing. A lawn is a uniform, durable groundcover suitable for playing fields.

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*Liner building*—A building conceived specifically to mask a parking lot or a parking structure from the frontage.

*Lintel*—A supporting wood or stone beam across the top of an opening, such as that of a window or door.

*Live-work building*—A townhouse or stand-alone structure, generally owner-occupied, with the first story available as commercial space. This space is controlled by the building's owner and may be leased to an independent business owner.

*Loft*—A high-ceilinged and internally well-lit dwelling with few partitions reaching the ceiling.

*Loggia*—An open-air room within the mass of a building, with ceiling and floors, but no wall on at least one side.

*Main building*—The principal building on a lot, disposed to provide the facade on the frontage.

*Mullion*—A vertical member dividing a window or opening.

*Off-street parking*—A parking area located within a lot, generally to the rear of a building frontage, masking it from the public space.

*On-street parking*—A single line of parking located along the curbline of a thoroughfare, accessible directly from a moving lane.

*Out building*—A secondary building associated with a principal building by ownership and shared lot.

*Parallel parking*—A pattern of parking where the vehicle is stored parallel to the curbline. Parallel parking permits a narrower street section and creates the most positive sidewalk experience of the possible patterns, but it requires a difficult driving maneuver and provides the lowest density of parking per linear foot of street frontage.

*Parapet*—A low guarding wall at any point of sudden drop, such as the edge of a terrace, roof or balcony.

*Park*—A large open area available for recreation, usually located at the neighborhood edge, and fronted by buildings. Its landscape comprises paved paths and trails, some open lawn, trees and open shelters, all naturalistically disposed and requiring limited maintenance.

*Passage*—A pedestrian connector passing between buildings.

*Pedestrian shed*—A determinant of urban size, defined as the area described by a radius equaling the distance that can be covered by a five-minute or one-quarter-mile walk at an easy pace.

*Pedestrian way*—The portion of the thoroughfare right-of-way that is dedicated to uses other than vehicular movement and parking. The pedestrian way includes the sidewalks, arcades, and planting areas of streetscapes.

*Placement, building*—The location of a building on its lot. Placement is determined by dimensional setback or build-to requirements measured from the lot boundary lines.

*Playground*—A small open area specifically designed and equipped for the play of small children. A playground is usually fenced and may include an open shelter.

*Plaza*—A public space set at the intersection of important streets, set aside for civic purposes and/or commercial activities.

*Porch*—An open-air room appended to the mass of a building with floor and roof, but no walls on at least two sides.

*Public realm (space)*—Those parts of the urban fabric that are held in common, such as plazas, squares, parks, thoroughfares and civic buildings.

*Rear lane*—A vehicular accessway located to the rear of a lot providing access to parking and outbuildings as well as easements for utilities. Rear lanes are paved as lightly as possible, to driveway standards or with shell.

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~~*Retail frontage*—Certain frontage lines designated for mandatory retail on the regulating plan. These building facades are subject to special adaptation for retail use at the ground story.~~

~~*Roof*—That element of a building that covers the top of a building, as the walls cover the sides.~~

~~*Roof overhang*—The overhead cantilever of an architectural element beyond the building wall.~~

~~*Roof slope*—The angle of the roof, usually stated as a ratio of the vertical to the horizontal (e.g., "4:12" that is, a four-foot vertical rise across each twelve-foot horizontal run).~~

~~*Shared parking*—The policy wherein day/night and weekday/weekend schedules of two or more uses allow the parking to be shared by more than one use or building.~~

~~*Sign, monument*—A sign not attached to a building, where the entire base of the sign is in contact with or close to the ground, and the sign is independent of any other structure.~~

~~*Sign, wall*—A sign applied directly to the exterior face of a building, with the exposed face within the plane of the facade or parallel to the facade. This category includes those signs painted onto or applied directly to the surface of a building's exterior face.~~

~~*Streetscaping*—An assemblage of landscapes, walks, and curbs between the private lot line and the public right-of-way or vehicular frontage.~~

~~*Thoroughfare*—An urban element that provides a major part of the public open space as well as moving lanes for vehicles. A thoroughfare is endowed with two attributes: capacity and character.~~

~~(1) *Thoroughfare capacity*—The number of vehicles that can move safely through a segment of a thoroughfare within a given time period.~~

~~(2) *Thoroughfare character*—The suitability of a thoroughfare as a setting for pedestrian activities and as a location for a variety of building types.~~

~~*Vehicular circulation*—The combination of moving and parking lanes within thoroughfares. The network of thoroughfares also constitutes the majority of the public realm available to pedestrians.~~

~~*Vehicular way*—The portion of the thoroughfare that is occupied by vehicles, usually consisting of the moving lanes and the parking lanes. The vehicular way, together with the pedestrian way, fills the right-of-way.~~

~~*Vertical height*—The height as measured to the highest point of a building or specific component.~~

~~*Walk*—A lightly paved path of grass, gravel or sand within a garden or open space.~~

~~**B.** *Permitted uses.* Uses within the GBOD shall be limited as identified within the underlying zoning districts included in this chapter.~~

~~**C.** *Special uses.* Special uses within the GBOD shall be limited as identified within the underlying zoning districts included in this chapter.~~

~~**D.** *Building placement standards.* All newly constructed buildings and substantial building renovations exceeding 50 percent appraised value identified within this section shall meet the intent of FEMA regulations through the standards and requirements of the PCCLB coastal construction code and Part 2 of the town's Code.~~

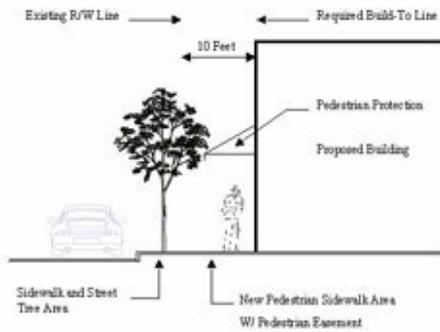
~~(1) *General requirements.* Enhance the harmony and character of the community by establishing standards for placement and detailing among the various structures.~~

~~(2) *Build-to and setback requirements.*~~

~~(a) All commercial and mixed use structures adjacent to the Gulf Boulevard right-of-way **may shall** be built with their primary facade located along a build-to line, measured ten feet from the right-of-way line, or such greater distance as may be required if necessary to accommodate large palms~~

or shade trees planted street-side in order to be consistent with other plantings in the surrounding area. See Figure 90-~~107~~ 170-B.

Figure 90-~~107~~ 170-B



- (b) All commercial and mixed use buildings adjacent to Gulf Boulevard may-shall have an arcade, gallery, porch, or awning to provide pedestrian protection. Buildings taller than two stories shall provide balconies on all floors above the first floor. See Figure 90-~~107~~ 170-C.

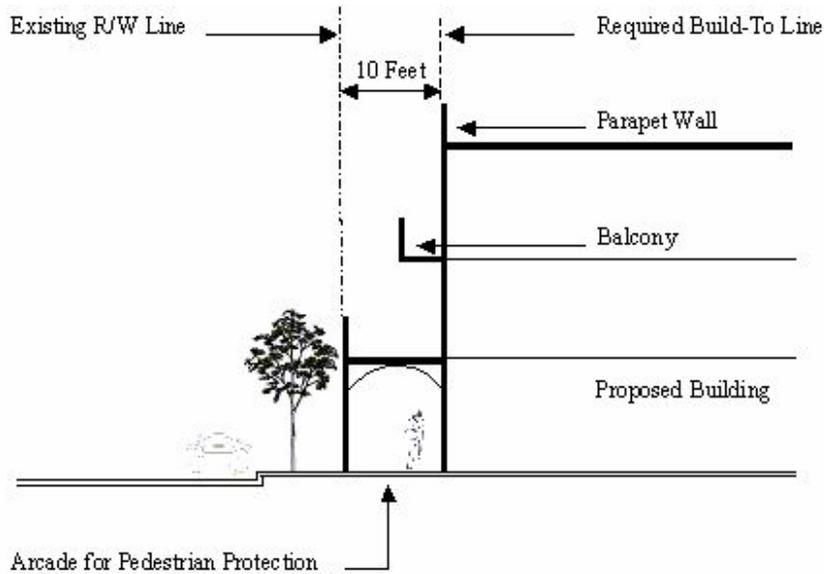
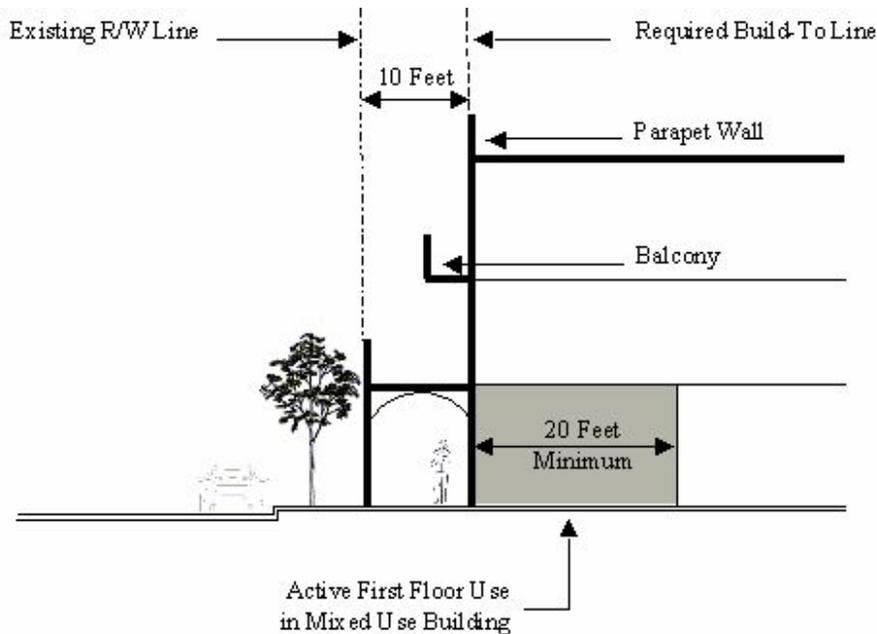


Figure 90-~~107~~ 170-C

- (3) *Building ground floor use requirements.*
- (a) The ground floor of all commercial and mixed use buildings located along Gulf Boulevard may shall include street-front retail, restaurants, office, commercial, civic or other residential or nonresidential uses as limited by the underlying zoning district provisions listed in this chapter.
- (b) Ground floor nonresidential development areas shall be a minimum of 20 feet in depth from the primary facade of the building. See Figure 90-~~107~~ 170-D.

- (c) All development areas shall be constructed according to necessary standards for protection from flooding.

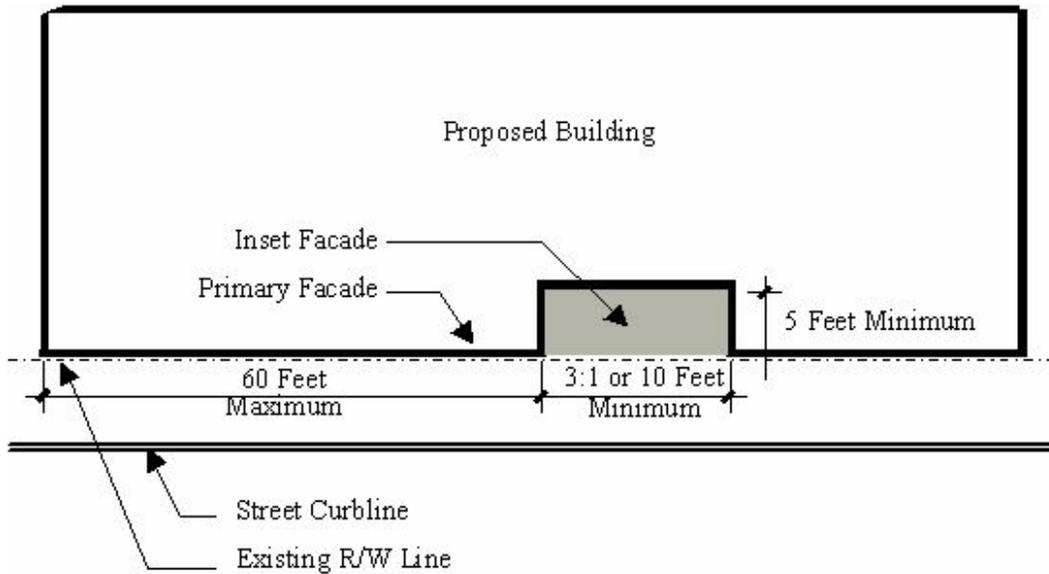
Figure 90-~~107~~ 170-D



(4) *Building width requirements.*

- (a) The maximum continuous facade of any building fronting the Gulf Boulevard right-of-way shall be 60 feet. See Figure 90-~~107~~ 170-E.
- (b) Buildings wider than 60 feet must be architecturally defined as a series of smaller, repetitive units, with insets located within the primary facades.
- (c) The inset facade shall be recessed a minimum of five feet from the front of the primary facade.
- (d) The ratio of the width of a primary facade to an inset facade shall be no greater than three to one (3:1), or a minimum of ten (10) feet.

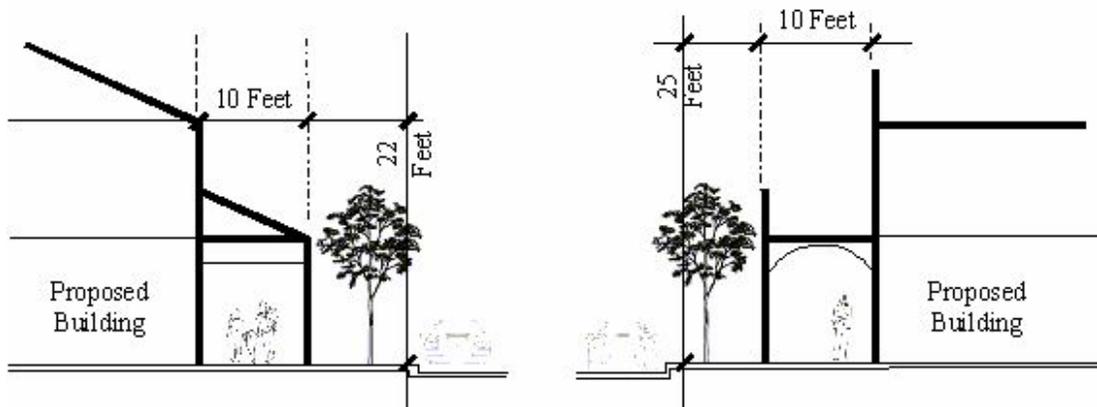
Figure 90-~~107~~ 170-E



(5) *Building height requirements.*

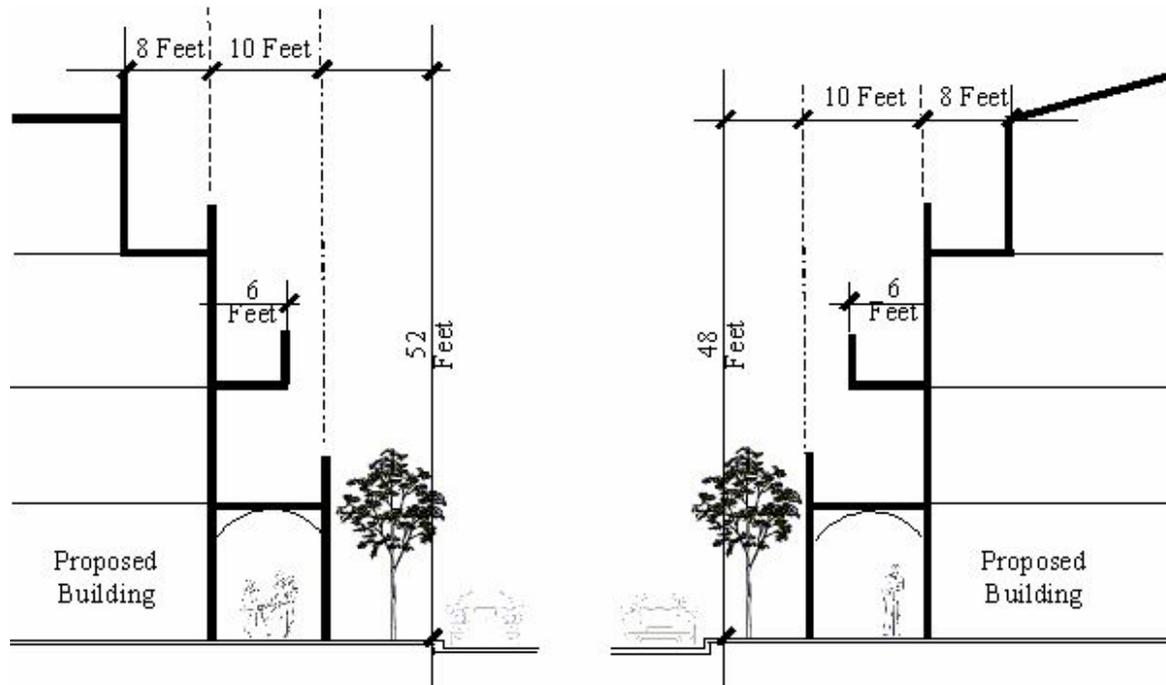
- (a) All newly constructed buildings located along Gulf Boulevard shall be a minimum of two stories in height, and measure no greater than 25 feet, as measured from right-of-way finished grade to the top of the parapet on a flat roof or 22 feet as measured to the top edge of the eave on a pitched roof. See Figure 90-~~107~~ 170-F.

Figure 90-~~107~~ 170-F



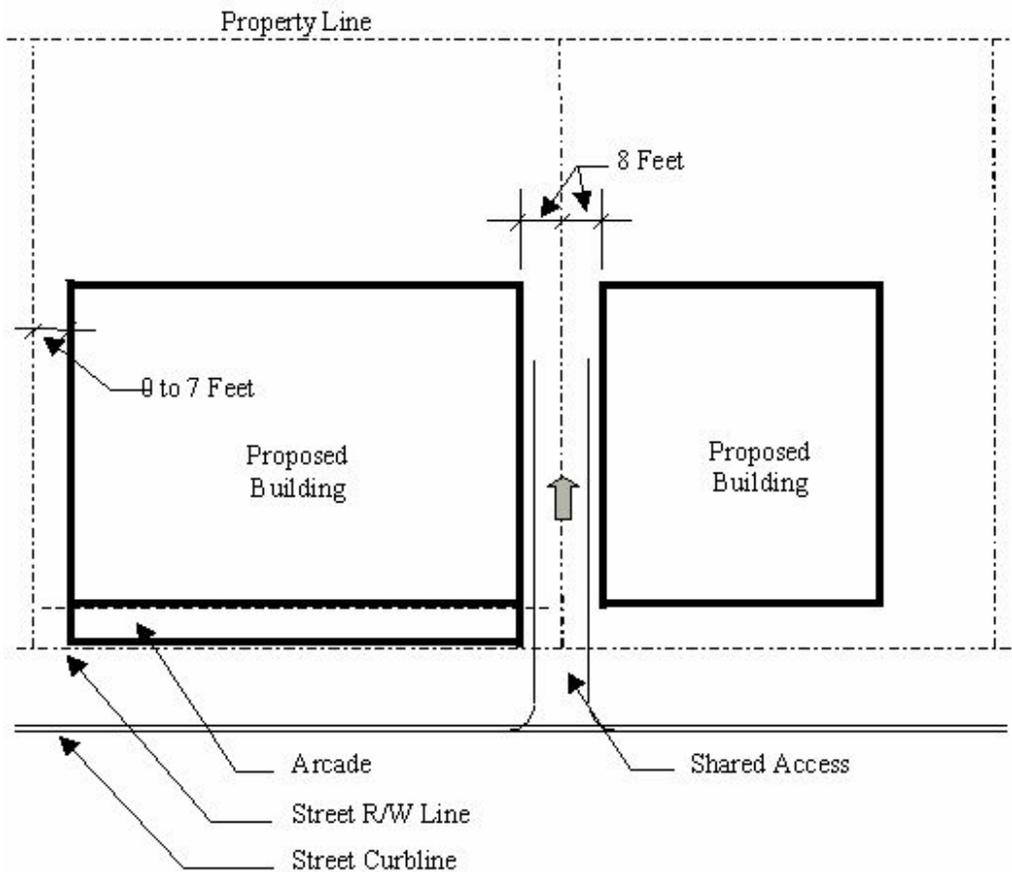
- (b) All newly constructed buildings located along Gulf Boulevard may be a maximum of four stories in height, and measure no greater than 52 feet, as measured from right-of-way finished grade to the top of the parapet on a flat roof or 48 feet as measured to the top edge of the eave on a pitched roof. See Figure 90-~~107~~ 170-G.

Figure 90-~~107~~ 170-G



- (c) If the building is four stories, the primary facade of the highest floor must be set back eight feet from the primary facade of the lower three stories. Balconies on the third floor may extend up to six feet from the build-to line towards the right-of-way line.
  - (d) A newly constructed one-story building may be permitted for commercial uses if it meets the requirements for minimum building heights and the finished floor level is located at sidewalk level.
  - (e) The maximum interior height dimension for the first floor story of a building shall be 14 feet, as measured from the finished floor to the finished ceiling. First floor ceiling-to-floor heights in all newly constructed multistory buildings must be greater than the ceiling-to-floor height of any upper floor.
- (6) *Building setback requirements.*
- (a) *Side yard setbacks.*
    - [1] A minimum seven-foot-wide building setback shall be provided for all parcels fronting Gulf Boulevard. The setback may be reduced to 0 feet on one side in cases where shared access is provided on the opposite side yard, and building construction design and techniques do not impact adjacent properties. See Figure 90-~~107~~ 170-H.
    - [2] Adjacent parcel side yard setbacks may be dedicated as a one-way access lane for the parcels, if a minimum sixteen-foot clear width between side-walls exists, property owner easements are identified and recorded in the public records of Pinellas County, and access management and site plan approval provisions are approved by the town.

Figure 90-107 170-H



(b) *Rear yard setbacks.*

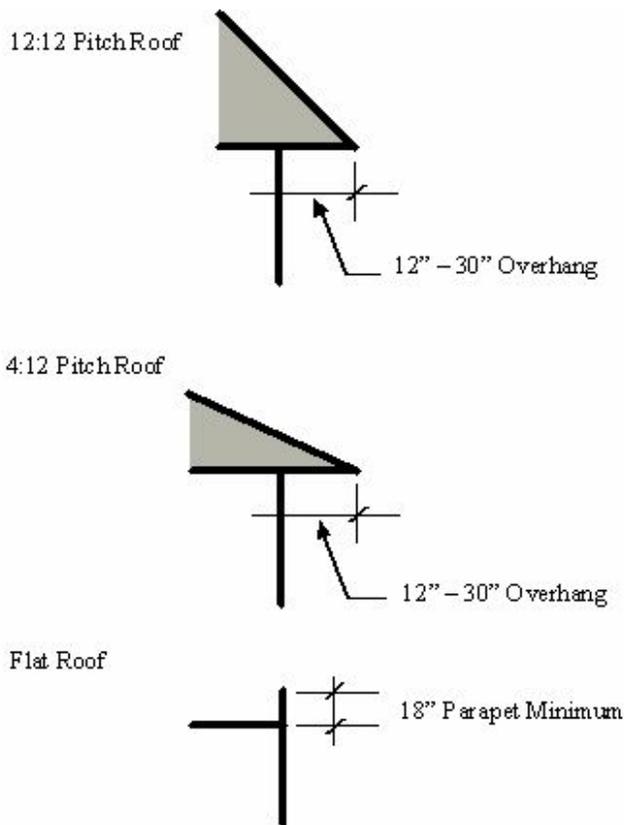
- [1] A minimum 25-foot wide building setback shall be provided for all parcels that are adjacent to an accessible right-of-way, or the rear or side yard lot line of another parcel.
- [2] A minimum 45-foot wide building setback shall be provided for parcels adjacent to a public waterway.
- [3] Alternative design solutions may be proposed for the narrow lot depth parcels located adjacent to the Boca Ceiga Bay. Reduction of this setback may be approved by the town if an acceptable alternative design solution is provided.

F. *All newly constructed building configuration standards.*

- (1) Buildings fronting gulf boulevard general requirements.
  - (a) An approved architectural building character type is required, with a preference towards masonry structures.

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- (b) Structures shall include stucco exterior coating, pitched roofing, arcades with semicircular arches, and other standard motifs and details appropriate for tropical and subtropical climates.
  - (c) A building canopy, awning or similar form of weather protection may be provided, with a minimum projection of six feet over the fronting walk.
- (2) *Nonresidential and mixed-use buildings.*
- (a) Building materials and techniques.
    - [1] Nonresidential and mixed-use buildings fronting Gulf Boulevard shall be constructed using brick, cast concrete, stucco, stone or other masonry material similar to those listed if appearance and durability is approved by the town.
    - [2] Regular or decorative concrete block may be used on building walls not visible from a public street.
    - [3] All ancillary structures shall be clad in materials similar to the primary structure.
    - [4] All stucco surfaces shall be knockdown finished.
    - [5] All window installations shall be set to the inside of the building facade wall.
    - [6] Any overhanging eave lines may expose rafters.
    - [7] All rooftop equipment shall be enclosed in building material that matches the structures of the main building or is visually compatible with the structure. Rooftop equipment shall not be visible from Gulf Boulevard.
  - (b) *Building roofs.*
    - [1] Pitched roofs shall be clad in Spanish tiles, barrel tiles, colored standing seam metal, slate or similar materials.
    - [2] Main roofs on buildings shall be, where possible, symmetrical hips or gables with a pitch of between 4:12 and 12:12. See Figure 90-~~107~~ 170-I.
    - [3] All pitched roofs must have an overhang of at least 12 inches and can extend to a maximum of 30 inches beyond the face of the facade.
    - [4] Flat roofs are permissible on nonresidential or mixed-use buildings. Flat roofs must be raked at the minimum slope necessary to shed water and meet other construction requirements.
    - [5] Buildings with flat roofs must include parapets that shall be no less than 18 inches in height and not greater than 36 inches in height, measured along the face of the facade. The top of this parapet shall be no less than 18 inches higher than the adjacent finished roof surface. Building parapets shall be treated as unique topping elements on the facades of flat roof buildings. Special attention shall be used in articulations, signage, details, inlays, friezes or other appropriate design elements.

Figure 90-~~107~~ 170-I



(c) *Building windows and doors.*

- [1] A minimum of 50 percent of the linear dimension of the building's primary facade shall include windows or doors. Primary facade walls shall not continue uninterrupted without a window or functional public access doorway for a distance greater than 12 feet.
- [2] First-floor windows shall be clear or transparent glass. Mirrored or reflective glass of any kind is prohibited. Stained glass shall be used sparingly in special cases primarily as an architectural accent.
- [3] Window sills shall be located no higher than 42 inches above building finish floor level.
- [4] Window headers shall be located no lower than eight feet above adjacent building finish floor level.
- [5] Window types shall include bay, casement, clerestory, dormer, and double hung. Single-pane and tilt windows are permissible if the glass panes have mullions within.
- [6] The minimum vertical proportion of a window shall be 1.5 times its width.
- [7] Bands of windows are permissible.
- [8] Window treatments shall include caps, lintels, and sills.
- [9] The principal doorway or building entrance inset for public entry into a building shall be from Gulf Boulevard. Corner entrances may occur where appropriate on corner lots.

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- [10] Door types shall include entry, French, patio, and storm.
- (d) *Building chimneys.*
- [1] Exterior chimneys shall be finished in brick, stucco or stone.
- [2] Chimney hoods and caps shall be terracotta, brick, or stucco.
- [3] Chimney shafts shall be integrated to the design of the building.
- (e) *Building arcades, galleries, porches, and awnings.*
- [1] All newly constructed buildings located along Gulf Boulevard shall include physical extensions (i.e., other than minimum limits of required arcades) that project into the intermediate zone between the build-to line and the edge of the public right-of-way that serve for additional pedestrian protection.
- [a] These extensions shall include arches, galleries, porches, awnings, or other physical extensions from the primary facade.
- [b] These extensions shall extend no less than one-third the length of the primary facade and must, at a minimum, provide protection for all entries into the building that are not covered by an arcade. It is recommended that additional protection be provided for all openings, including windows.
- [2] Awnings must extend a minimum of six feet from the primary facade of the building.
- [3] Porches must extend a minimum of seven feet in width from the primary facade.
- [4] All buildings greater than two stories in height, and with a primary facade greater than 60 feet in width, must have a continuous arcade or colonnade for the full length of that facade.
- [a] The front (exterior) edge of an arcade shall sit along the Gulf Boulevard right-of-way line.
- [b] The interior dimension of an arcade shall be a minimum of eight feet wide. See Figure 90-~~107~~ 170-J.
- [c] The proportions of the arcade bays shall be vertical and at least ten percent greater than the width of the bay at its widest point. The minimum height for an arcade bay opening shall be ten feet. The minimum width for an arcade bay opening shall be eight feet.

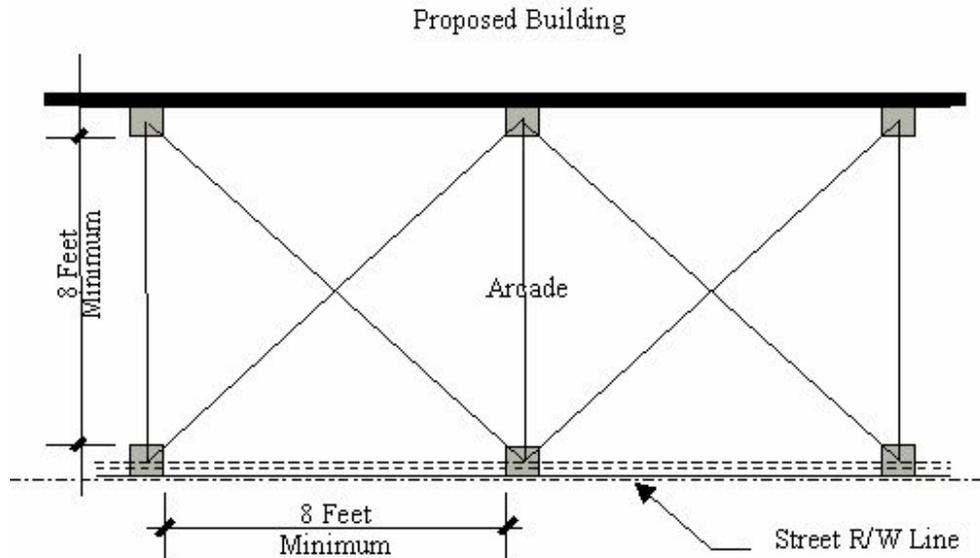
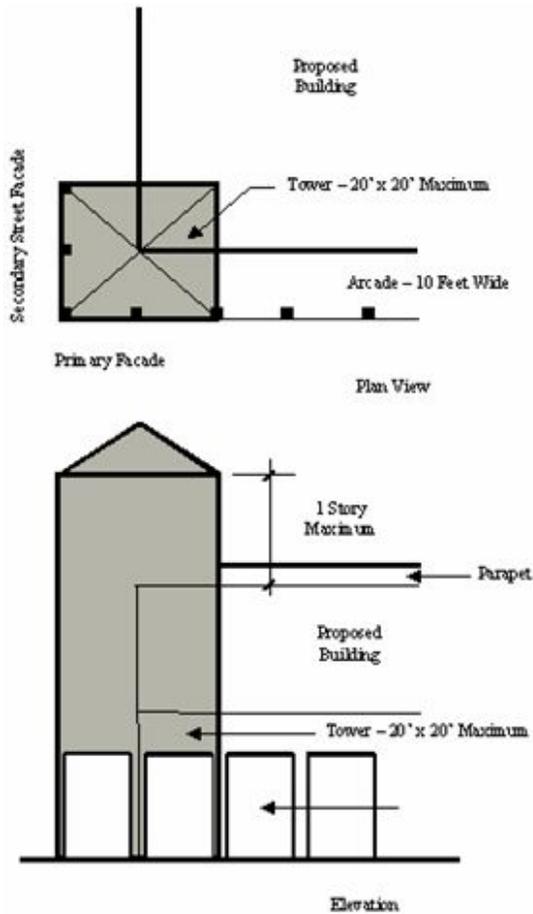


Figure 90-~~107~~ 170-J

- [5] Towers are permitted at the corners of buildings that are located at the intersection of Gulf Boulevard and any connecting street. See Figure 90-~~107~~ 170-K.
- [a] The design of a tower shall be architecturally continuous with the primary building.
  - [b] A tower shall be built above the intersecting primary facade and intersecting street facade, and may extend up to one story above the maximum primary building height.
  - [c] A tower must have a square footprint whose width cannot be greater than  $\frac{1}{6}$ th the width of the building, and a maximum of 20 feet.
  - [d] A tower may be accessible, or inhabited if compliant with other provision of this Code.
  - [e] Towers shall be constructed with sufficient open space at ground level in order that such tower not constitute sight line obstructions.

Figure 90-107 170-K



~~(3) Single-family residential buildings.~~

~~(a) Materials and techniques.~~

- ~~[1] Residential building walls shall be wood clapboard, primed board, brick, stone, stucco, approved vinyl siding, Hardiplank, or similar approved material.~~
- ~~[2] Garden (freestanding exterior) walls may be of brick, stone or stucco matching the main building.~~
- ~~[3] Residential roofs, including the roofs of porches, shall be clad in wood shingles, standing seam metal, slate, barrel tile, asphalt shingles or a similar approved material.~~
- ~~[4] All rooftop equipment shall be enclosed in building materials that match the materials of the main building, or are otherwise compatible with the design of the structure.~~

~~(b) Front yard porches.~~

- ~~[1] Usable porches shall be a dominant element.~~
- ~~[2] Porches shall be at least six feet in depth and located along at least 50 percent of the primary facade of the building. A greater percentage of primary facade length is recommended, as well as the location of porches on one or more side facades if possible.~~

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~~(c) — Garage doors.~~

- ~~[1] — Garage doors that are facing the right of way shall be designed with individual door openings for each vehicular space.~~
- ~~[2] — The visible width of the garage, when viewed from the right of way, shall be no more than 40% of the lot width. For sites that include frontage on both Gulf Boulevard and an ancillary side street, ingress and egress shall occur from the side street. For narrow sites with only frontage on Gulf Boulevard where the forty percent maximum width limits site design options, up to two twelve-foot wide garage doors are allowed.~~
- ~~[3] — Where driveways and garages are located on the Gulf Boulevard frontage, the garage opening shall be set back a minimum of 20 feet from the right of way line.~~
- ~~[4] — Where driveways and garages face other street frontages, the garage opening shall be set back a minimum of 15 feet from the right of way line.~~
- ~~[5] — When the side of a single family residence faces another street frontage, and the driveways and garage occur to the side, the side yard setback shall be a mandatory 20 feet for the frontage containing the garages and/or car ports.~~

~~(d) — Roofs.~~

- ~~[1] — Main roofs on buildings shall be symmetrical hips or gables with a pitch of between 4:12 and 12:12.~~
- ~~[2] — All pitched roofs must have an overhang of at least 12 inches and can extend to a maximum of 30 inches beyond the facade, and may extend into required setbacks.~~

~~(e) — Walls.~~

- ~~[1] — Two different wall materials may be combined horizontally on the facades of the building, with the heavier material (i.e., masonry, brick, stucco, stone, etc.) installed below.~~
- ~~[2] — When two materials are combined horizontally on one facade and terminate at the outside corner of the facade, both materials must continue for a minimum distance of three feet around the corner onto the side facade.~~
- ~~[3] — Moldings or other elements shall be used to indicate the transition at the joint between a wall and an overhanging pitch roof.~~

~~(f) — Windows and doors. Moldings or other surrounds on windows and doorways shall be used.~~

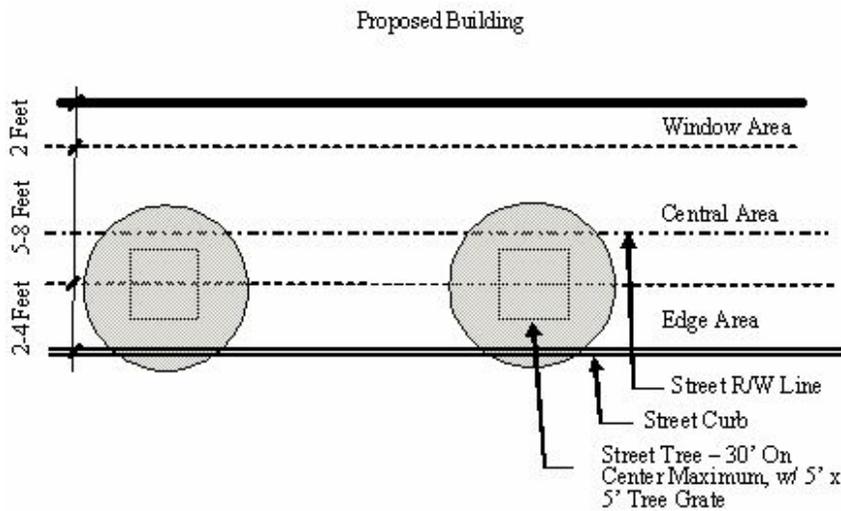
~~(g) — Chimneys. Exterior chimneys shall be finished in brick, stucco or stone.~~

- G. *Public realm design.* The creation of compatible public realm design elements along the Gulf Boulevard parcels located within the GBOD limits may be considered as a responsibility of both private developer and town, depending upon the identified application. Ultimately, private redevelopment projects must demonstrate that they meet local requirements for approval. The town shall seek implementation of the identified standards, through town funding, private developer contribution as appropriate fair share, or combination thereof where possible.
- (1) *General street design.* The private developer(s) shall design and construct public realm improvements to Gulf Boulevard to implement the provisions of this section.
    - (a) Streets shall be designed as the primary public space within the community and shall be designed to the scale of the pedestrian.
    - (b) Gulf Boulevard shall be designed to include appropriately selected street trees planted in a manner appropriate to their placement and function.

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- [1] Gulf Boulevard shall have trees that complement the facades of the structures, that provide for visual access to storefronts and signage, and that shade the sidewalks.
  - [2] Residential streets shall provide for an appropriate street canopy, designed to shade both street and sidewalk during summer months and serve as a visual buffer between street and the adjacent dwellings.
  - [3] Required shade trees shall provide 14 feet six inches of clearance over the roadway.
  - (c) On-street parking is preferred and shall be provided wherever possible. Use of on-street parking shall credit towards on-site parking requirements.
  - (d) Within designated areas of Gulf Boulevard, parallel parking shall be acceptable if approved by the Florida Department of Transportation.
  - (e) Within all other areas, on-street parking is allowed except where expressly prohibited.
  - (2) *Traffic calming.*
    - (a) Every opportunity should be taken to implement the full compliment of traffic calming techniques within the town as follows:
      - [1] Narrowing the visual field.
      - [2] Narrowing or deflecting the roadway.
      - [3] Altering the height of the roadway surface.
    - (b) This is particularly important along the length of Gulf Boulevard, where the use of such techniques will need to be negotiated between the town, private developers, and the Florida Department of Transportation, as appropriate.
    - (c) On other streets located within the town, however, the town and private developers should implement these techniques on an incremental basis as timing, demand, and resources permit.
  - (3) *Curb cuts.*
    - (a) Adjacent properties shall be designed to share ingress and egress points where possible to reduce the number and interval of existing curb cuts in the town through cross-access easements.
    - (b) Corner properties with ingress and egress to intersecting streets shall have access occur from the secondary intersecting street as opposed to Gulf Boulevard right-of-way.
    - (c) Continuous, paved right-of-way access should be eliminated and parking redesigned throughout the entire length of Gulf Boulevard right-of-way.
  - (4) *Bicycles.* New development should be designed to enhance mobility within the town through increased design emphasis for bicyclists from both within and outside the community.
    - (a) Indicate through signage, lanes and street markings, desirable locations for bicycle use.
    - (b) Provide bicycle storage racks and other facilities for temporarily storing bicycles on private property and in the public realm.
  - (5) *Mass transit.* New development activity that exceeds a minimum of 50 percent of the existing property appraised value should be designed to support trolley/bus stop locations within the community. These locations and facilities will link with adjacent commercial, restaurant or civic uses through construction of covered waiting areas.

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- (6) *Sidewalks.* New development activity that exceeds a minimum of 50 percent of the existing property appraised value shall improve and/or enhance existing sidewalks within the GBOD along Gulf Boulevard and intersecting secondary streets fronting the project.
- (a) A minimum eight-foot wide sidewalk shall be provided along Gulf Boulevard.
  - (b) A minimum five-foot-wide sidewalk shall be provided along intersecting secondary streets.
  - (c) The paved areas along Gulf Boulevard should be thought of as including three distinct elements: the edge area closest to the street and/or parking; the central area used primarily for walking; the area closest to the private property lines used for access to these properties, window shopping, and outdoor dining.
    - [1] The edge area, adjacent to the roadway, should be used for street trees, street furniture, lighting fixtures, trash receptacles, and other elements. This band should be between two feet and four feet wide, depending on the size, type and nature of the trees and/or street furniture placed there. All street furnishings, palms and shade trees must maintain a minimum of four-foot offset to the face of the curb.
    - [2] The central area should be dedicated to pedestrian use. Surfaces should be durable, and not overly ornate. Few, if any, impediments should be found within the realm, which should be at least five feet wide and might extend to be as large as eight feet in high traffic areas.
    - [3] The area closest to the private property lines should allow enough space for people to stop and stand and look at these properties. A portion of the build-to line setback may support outdoor cafe seating. At a minimum, this element of the sidewalk should be at least two feet wide.
    - [4] A combination of the sidewalk areas identified in subsection G.(6)(c)[2] and [3] above may be approved by the town for use as part of outdoor cafe seating.
- (7) *Street trees.* Street trees shall be planted along all primary streets within the town. New development shall install and maintain the installations. See Figure 90-~~107~~ 170-L.
- (a) Street trees should be installed a maximum of 30 feet on center, and be located within planting strips or tree wells. Such trees may require a variance from the Florida Department of Transportation Design Engineer if located within the limits of clear sight.
  - (b) The minimum width for all planting strips is five feet.
  - (c) The minimum dimensions for tree wells are five feet by five feet, and shall utilize tree grates to permit pedestrian access.

Figure 90-~~107~~ 170-L



- (8) *Lighting.* New development shall include lights that are installed as part of a single unified fixture comprising both pedestrian and street lighting.
- (a) All lights shall be designed, installed and maintained to protect sea turtle nesting patterns.<sup>7</sup>
  - (b) Additional pedestrian lights shall be located at critical intersections or high-intensity areas, as warranted on an as-needed basis.
  - (c) All site lighting shall be designed to eliminate glare to adjacent properties, minimize spill over by providing shielding and other appropriate design and construction techniques.

H. — See also chapter 90, parts 1 and 2; section 90-108 and section 90-138; chapter 133, article I, business tax and business tax receipts; and § 90-113, satellite antennas.

( Ord. No. 15-03, § 1, 2-10-2016 )

### Sec. 90-~~108~~ 171. Parking regulations and requirements.

All off-street parking and loading shall conform to the following requirements:

- A. *Locations.* Off-street parking or loading lots may be developed in any required side, front or rear yards. Parking garages shall conform to the minimum yard requirements for principal buildings of the district in which they are located. Required parking may be off the site of the principal structure and separated from the site of the principal structure by up to 400 feet; and must meet and be approved under the standards of this [subsection] ~~¶~~ L.(4)(e).
- B. *Lot surfaces/drainage.* Parking lots designed for 20 or more vehicles shall be designed for storm runoff pollution control. Appropriate pollution control facilities may include pervious bituminous concrete surfaces and on-site retention of stormwater. Performance criteria shall be included in the site plan application.

<sup>7</sup>**Cross Reference:** See also Ch. 56, Animals, Art. II, Protection of Sea Turtles.

- C. *Dimensions.* Each parking space shall measure a minimum of ten feet wide and 20 feet deep, exclusive of maneuver space. The marking of parking spaces is required in lots designed for more than four vehicles. The developer, at his or her option, may increase the number of parking spaces by designating and marking up to 25 percent of the required spaces for smaller vehicles. Spaces for smaller vehicles shall measure a minimum of nine feet wide and 20 feet deep, exclusive of maneuver space. Total required space for parking will, however, be based on the ten-foot-by-twenty-foot dimension plus maneuver space for normal vehicles for the required number of spaces.
- D. *Vehicular access.* Vehicular access to street, pedestrian areas and landscaped areas shall be restricted and controlled by curbs or concrete bumpers. Unrestricted access to streets shall not exceed 25 feet per access point.
- E. *Illumination.* Lots shall be adequately illuminated if designed for use by more than four vehicles after dark.
- F. *Egress.* Excluding single-family and duplex residences, all off-street parking areas shall be designed so that no vehicle is required to back into a public or private street or through drive to obtain egress. For the purposes of this provision, drives or aisles serving more than 25 vehicles and which are not internal to a parking bay but serve one or more parking bays are considered to be through drives.
- G. *Landscaping.* Eight percent of the area of parking lots shall be devoted to landscaping encompassing trees and shrubs and a mechanical irrigation system. Landscaping arrangement shall contribute both to buffering between adjacent properties and to effective traffic control for safety.
- H. *Loading areas.* Loading areas shall comprise one space for every commercial or multiple-residence building of 5,000 square feet or more, plus one additional space for each additional 25,000 square feet of gross building space. Each loading space shall be at least 400 square feet in area.
- I. *Residential zone restriction.* A garage designed for more than three vehicles is not permitted as an accessory use for a single-family dwelling.
- J. *Off-street parking areas.*

(1) The schedule of off-street parking shall be as follows:

Use	Required Spaces
<del>Auditoriums, places of worship, and places of assembly</del>	<del>1 for each 3 seats</del>
Business and professional offices, retail	1 for each 200 square feet of floor area used for transacting business
<del>Churches, auditoriums and places of assembly</del>	<del>1 for each 3 seats</del>
Funeral homes	1 for each 100 square feet of parlor space
Hospitals <del>and guest houses</del>	1 for each 2 patients, <del>or rooms for rent</del>
<del>Hotels and motels</del>	<del>1 for each sleeping room, plus 1 for every 3 units or fraction thereof</del>
<del>Lodging house</del>	<del>1 for each room for rent</del>
Medical or dental offices	8 for each doctor
<del>Multi-use shopping centers</del>	<del>1 for each 250 square feet of floor area</del>
Residential dwellings	2 per dwelling unit
Restaurants, taverns, nightclubs	1 for each 4 seats, plus 1 for every 3 employees, but in no event less than 1 for each 50 square feet devoted to patron use, plus 1 for each 400 square feet of other space
Social halls, clubs and lodges	1 for each 200 square feet of floor area
<del>Transient accommodations</del>	<del>1 for each sleeping room, plus 1 for every 3 units or fraction thereof</del>

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- (2) For combined permitted uses located in a single enterprise, required parking shall be calculated separately. However, if under the site plan review procedures described in section 90-~~110~~ 237 it can be demonstrated that separate calculation will result in more parking than is necessary because of shared clientele or because of nonoverlapping hours of use, the requirements may be adjusted accordingly.

(K) Parking reductions for specific developments.

- (1) To avoid requiring more parking spaces than are actually needed to serve a development, the Town Commission may permit reductions in the minimum number of parking spaces pursuant to Section 90-171(J) if the conditions and requirements below are satisfied.
- (2) In order for the Town Commission to allow a reduction in the minimum number of parking spaces, an applicant shall demonstrate to the satisfaction of the Town Commission that the minimum parking spaces pursuant to the standard of Section 90-171(J) are not needed, due to one or more of the following conditions:
  - (a) The nature and operation of the use are such that the actual parking requirements of the proposed use are less than the minimum number of parking spaces pursuant to Section 90-171(J). Such claims shall be based on data from similar developments, parking regulation of similar uses in other communities, or a trip generation or parking study prepared by a qualified professional.
  - (b) Alternatives to on-site parking shall be provided. Such parking alternatives may include but are not limited to automated or valet parking which allows more vehicle to be parked in less space than conventional parking, remote parking with shuttle service to and from the remote location, and ride-sharing or carpooling programs. All such alternatives shall be made binding on the development through approval by the Town of a development order, development agreement, or restrictive covenant.
  - (c) For redevelopment of sites that were legally developed prior to these parking standards that do not provide the minimum on-site parking spaces pursuant to Section 90-171(J) above, applicants may demonstrate to the satisfaction of Town Commission that existing on-street or remote parking is available to serve the proposed redevelopment.

✦ L. Gulf Boulevard Overlay District (GBOD) parking standards. The following parking standards are provided for use within the district limits where appropriate.

- (1) *General conditions.* Parking lots shall not interrupt key pedestrian routes, or otherwise negatively impact Gulf Boulevard. The Building Official shall review and make recommendation to the Planning and Zoning Board during site plan review process.
- (2) *Location.*
  - (a) Vehicular parking areas may be located at the rear of buildings or within the interior of blocks. However, vehicular parking areas may be approved by the town in side yard areas and/or fronting right-of-way where needed.
  - (b) When located alongside a building, the vehicular parking areas shall not occupy more than one-third of the entire lot or block frontage, whichever is smaller.
- (3) *Landscaping.* All landscaping shall meet or exceed provisions within this chapter. Additionally:

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- (a) All parking areas will be screened from public rights-of-way by landscape plantings and/or masonry walls.
  - (b) Screening shall be a minimum of three feet in height at time of installation and be designed to accommodate either FDOT or town safe visibility criteria at access points.
- (4) *Shared parking.*
- (a) All nonresidential uses within the GBOD can meet their parking requirements through the use of non-designated on-street parking (in front of the individual use as a credit to one-half car per full space towards required parking count) or designated spaces located within accessible private lots with available extra space to designate to the intended users, and an agreement as outlined in this [subsection] (4)(e).
  - (b) All designated spaces must be located in lots within a reasonable walking distance, a maximum of 400 feet from the primary entrance of the use, and approved by the town.
  - (c) Nonresidential uses may also meet their requirements through the use of a valet service that has access to off-site parking spaces sufficient to accommodate the need of the combined uses, based upon town approval.
  - (d) All residential uses must accommodate required parking on-site. However, for upper-story residential apartments located within mixed-use buildings, parking requirements may be met with designated spaces in adjacent shared parking lots.
  - (e) The joint use of shared off-street parking spaces must be designated by agreement between the users and the owner. The applicant shall submit a detailed traffic report prepared by a professional engineer using the Institute of Traffic Engineers (ITE) latest edition for trip generation and shared parking use. The report will identify the specific uses, hours of operation and stipulations acceptable to the town. Such shared use agreements shall be subject to final approval by the Town Commission and after execution, recorded by the requesting party with each parcel of property involved so as to run with the land.
- (5) *Trash dumpsters.*
- (a) All trash dumpsters shall be stored and screened from the Gulf Boulevard right-of-way and adjacent residential uses.
  - (b) Trash dumpsters shall be located in an accessible service area and enclosed within an opaque fence/wall with gates. Such gates shall remain closed at all times other than when being picked up.

( Ord. No. 15-02, § 1, 11-12-2015 ; Ord. No. 15-03, § 3, 2-10-2016 )

**Sec. 90-~~109~~172. Boat, vessel, watercraft and trailer parking.**

- A. It shall be unlawful for any person to place or park more than one boat and one trailer upon any lot, piece or parcel of land in the town. It shall not be deemed a violation of this section if no more than two personal watercraft are stored on a lot as long as they are on a trailer designed to accommodate two personal watercraft and as long as such trailer is the only trailer stored on such lot, piece or parcel of land in the town. Placing or parking such equipment upon any right-of-way or easement within the town is expressly prohibited.
- B. Boats, vessels, watercraft and trailers placed or parked upon the owner's or occupant's property shall be maintained in a neat, clean and presentable manner, and the area beneath the equipment shall be kept in a

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neat condition, and no accumulation of trash, weeds or overgrown grass shall be allowed under, near or around the equipment.

- C. It is further provided, notwithstanding any of the provisions contained in subsection A. of this section, that any resident of the town may park or store more than one boat, vessel, watercraft or trailer if such equipment is in an enclosed garage or enclosed carport out of view of the general public.
- D. Notwithstanding the above provisions, any resident of the Town of Redington Shores may obtain a permit from the town clerk to allow a guest or guests of such resident to park a boat, vessel or watercraft upon such resident's property for a period not to exceed 14 days in any calendar year.
- E. It shall be unlawful to violate the provisions of this section, and any person, firm or entity violating the provisions of this section shall be subject to a fine of up to \$500.00 or incarceration for a period not to exceed 60 days in the Pinellas County Jail, with each day of violation being a separate violation of the provisions of this section.

**Sec. 90-~~111~~ 173. Regulations governing home occupations home-based businesses and other special uses.**

A. ~~Home occupations~~ *Home-based businesses*.

~~(1) Home occupations shall include the following:~~

- ~~(a) Art studio.~~
- ~~(b) Dressmaking.~~
- ~~(c) Teaching with musical instrument limited to a single pupil at a time.~~
- ~~(d) Tutoring for not more than two students at a time.~~
- ~~(e) Foster family care (for not more than four children simultaneously).~~
- ~~(f) Boarding of not more than two persons.~~
- ~~(g) Other approved home occupations as approved by the board of commissioners.~~

~~(2) Home occupations shall not be interpreted to include the following:~~

- ~~(a) Retail wholesale outlets.~~
- ~~(b) Barbershops and beauty parlors.~~
- ~~(c) Kennels.~~
- ~~(d) Commercial and professional offices.~~
- ~~(e) Restaurants.~~
- ~~(f) Automotive repairs.~~

~~(3)~~(1) Licenses for home occupations home-based businesses shall be issued by the town clerk in accordance with the provisions of chapter 133, taxation, of the Code of the Town of Redington Shores.

~~(4)~~(2) Personnel employed shall be limited to members of the immediate family residing on the premises; no mechanical equipment which will create noise, smoke or odor may be installed; no commodity may be sold on the premises; commercial vehicles may be parked or stored only in an enclosed garage where they are totally obscured from view; not over 25 percent of any one story of a residence may be used for home occupation; frequent or regular pickup or delivery of materials or merchandise is prohibited;

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~~any activity which will create congested or excessive vehicular traffic or the congregating of persons which would disrupt the peace and quiet of a residential neighborhood is prohibited; one nonilluminated sign not larger than two square feet attached to the building may be displayed; establishment of a home occupation to avoid payment of a higher business tax receipt fee shall be considered a violation of this part 5 and chapter 133, taxation, article I, business tax and business tax receipts, of the Code of the Town of Redington Shores. The employees of the business must reside in the dwelling, except that up to a total of two employees or independent contractors who do not reside at the dwelling may work at the business.~~

- ~~(3) The use of the dwelling shall be consistent with the uses of residential areas that surround the property. External modifications made to the dwelling to accommodate the home-based business must conform to the residential character and architectural aesthetics of the neighborhood.~~
- ~~(4) The use shall not create noise, smoke, heat, glare or noxious odors.~~
- ~~(5) Parking related to the business activities of the home-based business may not be greater in volume than would normally be expected at a similar dwelling where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right of way, on or over a sidewalk, or on unimproved surfaces at the dwelling. Parking related to the business activities of the home-based business must comply with local zoning requirements.~~
- ~~(6) The home-based business may not conduct retail transactions at a structure other than the dwelling, however, incidental business uses and activities may be conducted at the property. All business activities must comply with any relevant local or state regulations concerning signage.~~

B. *Other special uses.*

- (1) Private, nonprofit recreational uses or social uses where membership is limited to adjacent residential areas in the RM-15 district. Standards shall be as follows:
  - (a) The use, including accessory structures, shall be no closer than 25 feet to any property line.
  - (b) The property line shall be screened by a ten-foot landscaped strip.
- (2) Commercial uses and commercial recreation uses in the C-NR district. standards shall be as follows:
  - (a) The use shall not be closer than 50 feet to any residential district.
  - (b) The property line shall be screened by a ten-foot landscaped strip.
  - (c) A six-foot solid privacy fence or wall may be permitted as necessary to provide buffering for the residential district.

~~C. *Transient rentals.* Transient rentals, as defined in this part 5, shall be deemed to constitute the operation of a commercial tourist facility and are specifically prohibited in the RS 7, RD 15, RS 10 and RM 15 districts. Under special circumstances, a special use permit for such transient rentals in other residential districts may be granted for specified limited periods of time. The participation, either directly or indirectly, in such transient rentals by any person acting either as an owner, agent, broker or any other form of representative shall constitute participation in the operation of a commercial tourist facility. The advertising or use of any such property for transient rental, by any formal method, including the Internet, shall be deemed to be conducting the operation of a transient rental. Any violation of this provision shall be subject to a fine of \$500.00. Each day of violation shall constitute a separate violation. The penalties contained in this provision shall be the exclusive penalties applicable to a violation of this transient rental subsection, and no other fines, penalties or provisions contained elsewhere in the Town of Redington Shores Code of Ordinances shall apply to violations of the transient rental subsection.~~

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**D.C.** Authority for issuance of special permits.

- (1) The town clerk is authorized to issue special use permits for ~~home occupations~~ home-based businesses, portable signs and temporary parking of recreation vehicles/housecars.
- (2) All other special use permits shall be subject to approval of the planning and zoning board.
- (3) Fees for special use permits shall be in the same amounts as those established for business tax receipts in chapter 133, taxation, of the Code of the Town of Redington Shores.

(Ord. No. 08-04, 7-9-2008; Ord. No. 10-0514, 7-14-2010; Ord. No. 11-03, 5-25-2011)

**Sec. 90-~~113~~ 174. Satellite antennas.**

- A. Satellite antennas and related guy wires shall be considered accessory structures and shall meet setback requirements. They will be fixed-point structures. No more than one satellite antenna per property shall be permitted.
- B. Satellite antennas shall be installed and maintained in compliance with requirements of the Florida Building Code and National Electrical Code. A building permit shall be required prior to construction and installation.
- C. Satellite antennas shall be appropriately finished to avoid bright light reflection and to blend with surroundings. No advertising or signage of any type is permitted on satellite antennas. Satellite antennas mounted above the roofline shall be of open web or mesh construction. Solid antenna dishes may be used in ground or pole mountings where no part of the antenna extends beyond the roofline at its nearest point.
- D. The maximum height of the antenna shall not exceed 15 feet above grade, except where roof-mounted or pole-mounted adjacent to the roof where it will not extend more than 15 feet above roof level at its nearest point.
- E. All poles or other brackets extending into the ground on which satellite antennas are mounted shall be securely anchored to conform to the Florida Building Code for like structures, so that in the event of flooding, such ground mounts shall not come out of the ground. The plans and specifications for such mounts shall be submitted to and approved by the building inspector prior to any installation.
- F. For single-family and duplex residences (RS-7, RS-10, RD-15), satellite antennas are permitted only within the rear yard buildable area for principal or accessory structures. Where roof mounting or pole mounting above the roofline is necessary, such installation will only be made in the rear half of the roof area.
- G. For multifamily residences (RM-15), retail office, residential structures (ROR-15), ~~motels, hotels~~ transient accommodations (CTF), commercial structures (C-NR) and public institutional structures (PI), satellite antennas are permitted in buildable area for principal or accessory structures but not forward of the principal structure.
- H. Construction and installation of satellite antennas shall be considered in site plan review as described in section 90-~~110~~ 237, except for existing single-family and duplex residences.
- I. No variances may be granted which would allow satellite antennas in the required front yard setback.
- J. Satellite antennas legally in existence at the date of enactment of this section shall be considered "grandfathered." Satellite antennas not otherwise in compliance with this part ~~5-4~~ shall be removed at the owner's expense.

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**Sec. 90-~~114~~ 175. Nonconforming uses.**

- A. Buildings existing at the time this part ~~5 4~~ becomes effective; alteration or change of use. The lawful use of a building, which use existed at the time of the effective date of this part ~~5 4~~, may be continued although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to less restricted use.
- B. ~~Buildings~~ Use of buildings which become nonconforming through zoning change. Whenever the use of a building becomes nonconforming through a change in the zoning ordinance or district boundaries, such use may be continued; and if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.
- C. Discontinuance of a nonconforming use. In the event that a nonconforming use of any building or place is discontinued for a period of six months, the use of the same shall thereafter conform to the use permitted in the district in which it is located; provided, however, that the board of commissioners may permit a continuation of such nonconforming building or premises.
- D. Alteration of building housing nonpermitted use. No existing building devoted to a use not permitted by this part ~~5 4~~ in the district in which such building is located shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted in the district in which such building is located.
- E. Restoration of nonconforming uses damaged by any cause. When a building, the use of which does not conform to the provisions of this part ~~5 4~~, is less than 51 percent damaged without design or connivance of the owner thereof by fire, explosion, hurricane or any cause, it may be restored, provided that the same meets with the provisions of the town building code and the permit issued thereunder.
- F. Special exception. Where an individual single-residence is located in a zoning district permitting single residences, but does not meet criteria as to lot size or flood protection, and is destroyed or damaged beyond 51 percent of total value by a disaster not of the owner's design, connivance or contribution, a building permit may be issued by the building department for reconstruction or replacement of a like single-family residence meeting flood protection and minimum setback criteria for the district in which the property is located.
- G. In the event that any residential structure is damaged or destroyed by a hurricane, tornado, fire, flood, windstorm, or other natural disaster, it can be repaired or reconstructed in a manner which guarantees that each unit and all permitted accessory uses can be restored to the same square footage and structure footprint upon the lot or lots which existed immediately prior to such disaster. Repairs and reconstruction shall adhere to all other Town Code provisions and flood management regulations in effect. In the event that such flood regulations require the elevation of a structure, the town shall permit the height of the structure to be increased the minimum necessary to accommodate the required flood elevation. If the repairs or reconstruction cannot be made in accordance with the current Town Code provisions, the town shall grant the owners relief from such code provisions to permit the same number of grandfathered units, and all existing legally permitted accessory uses, to be constructed on the same structure footprint upon the lot or lots which existed prior to the disaster, provided such restoration does not create a greater nonconformity than that which existed prior to the disaster.

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## **Sec. 90-176. Nonconforming structures.**

- A. Nonconforming Structures which are also Nonconforming Uses. Nonconforming structures which are also nonconforming with respect to use or density shall be governed by the provisions of this Section.
- B. Extension or Expansion of Nonconforming Structures. No nonconforming structure shall be enlarged, increased, or extended to occupy a greater area than it occupied at the effective date of this Part 4, except any nonconforming structure may be enlarged provided the extent of nonconformity is not increased.
- C. Relocation of a Nonconforming Structure. A nonconforming structure may be relocated to any portion of the lot or parcel upon which it is situated provided the relocation results in a lesser extent of nonconformity than existed prior to its relocation.
- D. Elevation of Nonconforming Structure. For flood damage protection purposes, and as a matter of public safety, a nonconforming structure may be elevated in conformance with the Florida Building Code provided that there is no increase in other nonconformities.
- E. Conversion of a Nonconforming Structure or part thereof. Any existing structure in which a nonconformity is altered, changed or replaced by a conforming structure shall thereafter conform to the regulations of the zoning district in which such structure is located. Such terminated nonconformity shall not thereafter be resumed nor shall any additional nonconformity be permitted.
- F. Alteration and Repairs. Normal maintenance and repair and incidental alteration of a nonconforming structure is allowed provided it does not increase the degree of nonconformity.
- G. Change in Tenancy or Ownership. There may be a change in tenancy, ownership or management of a nonconforming structure provided there is no change in the nature or character of the structure which would increase the intensity or area occupied by a nonconforming use.
- H. Nonconforming Accessory Structures. No nonconforming accessory structure shall continue after the principal use shall have been terminated unless such accessory use shall fully conform to all applicable provisions of the zoning district in which it is located.

## **Sec. 90-~~115~~ 177. Transferable development rights.**

- A. Applications for transferable development rights shall be processed in accordance with the provisions of section 90-~~124~~ 73. Applications will be subject to review by the planning and zoning board, which shall pass its recommendation to the town board of commissioners, who shall, in its sole discretion, taking into consideration the existing density of other parcels in the vicinity of the receiving parcel, ingress and egress to the receiving parcel, and other such factors, make the final determination as to whether to allow the transfer of development rights as requested, or as modified.
- B. Transfer of development rights shall be subject to the following:

  - (1) The permitted uses within any given future land use plan category shall be consistent with those permitted uses enumerated for each future land use plan category, and no transfer of development rights shall be permitted which is inconsistent with the permitted uses of a given future land use plan category.
  - (2) There shall be no transfer of development rights from existing developed property, irrespective of whether or not that property has been developed to the maximum density/intensity permitted under the future land use map and this Code, except for archaeological, historical, architectural preservation, or Leadership in Energy and Environmental Design (LEED) nationally recognized green building certification (i.e.. LEED, WELL Building, Green Globes, Living Building Challenge, etc.) purposes, pursuant to the enumerated policies and locations as set forth in the Comprehensive Plan and this

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Code. For the purpose of this provision, any lot or parcel which has been developed to a density that is less than its maximum density shall be considered to be an "existing developed property."

- (3) Transfer of development rights is permitted between all future land use plan categories except for transfer to the preservation and recreation/open space categories.
- (4) The maximum permitted density/intensity of the future land use plan category for any parcel of land to which development rights are transferred shall not exceed an additional 20 percent of the otherwise maximum permitted density/intensity allowed for each respective future land use plan category applicable to such parcel.
- (5) Where development rights are transferred from a sending parcel, that property shall only be used in a manner and to the extent specified in the transfer and recording mechanism. Any parcel from which development rights are transferred will be limited to the use and density/intensity that remains after the transfer. In particular:
  - (a) The residual development rights on the sending parcel will be limited to the remnant use and density/intensity available under the future land use map designation, and not otherwise transferred.
  - (b) Neither the use nor density/intensity of a sending parcel shall be double-counted, and the transfer of development rights shall not result in any combination of use or density/intensity above that which was otherwise permitted under the future land use map designation for each of the sending and receiving parcels, when taken together.
  - (c) A sending parcel from which all development rights are transferred shall not thereafter be available for use except consistent with the permitted uses and density/intensity standards of the recreation/open space category, except for sending parcels classified as preservation or required to be classified as preservation as a function of the transfer, in which case such parcels shall be limited to the permitted uses and density/intensity standards of the preservation category.
- (6) Where all development rights have previously been transferred from a sending parcel, no additional development rights shall be transferable from that sending parcel.
- (7) There shall be no transfer of development rights from or to submerged land, or from outside the coastal high hazard area into the coastal high hazard area.
- (8) The sending parcel must be located within the Town of Redington Shores unless it is owned by the Town of Redington Shores or another unit of local government.
- (9) Where development rights cannot otherwise be determined for the preservation or recreation/open space category based on these provisions for transfer of development rights, such categories shall be assigned a maximum density/intensity of one dwelling unit or five percent floor area ratio per acre, or both, as is applicable based on the permitted uses to be utilized in the receiving parcel for any transfer of development rights under the future land use map and this Code.
- (10) Where an entire parcel of property is located in a preservation or recreation/open space category, and the development rights of such parcel have not been and cannot be transferred, such property shall be permitted a minimum beneficial use subject to the various provisions set forth in the future land use map and this Code, but private property shall not be taken without due process of law and the payment of just compensation.
- (11) All transfers of development rights shall be recorded, in a form approved by the countywide planning authority, in the public records with the Clerk of the Circuit Court for Pinellas County, and a record copy of same to be filed with the Pinellas Planning Council.

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- (12) All applications for transfer of development rights shall be on a form, as required by the building official, and shall be accompanied by the payment of a fee, as enacted, and as may be from time to time amended, by the town commission, by resolution.

(Ord. No. 10-01, 7-14-2010)

**Sec. 90-~~116~~ 178. Vacation rentals.**

**A. Applicability and purpose.**

- (1) This section shall apply to all permitted vacation rentals located in the Town of Redington Shores, Florida, including any grandfathered use of vacation rentals in zoning districts other than Commercial Tourist Facilities (CTF) and Planned Unit Development (PUD) with a Future Land Use category of Resorts Facilities Medium (RFM).
- (2) The purpose of this section is to provide additional regulations pertaining to vacation rentals to preserve the quiet nature and atmosphere of residential areas and to ensure to the town's residents the tranquility and peaceful enjoyment of their neighborhoods. These regulations shall be in addition to and shall not supplant other provisions in this Code that may apply to vacation rentals; and in the event of a conflict, the more restrictive provision shall control. Nothing in this section shall be deemed to create an enforceable right or private right of action against the town.

**B. ~~Definitions. For purposes of this section, the following definitions shall apply:~~**

- ~~(1) Peer-to-peer or platform entity shall mean any person, service, business company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants whether through the internet or other means.~~
- ~~(2) Property owner shall mean the person who, or entity that, owns the property being used or occupied as a vacation rental.~~
- ~~(3) Responsible party shall mean the person or entity authorized by the property owner to obtain a certificate of use for a vacation rental, and who will be:~~
- ~~(a) Responsible for ensuring compliance with all regulations related to vacation rentals; and~~
- ~~(b) Available to respond 24 hours per day, seven days per week to an issue that arises relating to the vacation rental.~~

~~The property owner may serve as responsible party.~~

- ~~(4) Transient occupant shall mean any person who rents or occupies any dwelling unit or residence or part thereof for less than 30 days or one calendar month whichever is less, and any guest or invitee of such person.~~

**C. ~~B. Certificate of use required.~~ No property owner, responsible party, or peer-to-peer or platform entity shall offer as a vacation rental or allow any person to rent or occupy as a vacation rental any property in whole or in part within the Town of Redington Shores, unless a certificate of use has first been obtained in accordance with the provisions of this section. A property may be offered as a vacation rental immediately upon submission of an application for certificate of use, unless and until such time as the application is thereafter rejected or revoked.**

- (1) *Application.* A complete certificate of use application shall be submitted to the town. The application must be signed under oath or affirmation, and shall include the following:
- (a) The address and legal description of the vacation rental property;

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- (b) Name, address, email address, and phone number of the property owner;
  - (c) Name, address, email address, and phone number of the responsible party;
  - (d) Name and contact information for the peer-to-peer or platform entity or entities on which the vacation rental is, or will be, listed for rent;
  - (e) Statement that the responsible party is, or will be, remitting all applicable local Pinellas County business and tourist taxes; or that a peer-to-peer or platform entity through which vacation rentals are booked will be remitting all such taxes associated with the vacation rental on the responsible party's behalf;
  - (f) Statement that the responsible party is authorized by the property owner to offer the property as a vacation rental and act as the responsible party;
  - (g) Statement as to whether the entire property, or just a part thereof (i.e., a room or rooms) will be used as a vacation rental;
  - (h) Statement that insurance coverage will be in effect at all times while the property is being used as a vacation rental to cover liability for injury or harm to transient occupants or other invitees, and acknowledging that a standard homeowner's or renter's insurance policy may not necessarily provide such liability coverage while the property is used as a vacation rental;
  - (i) Statement acknowledging that the vacation rental must be registered with the Florida Department of Revenue, or successor agency, for purposes of collecting and remitting applicable state taxes and all such state taxes have been, or will be, paid;
  - (j) Statement acknowledging that a vacation rental license, issued by the Florida Department of Business and Professional Regulation, or successor agency, must be obtained; and
  - (k) Statement acknowledging that the property is, and will be at all times during which it is used as a vacation rental, maintained in compliance with the vacation rental standards set forth in subsection **D.C.** below;
  - (l) Statement acknowledging that copies of any executed rental contract in existence prior to August 12, 2020, which contains provisions contrary to this section but are otherwise permissible under Town Code, along with evidence of any deposit received in conjunction with such contract(s), must be submitted to the Town with the initial certificate of use application. The property owner or responsible party must also execute the corresponding affidavit promulgated by the Town, as may be amended from time to time. Failure to submit such affidavit and documentation shall result in all rentals being subject to the terms of this section despite the date such rental agreement was entered into by the parties.
  - (m) A building sketch(s) shall be provided by floor showing a floor layout. The sketch shall be drawn to scale, showing all bedrooms and sleeping areas.
- (2) *Supporting documentation.* The responsible party shall maintain all required licenses, records, and other documentation sufficient to demonstrate that the statements and information required by subsection (1) above are true and accurate.
- (3) *Providing false information.* Failure to provide truthful and complete information and responses in an application for a certificate of use is grounds to deny or revoke the certificate of use. A determination that an applicant has failed to provide truthful and complete information and responses in an application is appealable to the town commission, provided that a written notice of appeal is filed with the town clerk within ten calendar days from the date of the written denial or revocation of the certificate of use.

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- (4) *Annual renewal.* The certificate of use shall be renewed annually. A certificate of use may not be renewed if there are any outstanding fines or liens for violations of Town Code.

**D.C.** *Vacation rental standards.* The following vacation rental standards shall govern vacation rentals in the Town of Redington Shores:

- (1) *Duties of peer-to-peer or platform entity.* For each vacation rental listed or offered, a peer-to-peer or platform entity shall:
- (a) Provide notice of the requirements of this section to any person or entity listing or offering a vacation rental on its service or platform by including a summary of such requirements in a format acceptable to the town on its service of platform:
  - (b) Only provide payment processing services, or otherwise facilitate payment for a vacation rental that has a valid certificate of use in accordance with this section. A peer-to-peer or platform entity shall not be held liable pursuant to this subsection where it:
    - (i) As part of its vacation rental listing registration process, informs the responsible party that a certificate of use must be obtained before offering a vacation rental in the town; includes a link to the town's webpage where a certificate of use application can be located; requires the responsible party to confirm that such party has been advised of the town's regulations, including the certificate of use requirement; and provides a dedicated field to enable the responsible party to input the certificate of use number before such party completes registration and lists a vacation rental on the service or platform;
    - (ii) Provides the town on a monthly basis a report disclosing for each vacation rental listing the information entered by the responsible party in the certificate of use dedicated field, or whether the responsible party left that field blank; the total number of vacation rental listings on the service or platform during the prior month; and the total number of nights that vacation rentals listed on the service or platform were rented during the prior month.
  - (c) Comply with administrative subpoenas or other appropriate legal process from the town seeking information relating to persons or entities listing or offering vacation rentals on its service or platform;
  - (d) Maintain records demonstrating that the requirements of this subsection have been satisfied and such records shall be subject to inspection by the town upon request pursuant to the issuance of an administrative subpoena or other appropriate legal process, provided however, that certain confidential information, such as social security numbers, credit card information, and names of minors, shall not be subject to inspection upon request of the town; and
  - (e) Make available to the town for inspection upon request pursuant to the issuance of an administrative subpoena or other appropriate legal process all records relating to any suspected violations of state or local law associated with any vacation rental property in the town, provided, however, that certain confidential information, such as social security numbers credit card information, and names of minors, shall not be subject to inspection upon request of the town.
- (2) *Duties of responsible party.* For each vacation rental, the responsible party shall:
- (a) Provide written notice to transient occupants, prior to occupancy of the vacation rental, of the town's vacation rental standards set forth in this section, as well as the town's current regulations concerning noise, public nuisance, vehicle parking, solid waste collection, pet dogs on the beach, and condominium common area usage. This information, which is compiled and updated by the town and maintained on the vacation rental standards page of the town's website, shall also be made available to each transient occupant inside the subject property;

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- (b) Ensure compliance with all provisions of this section, including the vacation rental standards set forth herein and the town's regulations concerning noise, public nuisance, vehicle parking, solid waste collection, pet dogs on the beach, and condominium common area usage, and promptly address and report any violations of these standards which the responsible party knows, or with the exercise of reasonable diligence and oversight of the property should know, has occurred or is occurring. Such violations may be reported to the county's sheriff's office or, if during regular town hall hours, the town clerk's office;
  - (c) Ensure that any violations regarding the rental of the property are able to be promptly addressed and resolved 24 hours a day/seven days per week; and
  - (d) Maintain a register with names and dates of stay of all guests, including, but not limited to, all transient occupants and their invitees.
- (3) *Maximum occupancy.* Maximum overnight occupancy for vacation rentals shall be up to a maximum of two persons per permitted bedroom, plus two additional persons per property up to a maximum of 12 persons excluding children under six years of age. At all other times maximum occupancy for vacation rentals shall not exceed the maximum overnight occupancy of the vacation rental plus four additional persons per property, up to a maximum of 16 persons, excluding children under six years of age. For purposes of this subsection, "overnight" shall mean from 10:00 p.m. until 7:00 a.m. the following day. Notwithstanding the foregoing, at no time may the occupancy of a vacation rental exceed the maximum occupant load for the property under the Florida Building Code.
- (4) *Solid waste handling and containment.* Solid waste containers sufficient to handle the maximum occupancy permitted shall be maintained in accordance with chapter 127. All regulations regarding screening and storage of solid waste containers shall apply to vacation rentals. For purposes of this section, and as required in section 127-4 all solid waste containers shall be placed near the curb or alley no earlier than 6:00 p.m. of the evening preceding the collection day and must be removed not later than 7:00 p.m. of the day of collection.
- (5) *Advertising and signs.* Signs shall only be allowed to the extent permitted by the regulations in the code applicable to the relevant zoning district. Any advertisements or signs pertaining to vacation rentals that are inconsistent with the requirements, restrictions and regulations of the certificate of use or these vacation rental standards shall be deemed prima facie evidence in any enforcement action that a vacation rental is being operated in violation of this section.
- (6) *Posting of certificate of use.* Whenever a property is being used as a vacation rental, the certificate of use required by this section shall be available in a conspicuous location that is clearly visible to guests within the vacation rental and shall include at a minimum the name, address and phone number of the responsible party and the maximum occupancy of the vacation rental.
- (7) *Parking and vehicles.* All vehicles associated with the vacation rental, whether in the possession or control of the property owner, responsible party, or transient occupant, including maintenance, service or catering providers, shall comply with chapter 140 and all other applicable sections of the code, and shall not obstruct emergency vehicles, normal movement of traffic, block driveways, mailboxes or beach accesses. Transient occupants shall not be permitted to park more than two vehicles at any one time on the subject property during the rental period, unless the property has additional lawfully permitted parking spaces sufficient to park additional vehicle(s) without encroaching on town right-of-way.
- (8) *Noise.* All transient occupants shall abide by chapter 101 of the town code, which prohibits unreasonably loud, excessive, unnecessary, or unusual noise. Outdoor amplified sound at a vacation rental shall not be permitted at any time.

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- (9) *Public nuisance.* The responsible party and all transient occupants shall abide by the following state and town nuisance laws: Florida Statutes §§ 823.05 and 823.10, and article II of chapter 103 of the town code.
  - (10) *Pets.* If the responsible party permits transient occupants to have pets at the vacation rental, such pets shall be at all times secured within the property lines or on a leash but shall not be tethered. Continual nuisance barking by pets is prohibited. The keeping of pets shall be subject to the regulations of this section and chapter 56 of the town code regarding animals.
  - (11) *Swimming pool safety features.* If there is a swimming pool onsite, the responsible party shall ensure that the swimming pool has in place at least one of the pool safety features listed in Florida Statutes § 515.27, (i.e., pool safety barrier pool safety cover pool alarm or door latch/alarm) prior to use of the property as a vacation rental by any person under the age of six. The responsible party shall be deemed to have complied with this provision if the pool safety feature is put in place at the time that the property is turned over to any transient occupant occupying the vacation rental. This provision shall not apply to a vacation rental with a community swimming pool onsite, such as in a condominium. Compliance with this provision shall be in addition to compliance with ~~article V of chapter 90~~ article VI of chapter 63 of the town code pertaining to swimming pool fences.

**E.D.** *Enforcement.* The requirements of this section shall be enforced in accordance with the following:

- (1) *Penalties.* Any person operating a vacation rental without a certificate of use or in violation of the vacation rental standards or any other provisions in this section shall be subject to the penalties set forth in section 1-16 and for the civil infractions as provided below, or both, and to all other enforcement measures authorized in this Code or by other applicable law:
  - (a) Failure to obtain certificate of use for vacation rental.
    - (i) First offense - \$100.00;
    - (ii) Second offense - \$1,000.00;
    - (iii) Third offense and subsequent violations thereafter - \$2,500.00.
  - (b) Violation of vacation rental standard or any other provision of section 90-~~116~~ 178.
    - (i) First offense - \$100.00;
    - (ii) Second offense occurring within 12 months of the first offense - \$1,000.00;
    - (iii) Third offense occurring within 12 months of the most recent two preceding offenses - \$2,500.00 and revocation of the certificate of use.
  - (c) Revocation of a certificate of use pursuant to this section shall be for a period of 12 months. Any certificate of use revoked pursuant to this section shall be appealable to the town commission provided that a written notice of appeal is filed with the town within ten calendar days from the date of the written notice of revocation. The notice of appeal must be in writing and filed with the town clerk. The appeal shall be accompanied by a fee as specified by resolution of the town commission.
- (2) *Joint and several liability.* The property owner of the vacation rental property shall be liable for any violations of this section, including any rule or regulation promulgated pursuant to this section. Whenever two or more persons commit such a violation, each violator shall be jointly and severally liable for any fines assessed. This applies to situations where a property owner, responsible party, peer-to-peer or platform entity, or transient occupant, or any combination thereof, are together responsible for a violation of this section. It is provided however, that where a peer-to-peer or platform entity does not itself commit a violation of this section, it shall not be held jointly and severally liable, nor shall it be held vicariously liable for any violations committed solely by the responsible party or

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transient occupants. In addition where a peer-to-peer or platform entity complies with subsection ~~D~~ C.(1)(b)(i) and (ii), it shall not be held jointly and severally liable for providing a listing for, or collecting a fee for listing, any vacation rental. It is the intent of this subsection (2) to address liability for administrative code violations only. This subsection (2) is not intended to address liability for damages suffered by any person as a result of negligent or intentional acts which are sought or awarded under criminal or tort law.

( Ord. No. 20-06 , § 4, 8-12-2020; Ord. No. 21-03 , § 1, 2-10-2021)

**Sec. 90-179. Redington Shores Yacht and Tennis Club Planned Unit Development.**

Parcels within the Redington Shores Yacht and Tennis Club, identified as Planned Unit Development (PUD) on the town's official zoning map shall, in addition to the requirements of this chapter, be subject to the standards and requirements of town Ordinance No. 05-05.

**ARTICLE ~~XXVIII~~ XXXVIII. RESERVED**

**Secs. 90-~~132~~ 180—90-~~137~~ 184. Reserved.**

**PART 5. SIGNS**

**ARTICLE XXXIX. SIGNS**

~~Sec. 90-112. Signs.~~

~~A. — Prohibited signs. The following types of signs or advertising structures are not permitted in the Town of Redington Shores in any zoning district:~~

- ~~(1) — Animated or flashing light signs of such size, intensity of lighting or degree of animation as to present a garish appearance or to constitute a traffic hazard by diverting motorists' attention.~~
- ~~(2) — Billboards.~~
- ~~(3) — Off-premises signs.~~
- ~~(4) — Banner signs.~~
- ~~(5) — Portable signs, except for sandwich board signs in the C-NR, ROR-15 and CTF zoning districts.~~
- ~~(6) — Roof signs (where the location of an existing structure makes the placement of other signs not feasible, variances may be granted for the construction of roof and/or projecting signs).~~
- ~~(7) — Projecting signs.~~
- ~~(8) — Swinging signs.~~

~~B. — Sign permits.~~

- ~~(1) — All signs six square feet or more in area require permits issued by the building department. Erection and construction of signs shall conform to the Florida Building Code.~~
- ~~(2) — All sandwich board signs require annual permits issued by the town clerk.~~

C.—Signs permitted in single-family (RS-7 and RS-10) and duplex (RD-15) residential districts shall be in accordance with the following:

Type	Maximum Sign Area (square feet)
Home occupation signs (1 per business)	2
Sale or rental signs (1 per property)	6
Individual name and/or street number signs (up to 2 per property)	2
No trespassing private property, etc.	2
Construction signs while under construction (1 per property)	6

D.—Signs permitted in multifamily (RM-15, ROR-15, PUD) residential districts shall be as follows:

- (1)—All those in subsection C. above.
- (2)—Institutional name signs, as follows:

Type	Maximum Sign Area (square feet)
For buildings of fewer than 20 dwelling units or any buildings on lots less than 100-foot front (1 per property)	24
For buildings of 20 or more dwelling units and on 100-foot front lots or more (up to 2 per property)	24

E.—Signs permitted in commercial tourist facilities (CTF), general commercial (C-NR) and residential/office/retail (ROR-15) districts:

- (1)—All those in subsections C. and D. above.
- (2)—Institution and business signs for businesses occupying premises with frontage as follows:

Frontage	Maximum Total Sign Area (square feet)	Maximum Size of Individual Sign (square feet)
50 linear feet or less	40	20
51 to 100 linear feet	60	32
101 to 125 linear feet	90	40
More than 125 linear feet	96	48
NOTE: Business properties with frontage on two streets may have signs on each street in accordance with the frontage on that street. For premises fronting Gulf Boulevard where no signs are displayed on the side-street frontage, 25 percent of the frontage may be applied to computing Gulf Boulevard frontage. These same provisions shall apply to business properties with frontage on Boca Ciega Bay.		

- (3)—Sandwich board signs for businesses occupying premises, provided that:
  - (a)—Sandwich board signs shall be no larger than 30 inches in width and 48 inches in height. No material such as papers, balloons, windsocks, etc. or other items prohibited by the Code may be added to such sign. The height of such signs may not be artificially increased above the allowed maximum by placing material under the base of such sign.
  - (b)—No more than one sandwich board sign per business is permitted.

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- ~~(c) Sandwich board signs may be placed no closer than ten feet from another such sign.~~
  - ~~(d) Sandwich board signs shall not be placed in the public right-of-way, in any parking space or drive isle, or in such a way to obstruct vehicular traffic sight, or to block any door or required ADA route.~~
  - ~~(e) Sandwich board signs may only be used during the hours when the business is open to the public and must be brought in at the close of business or in the event of high wind conditions.~~
  - ~~(f) No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists or pedestrians.~~
  - ~~(g) No sandwich board sign shall swing, rotate, twirl or contain any moving parts.~~
  - ~~(h) Sandwich board signs shall not contain lights of any kind.~~
- ~~F. Signs permitted in outdoor recreation/public open space and public/semipublic institutional districts:~~
- ~~(1) Commercial uses will be in accordance with subsection E. above.~~
  - ~~(2) Noncommercial uses may have signs up to 20 square feet in area.~~
- ~~G. Temporary signs. A temporary sign/banner will require a permit for use for a special event. The permit will include the date when the sign will be removed, which is no later than three days after the event. Maximum dimensions are four feet in height by eight feet in width. No more than one sign is permitted for any site. Small temporary window signs (restaurant menus, "open" and "closed" signs, daily specials, etc.) less than ten square feet in aggregate may be posted without permit.~~
- ~~H. Pole signs. Pole signs or other types of freestanding signs are permitted where district requirements are met. Only one such sign is permitted per property. Multibusiness buildings and shopping centers are considered to be one property. National flags and state flags on poles are permitted in the same manner as pole signs. The maximum flag size is 32 square feet and may be in addition to a pole sign.~~
- ~~I. Double-faced signs. In calculating maximum sign area allowances, only one side of double-faced signs will be considered.~~
- ~~J. Number of signs per district.~~
- ~~(1) For multifamily residential districts (RM-15 and PUD), up to two signs are permitted for buildings with less than 100 linear feet frontage and up to four for those with 100 linear feet or more frontage.~~
  - ~~(2) For resort facilities medium and commercial general districts, up to two signs are permitted for businesses with 50 linear feet or less of frontage, up to three signs for those with 51 linear feet to 125 linear feet of frontage and up to four signs for those with more than 125 linear feet of frontage. Multiple window signs may count as one sign if the aggregate area does not exceed the individual sign area maximum for that property.~~
  - ~~(3) Shopping centers and multibusiness buildings, (commercial general), are permitted one pole/freestanding sign plus one wall, canopy/marquee or window sign for each business. Uniform design of signs in each instance is encouraged. The pole/freestanding sign for the shopping center/multibusiness building may also contain identification of the individual businesses located therein, but all signs shall not exceed aggregate sign area allowed for the business.~~
  - ~~(4) Parking and directional signs will not count as part of the allowable total. The area of a canopy/marquee sign is considered to be only the actual sign area and not necessarily the overall area of the canopy/marquee.~~
- ~~K. Design of signs.~~

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- ~~(1) Design of signs shall be harmonious with the environment and compatible with the structures in the area. In no case will any sign exceed eight feet in its vertical dimension or 16 feet in width. Pole/Freestanding signs will not extend more than 15 feet above grade for single-story buildings or 21 feet for multiple-story buildings. Signs fixed to the building may not extend above the roofline. Marquees are considered to be within the roofline.~~
  - ~~(2) No sign will employ words, shapes or colors which might be confused with any authorized traffic sign, signal or device.~~
  - ~~(3) No sign advertising products, services or places other than those located on the premises may be erected except upon approval by the board of commissioners.~~
  - ~~(4) No wall sign shall cover more than ten percent of the area of the wall to which it is applied. It will not extend more than 12 inches from the surface. Window signs shall not cover more than 20 percent of any glass area.~~
  - ~~(5) It shall be unlawful for any person to display false or misleading information in any sign.~~
  - ~~(6) Each sign shall be strongly constructed and securely anchored to withstand wind pressure as required by Florida Building Codes, as adopted, or alternatively as designed by a professional engineer (P.E.).~~

~~L. Placement of signs.~~

- ~~(1) All signs must be placed within the limits of the property to which they apply. Freestanding signs are not permitted closer than ten feet to the legal right-of-way of the road. Where the placement of existing structures makes the ten-foot setback for freestanding signs impractical, variance procedures may be applied. However, no sign may project beyond the property line.~~
- ~~(2) Freestanding signs in areas where pedestrian traffic is expected must have the lowest edge at least eight feet above grade.~~
- ~~(3) Access to buildings. No sign shall be erected or maintained so as to prevent free ingress or egress through any door, window or fire escape or to prevent access from one part of a roof to any other part. No sign of any kind shall be attached to a standpipe or fire escape.~~
- ~~(4) Traffic or visual obstruction. No sign or supporting structure shall be erected so as to obstruct free and clear vision at street and driveway intersections.~~
- ~~(5) Painting or posting signs. No sign may be painted, posted, nailed or otherwise affixed to any part of sidewalks, curbs, pavements, trees, lampposts, utility poles, hydrants, bridges, etc., within the limits of any public right-of-way.~~
- ~~(6) All signs and surrounding premises shall be maintained in good condition by the owner.~~

~~M. Electrical signs.~~

- ~~(1) The construction and maintenance of all signs using electrical illumination shall be subject to town requirements for approval of plans and for inspection.~~
- ~~(2) Neon or similar electrical signs shall be located and protected to ensure that they do not endanger life or property.~~
- ~~(3) Sign illumination will be focused directly on the sign and shielded to assure that it does not throw light which could interfere with the vision of motorists or pedestrians or cause a nuisance for adjoining properties.~~
- ~~(4) No electrical sign shall be maintained which shall cause interference with radio or television receivers.~~

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~~(5) Illuminated tubing or strings of lights around open sale areas, on fences or on other property or building edges are not permitted.~~

~~N. Political signs.~~

~~(1) No political signs of any nature may be placed within the limits of any public right of way or on any public place.~~

~~(2) Political signs for qualified candidates for any office in any election in which electors of the town may vote are allowed for any candidate and may be displayed in the nonresidential districts in the town.~~

~~(3) Political signs shall not exceed four square feet in area.~~

~~(4) The building inspector is hereby authorized to remove any political sign posted in the town in violation of this article and to notify the candidate or the person responsible for posting the sign.~~

~~O. Removal of signs.~~

~~(1) Removal upon terminating of business or vacating of property. All signs must be removed within 60 days. If not removed, the town will remove them after ten days' written notice to the owner of the property. Cost of removal will be borne by the property owner. Sign structures which have intrinsic property value may remain in place if they otherwise meet ordinance requirements (or are under approved variances) and are properly maintained. Sign information relating to the terminated business must be removed. If the signs are relevant to a new occupant of the property, a single 60-day extension may be granted upon request to the building inspector. Any additional extension(s) would require approval of a variance.~~

~~(2) "For Sale," "For Rent," "For Lease" or "Sold" signs shall be removed immediately after closing.~~

~~(3) The town building inspector is hereby authorized to remove any sign that is not properly maintained or is unsafe or hazardous after giving written notice to the owner of the sign at least ten days prior to removal. He or she is also authorized to cause to be removed any signs constructed or modified after December 14, 1983, which are in violation of provisions of this article, unless variances were approved and/or permits issued prior to such construction or modification. Cost of removal will be borne by the property owner.~~

~~P. Nonconforming signs.~~

~~(1) Except for prohibited signs, previously approved signs in place prior to enactment of this part 5 and not in conformance thereto may continue in place if properly maintained without meeting the requirements of this article. Any replacement sign must meet the provisions of this article. Damaged signs must be removed from the premises within seven days unless repaired or replaced.~~

~~(2) Failure to comply with the provisions of this part 5 shall constitute basis for revocation of business tax receipts.~~

~~Q. Gulf Boulevard Overlay District sign standards.~~

~~(1) General.~~

~~(a) Nonresidential uses along Gulf Boulevard may be permitted one sign oriented towards automobile traffic and one that is oriented towards pedestrian traffic.~~

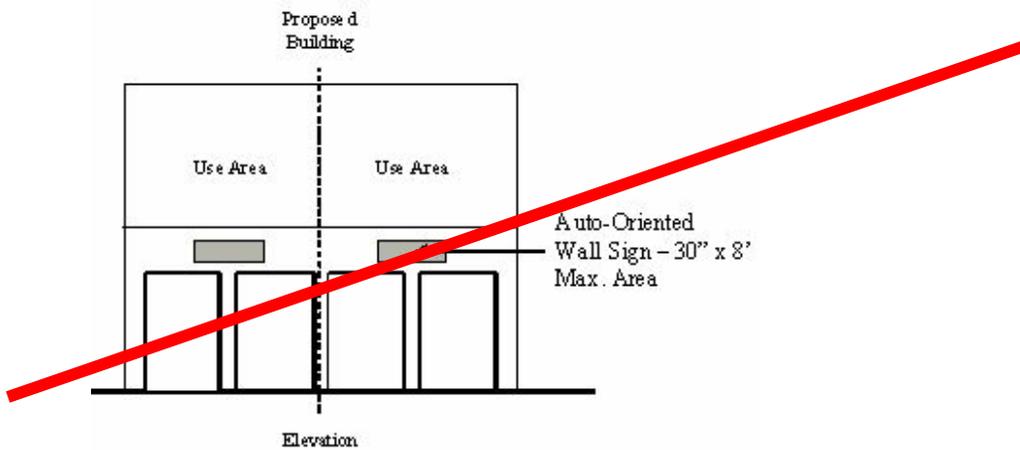
~~(b) All signs shall be externally illuminated, not translucent or internally illuminated.~~

~~(c) All signs must be designed concurrently and coherently with the facade or shopfront with which it is to be associated, sharing overall composition, material and color.~~

~~(2) Auto-orientated signage.~~

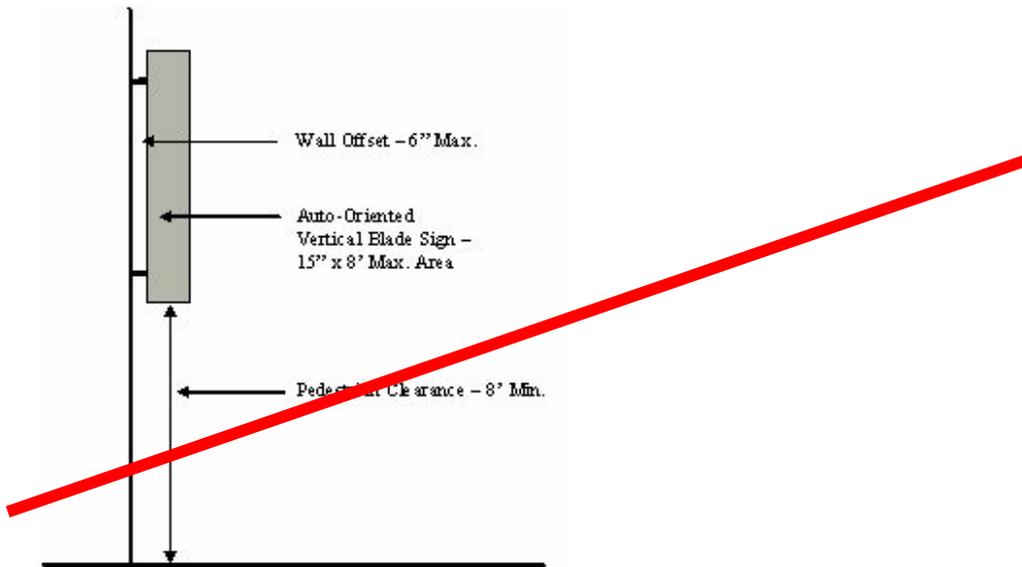
- (a) ~~Auto-oriented signage can be of the following types: wall sign, vertical blade sign, canopy sign and window sign.~~
- (b) ~~Wall signs and vertical blade signs must be affixed to the primary facade of the building, immediately above the designated commercial use.~~
- (c) ~~Canopy signs must be affixed to the canopy or awning immediately in front of the commercial use.~~
- (d) ~~Auto-oriented wall signs and window signs shall be no more than 30 inches in height and eight feet in length.~~

**Figure 90-112-A**



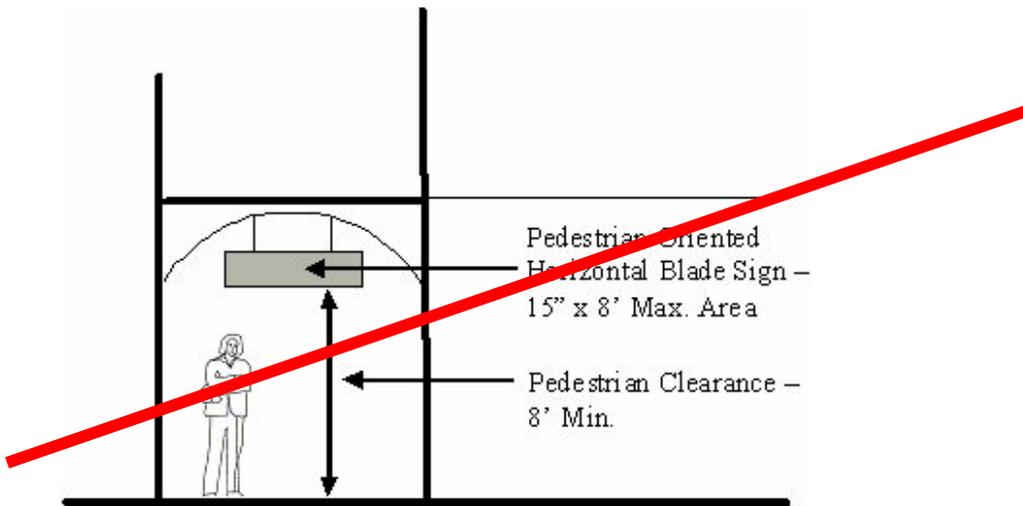
- (e) ~~Window signs shall not occupy more than 25 percent of the available transparent glass area. Window signs must be within the windows of the designated use and may include use of neon lighting.~~
- (f) ~~Canopy signs must fit along the vertical edge of the canopy, and may not extend more than six inches in height and ten feet in length.~~
- (g) ~~Vertical blade signs shall be no more than eight feet in height and 15 inches in length, and shall be offset from the wall up to a maximum of six inches.~~

~~Figure 90-112-B~~



- ~~(h) — When more than one commercial use is contained within a building, all of the commercial uses must use the same type of auto-oriented signage.~~
- ~~(i) — Each use along Gulf Boulevard that has a distinct street number must portray that number adjacent to the appropriate entryway.
  - ~~[1] — Such number should be wall or window mounted, no less than four feet and no more than eight feet above adjacent grade, and should be placed so as to be visible from Gulf Boulevard.~~
  - ~~[2] — The individual numbers shall be no less than five inches and no more than eight inches in height.~~
  - ~~[3] — If the numbers are contained within a frame, the frame should be no more than one inch wider and higher than the enclosed numbers.~~~~
- ~~(3) — Pedestrian-oriented signage. Pedestrian-oriented signage may be of the following types: wall sign, horizontal blade sign, and window sign.
  - ~~(a) — Wall signs must be affixed to the wall of the structure, in front of the designated commercial use.~~
  - ~~(b) — Blade signs must hang overhead within arcades or porches, in front of the designated commercial use. These signs can also be supported by horizontal brackets that project from the wall of the structure.~~~~

~~Figure 90-112-C~~



- ~~(c) Window signs must be within the windows of the designated commercial use. Neon lights can be used for these signs.~~
  - ~~(4) Noncommercial signs. Each building along Gulf Boulevard may be permitted to have one auto-oriented sign identifying the building, such as the name or address of the building.~~
    - ~~(a) Such signs can be wall or vertical blade signs.~~
    - ~~(b) Wall signs shall be no more than 30 inches in height and no more than eight feet in width.~~
    - ~~(c) Vertical blade signs shall be no more than eight feet in height and no more than 15 inches in width or extension.~~
  - ~~R. Permit required; exceptions. No person shall erect, construct or alter within the town any sign containing six square feet or more of area without first having obtained a permit for the construction of such sign. Plans for the construction or alteration of signs submitted in accordance with section 90-2 of this chapter will clearly show the design, coloring and wording of the proposed sign.~~
  - ~~S. Building code to govern construction. The erection or construction of signs shall be in accordance with the Florida Building Codes, as adopted.~~
  - ~~T. Signage utilized by the Town of Redington Shores for special events shall be exempt from all provisions of this section.~~
- ~~(Ord. No. 19-02, § 1, 6-12-2019)~~

**Sec. 90-185. Purpose and scope of this article.**

A. In order to preserve the town as a community in which people wish to, live, visit, vacation, work, invest in, 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.

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This article 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:

- (1) Encourage the effective use of signs as a means of communication in the town;
- (2) Maintain and enhance the aesthetic environment and the town's ability to attract sources of economic development and growth;
- (3) Improve pedestrian and traffic safety;
- (4) Minimize the possible adverse effect of signs on nearby public and private property;
- (5) Foster the integration of signage with architectural and landscape designs;
- (6) 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;
- (7) 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;
- (8) 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;
- (9) 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;
- (10) 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;
- (11) Categorize signs based upon their structures and tailor the regulation of signs based upon those structures;
- (12) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- (13) Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- (14) 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;
- (15) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the town;
- (16) 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;
- (17) 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;
- (18) 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;
- (19) 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 the town's

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reliance on its natural surroundings and beautification efforts in retaining economic advantage for its residential and agricultural communities;

(20) Enable the fair and consistent enforcement of these sign regulations;

(21) 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;

(22) To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of town, county, state and federal law;

(23) To provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and

(24) 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. 90-186. 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 article 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 article, 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 article. 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 article states the policy decisions regarding display of signs, made by the board of commissioners after carefully balancing many competing factors and interests. This article consolidates all general provisions relating to the installation, regulation and amortization of signs on private property throughout the town. The town further makes the following findings:

A. The board of commissioners 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 board of commissioners finds and intends that noncommercial signs shall be considered to be on-premises signs.

C. The board of commissioners 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 board of commissioners wishes to preserve the aesthetic beauty and safety of the community.

D. The board of commissioners further finds that when a sign type is neither expressly allowed nor prohibited by this article, 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 article.

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- E. The board of commissioners 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 board of commissioners further specifically finds that the policies, rules and regulations stated in this article apply to all signs within the regulatory scope of this article, and to all provisions of the land development code, notwithstanding any more specific provisions therein to the contrary. This article states the policy decisions regarding display of signs, made by the board of commissioners after carefully balancing many competing factors and interests. This article consolidates all general provisions relating to the installation, regulation and amortization of signs on all property throughout the town.
- G. The board of commissioners 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 article cannot apply due to any valid court order.

### **Sec. 90-187. Prohibited signs.**

Unless otherwise authorized in this article, the following sign types are prohibited within the town:

- A. Signs that are deemed abandoned under this article, 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 in this article 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. Animated or flashing light signs of such size, intensity of lighting or degree of animation as to present a garish appearance or to constitute a traffic hazard by diverting motorists' attention.
- C. Billboards.
- D. Off-premises signs.
- E. Banner signs.
- F. Portable signs, except for sandwich board signs in the C-NR, ROR-15 and CTF zoning districts.
- G. Roof signs (where the location of an existing structure makes the placement of other signs not feasible, variances may be granted for the construction of roof and/or projecting signs).
- H. Projecting signs.
- I. Swinging signs.
- J. Snipe signs.
- K. Any sign nailed, fastened, affixed to, hanging from, or painted on any tree or other vegetation, or part thereof (living or dead).
- L. Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or other government sign, signal, or device.
- M. Any sign in or over the public right-of-way, other than government signs or warning or safety signs.
- N. Pavement markings, except official traffic control-markings and street addresses applied by government agencies or pursuant to government laws or regulations.
- O. 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.

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P. Any sign prohibited by state or federal law.

Q. Obscene signs that meet the definition of obscenity under F.S. § 847.001 et seq., as amended.

### **Sec. 90-188. Applicability.**

This article 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, or an event co-sponsorship agreement with the town.

### **Sec. 90-189. 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 article are declared nonconforming signs. It is the intent of this article 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 article. It is also the intent of this article 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 article that does not conform to the regulations as specified in this article.
- (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 article or any amendment thereof.
- (3) A legal nonconforming sign may not be altered in any manner not in conformance with this article. 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 article, provided that if the nonconforming sign is a type of sign that is prohibited under this article, 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

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(d) Is relocated in such a manner 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 article. An existing freestanding 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 article if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is 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 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 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.

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## **Sec. 90-190. Administration and enforcement: permits and fees.**

- A. Generally. Signs subject to this article 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 article, no sign shall be erected, constructed, altered or relocated without a permit issued, except as otherwise provided in this article. 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 article. 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 resolution by the board of commissioners 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 article;
  - (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 article and all other applicable laws. 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.

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

**Sec. 90-191. Inspection; Removal; Safety.**

- A. Inspection. Signs for which a permit is required under this article may be inspected periodically by the building official for compliance with this article, 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 article, 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 Polk 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 article.
- 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;

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- (5) Where a successor owner or lessee to a defunct business establishment agrees to maintain the conforming sign at issue as provided in this article, 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 article; 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 article. 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. 90-192. Building official to enforce article's provisions.**

The building official, or designee, is authorized and directed to enforce all of the provisions of this article. However, notwithstanding anything in this article 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 article.

### **Sec. 90-193. Interpretation of article provisions.**

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

### **Sec. 90-194. Right of appeal.**

- A. As provided for in section 16-405 of this code, any person aggrieved by any decision or order of the building official, or designee, pertaining to signs under this article may appeal to the board of commissioners by serving written notice to the town 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 of commissioners, 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 article. With respect to sign appeals, the board shall hear and decide appeals, following a recommendation of the planning and zoning board, 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 article. Such determination shall be conclusive and no right of appeal to the board of commissioners 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 her, his or its petition for writ of certiorari seeking review of any adverse decision or action as provided for above within 20 calendar days of the date the decision was made, or the action was taken. The petition shall be processed in the manner set forth by the Florida Rules of Appellate Procedure for reviews of final quasi-judicial actions.

### **Sec. 90-195. Variances.**

Notwithstanding any other provision of this code, the only variance that may be applied for from the special magistrate in connection with signage in the town is a variance from required setbacks.

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### **Sec. 90-196. Inspection.**

The building official, or designee, may make or require any inspections to ascertain compliance with the provisions of this article, the Florida Building Code and other applicable laws. To the extent F.S. § 933.20 et seq. requires it, the building official shall work with the town attorney to ensure a proper inspection warrant is obtained.

### **Sec. 90-197. Revocation of sign permit.**

If the building official finds that work under any sign permit is proceeding in violation of this article, 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. 90-198. Sign illumination.**

The following standards apply to illumination of signs:

- 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 in the Gulf Boulevard Overlay District are subject to the requirements of Section 90-170.G.8

### **Sec. 90-199. Sign construction specifications.**

The following standards apply to sign construction within the town:

- A. Construction and erection of signs shall be in accordance with Florida Building Code.

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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. 90-200. 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 sign base shall match the architectural design of the building.

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 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 article.

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. 90-201. General sign provisions.**

The following regulations apply to all signs in all zones in the town:

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 article 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 article), 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 article, 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 F.S. § 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.

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- 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.
- J. 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.
- K. 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 all applicable town or county codes mandating address displays.
- L. 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 council. Nothing shall prohibit a duly authorized local official from removing a sign from public property as allowed by law.
- M. 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.
- N. 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.
- O. 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.
- P. 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.
- Q. Pursuant to F.S. § 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.
- R. 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.

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## **Sec. 90-202. Temporary sign installation and removal.**

A. General rule concerning temporary signs. Unless otherwise provided for in this article, 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 30 calendar days before the scheduled election (as to candidates for town mayor or commissioner), or 60 days before the scheduled election (as to candidates for all other political offices). Pursuant to F.S. § 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 F.S. 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. 90-203. Placement, size and configuration of large sign types.**

The following general provisions apply to signs and sign types described in this article, 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.

C. Permanent freestanding signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two 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 percent of any window and shall comply with all fire safety codes. Wall signs may not project more than 12 inches from a wall. Any wall sign that projects more than 2.5 inches from a wall shall be mounted so that the bottom of the sign is no closer than nine feet to the ground at the finished grade immediately below the sign.

E. Off-site permanent 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 sign must be located on private property within the neighborhood associated with the sign. The sign shall not exceed 24 square feet per sign face and shall not exceed six feet in height. One double-sided sign or two single-sided signs

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may be placed at each entrance. The sign shall be set back a minimum of 30 feet from the intersection of the right-of-way lines and 15 feet from all front and side right-of-way lines.

### **Sec. 90-204. 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 square feet in sign area, and four feet in height.
- (2) In all non-residential zones, each parcel may display one temporary sign which shall not exceed 24 square feet in sign area and six feet in height. Alternatively, each parcel in a non-residential zone may display up to eight temporary signs, which cumulatively shall not exceed 24 square feet in sign area and four 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 temporary support not exceeding four inches by four 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 15 square feet in sign area each may be displayed. One 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 24 square feet in sign area (each) may be displayed. Two 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 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 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 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 square feet in sign area.

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

G. Waterfront identification signs. Each lot abutting the navigable waters of any lake shall be allowed one attached wall identification sign that is visible from the water. Waterfront identification signs shall not exceed four 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 article, then the total area of the window covered by a combination of these shall not exceed 65 percent of the area of the window.

### **Sec. 90-205. Signs allowed in all districts, permit required.**

A. 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 F.S. § 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. 90-206. Single-family (RS-7 and RS-10) and duplex (RD-15) residential districts, permit required.**

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

A. 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 six square feet in area and shall not exceed four feet in height.

B. Onsite directional signs not exceeding four square feet in area.

### **Sec. 90-210. Multi-family (RM-15, ROR-15, PUD) residential districts, permit required.**

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

A. All those in Section 90-209, above.

B. 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 24 square feet in size (area); however, such a monument sign shall not exceed six feet in height.

C. 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 16 square feet in area and shall not exceed four feet in height.

D. Onsite directional signs not exceeding four square feet in area.

**Sec. 90-211. Commercial tourist facilities (CTF), general commercial (C-NR), and residential/office/retail (ROR-15) districts, permit required.**

Except for those signs and sign-types allowed in commercial tourist facilities (CTF), general commercial (C-NR) and residential/office/retail (ROR-15) in accordance with this article, no additional signs or sign-types shall be permitted on any lot or parcel in these districts, except the following sign-types shall be allowed for each lot or parcel:

A. All those in Section 90-210, above.

B. Institutional and businesses occupying premises with frontage as follows:

<u>Frontage</u>	<u>Maximum Total Sign Area (square feet)</u>	<u>Maximum Size of Individual Sign (square feet)</u>
<u>50 linear feet or less</u>	<u>40</u>	<u>20</u>
<u>51 to 100 linear feet</u>	<u>60</u>	<u>32</u>
<u>101 to 125 linear feet</u>	<u>90</u>	<u>40</u>
<u>More than 125 linear feet</u>	<u>96</u>	<u>48</u>

NOTE: Business properties with frontage on two streets may have signs on each street in accordance with the frontage on that street. For premises fronting Gulf Boulevard where no signs are displayed on the side street frontage, 25 percent of the frontage may be applied to computing Gulf Boulevard frontage. These same provisions shall apply to business properties with frontage on Boca Ciega Bay.

C. Each restaurant shall be allowed one attached display sign of no more than three 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 40 square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed eight 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 60 square feet, with no single sign exceeding 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 mandated standardized sign.

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E. 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 16 feet (first floor) or 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 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. Sandwich board signs for businesses occupying premises, provided that:

- (1) Sandwich board signs shall be no larger than 30 inches in width and 48 inches in height. No material such as papers, balloons, windsocks, etc. or other items prohibited by the Code may be added to such sign. The height of such signs may not be artificially increased above the allowed maximum by placing material under the base of such sign.
- (2) Permits for sandwich board signs shall be issued annually by the town clerk.
- (3) No more than one sandwich board sign per business is permitted.
- (4) Sandwich board signs may be placed no closer than ten feet from another such sign.
- (5) Sandwich board signs shall not be placed in the public right-of-way, in any parking space or drive isle, or in such a way to obstruct vehicular traffic sight, or to block any door or required ADA route.
- (6) Sandwich board signs may only be used during the hours when the business is open to the public and must be brought in at the close of business or in the event of high wind conditions.
- (7) No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists or pedestrians.
- (8) No sandwich board sign shall swing, rotate, twirl or contain any moving parts.
- (9) Sandwich board signs shall not contain lights of any kind.

### **Sec. 90-212. Outdoor recreation/public open space and public/semipublic institutional districts, permit required.**

Except for those signs and sign-types allowed in outdoor recreation/public open space and public/semipublic institutional districts in accordance with this article, no additional signs or sign-types shall be permitted on any lot or parcel in these districts, except the following sign-types shall be allowed for each lot or parcel:

A. Businesses allowed all those in Section 90-211, above.

B. Other uses may have signs up to 20 square feet in area.

### **Sec. 90-213. Gulf Boulevard Overlay District sign standards.**

A. General.

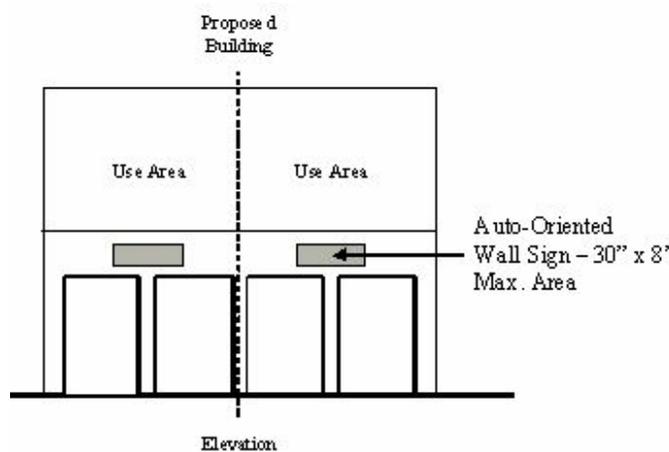
- (1) Nonresidential uses along Gulf Boulevard may be permitted one sign oriented towards automobile traffic and one that is oriented towards pedestrian traffic.
- (2) All signs shall be externally illuminated, not translucent or internally illuminated.

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- (3) All signs must be designed concurrently and coherently with the facade or shopfront with which it is to be associated, sharing overall composition, material and color.

**B. Auto-orientated signage.**

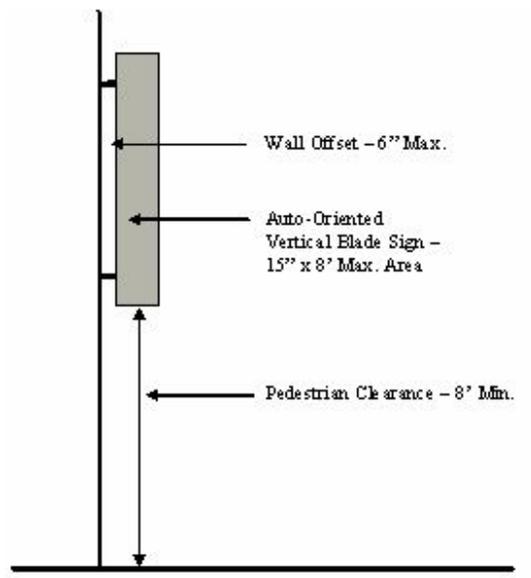
- (1) Auto-oriented signage can be of the following types: wall sign, vertical blade sign, canopy sign and window sign.
- (2) Wall signs and vertical blade signs must be affixed to the primary facade of the building, immediately above the designated commercial use.
- (3) Canopy signs must be affixed to the canopy or awning immediately in front of the commercial use.
- (4) Auto-oriented wall signs and window signs shall be no more than 30 inches in height and eight feet in length.

**Figure 90-213-A**



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- (5) Window signs shall not occupy more than 25 percent of the available transparent glass area. Window signs must be within the windows of the designated use and may include use of neon lighting.
- (6) Canopy signs must fit along the vertical edge of the canopy, and may not extend more than six inches in height and ten feet in length.
- (7) Vertical blade signs shall be no more than eight feet in height and 15 inches in length, and shall be offset from the wall up to a maximum of six inches.

**Figure 90-213-B**

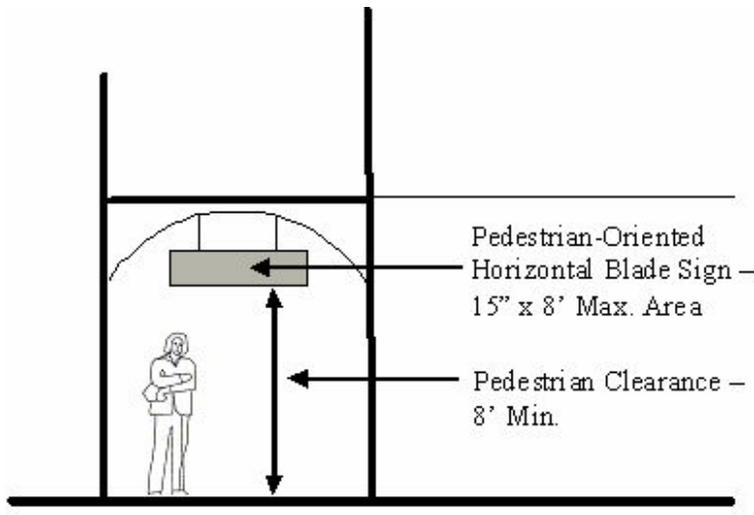


- (8) When more than one commercial use is contained within a building, all of the commercial uses must use the same type of auto-oriented signage.
- (9) Each use along Gulf Boulevard that has a distinct street number must portray that number adjacent to the appropriate entryway.
  - (a) Such number should be wall- or window-mounted, no less than four feet and no more than eight feet above adjacent grade, and should be placed so as to be visible from Gulf Boulevard.
  - (b) The individual numbers shall be no less than five inches and no more than eight inches in height.
  - (c) If the numbers are contained within a frame, the frame should be no more than one inch wider and higher than the enclosed numbers.

C. Pedestrian-oriented signage. Pedestrian-oriented signage may be of the following types: wall sign, horizontal blade sign, and window sign.

- (1) Wall signs must be affixed to the wall of the structure, in front of the designated commercial use.
- (2) Blade signs must hang overhead within arcades or porches, in front of the designated commercial use. These signs can also be supported by horizontal brackets that project from the wall of the structure.

**Figure 90-213-C**



(3) Window signs must be within the windows of the designated commercial use. Neon lights can be used for these signs.

D. Residential signs. Each residential building along Gulf Boulevard may be permitted to have one auto-oriented sign identifying the building, such as the name or address of the building.

(1) Such signs can be wall or vertical blade signs.

(2) Wall signs shall be no more than 30 inches in height and no more than eight feet in width.

(3) Vertical blade signs shall be no more than eight feet in height and no more than 15 inches in width or extension.

### **Sec. 90-214. Unregulated zones.**

A. It is the intent of this article to regulate 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 article are intended to include every zone in the town. The zones are defined by the zoning ordinance and official zoning map. Where this article provides for zone-specific sign regulations or allowances, those specific regulations and allowances shall control.

C. If any zone is omitted from this article, or if a new zone is created after the enactment of this article, only exempt signs as described in this article shall be permitted in such zone until this article shall be amended to include sign regulations and allowances for that zone.

D. If any area is annexed into the town limits, no sign, except exempt signs described in this article, shall be permitted therein until the area annexed has been zoned by the town council. Signs in existence as of the time of annexation shall be brought into compliance with this article within one year of annexation.

### **Sec. 90-215. Nonconforming uses must comply with article.**

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 article for the zone in which it is located.

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**Sec. 90-216. Rights not transferrable off property.**

The rights contained in this article, 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.

**Sec. 90-217. Substitution of non-commercial speech for commercial speech.**

Notwithstanding anything contained in this article to the contrary, any sign erected pursuant to the provisions of this article 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 article have been satisfied.

**Sec. 90-218. Content neutrality as to sign message (viewpoint).**

Notwithstanding anything in this article 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. 90-219. Violations and remedies.**

Any violation of this article or of any condition or requirement adopted pursuant to this article 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 article;
- E. Seek code enforcement action; and
- F. Issuance of citations for each day and each sign not in compliance.

**Secs. 90-220 – 90-227. Reserved.**

**PART 6. DEVELOPMENT REVIEWS**

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## *ARTICLE XL. SUBDIVISION OF LAND*

### **Sec. 90-~~72~~ 228. Compliance required.**

It shall be unlawful to fill any submerged land or to subdivide any lands within the town contrary to the provisions of this part 6.

### **Sec. 90-~~73~~ 229. Plat required.**

No real property within the town shall be subdivided and offered for sale until a plat thereof is examined by the planning and zoning board and approved by the board of commissioners nor shall a plat be approved or recorded without first submitting a preliminary plat for review by said boards. Building applications shall not be issued for structures to be located in a subdivision unless a plat thereof is recorded in the office of the Clerk of Circuit Court in and for Pinellas County, Florida.

### **Sec. 90-~~74~~ 230. Preliminary plat.**

A subdivider or property owner shall submit three copies of a preliminary plat of his or her proposed subdivision, prepared in accordance with the requirements of this part ~~4~~ 6.

### **Sec. 90-~~75~~ 231. Contents of preliminary plat.**

The preliminary plat shall be a print drawn at a scale not less than 100 feet to the inch and shall show the following:

- A. The subdivision name, the name and address of the owner or subdivider and the designer of the plat.
- B. The date, approximate North point and scale.
- C. The boundary line of tract to be subdivided drawn accurately to scale, with aggregate linear and angular dimensions.
- D. The location of existing private property lines, streets, watercourses, bridges and any public utility easements of record, both on the land to be subdivided and on the land immediately adjoining for a distance of at least 150 feet; the location of water and sewerage mains, culverts, drain pipes and all structures on the land to be subdivided and on the land within ten feet of it; the names of adjoining subdivisions with plat book and page numbers and the names of record owners of adjoining parcels of unsubdivided land.
- E. The names, proposed locations, approximate dimensions, proposed streets, alleys, easements, parks and other open spaces, reservations, lot lines and building lines. This information may be graphical only, not requiring detailed computation nor field work over and above that required to obtain the information listed next above.
- F. When deemed necessary by the planning and zoning board, profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals 40 feet horizontal and one inch equals four feet vertical.
- G. When deemed necessary by the planning and zoning board, contours with a vertical interval of not more than one foot referred to sea level datum.

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**Sec. 90-~~76~~ 232. Final plats.**

Final plats shall conform to the requirements set forth in FS § 177.091.

**Sec. 90-~~77~~ 233. Seawalls.**

All land subdivided pursuant to this part ~~4 6~~ bordering upon the waters of the Gulf of Mexico or Boca Ciega Bay shall be seawalled as provided in sections ~~90 63~~-10 through ~~90 63~~-15 before the plat thereof shall be approved.

**Sec. 90-~~78~~ 234. Storm drainage.**

- A. All subdivisions within the municipal limits of the town shall have storm drainage installed, streets graded to the full width of the right-of-way, street paving to a minimum width of 20 feet of pavement with six-foot shoulders of stabilized shell for parking, adequate drainage ditches outside of shoulders, waterlines sufficient in size to operate fire hydrants and potable water furnished to each lot in said subdivision installed by the owner or subdivider to plans and specifications in accordance with requirements of the Pinellas County Water Department so as to furnish at least a class 7 rating by the Southeastern Fire Underwriters Association; cost of drainage and other installations required by this part ~~4 6~~ shall be paid for by the subdivider when such improvements are installed.
- B. If special drainage facilities to carry stormwater from a subdivision or several subdivisions are deemed necessary by the planning and zoning board and the board of commissioners, these facilities shall be built and paid for by the subdivider, provided that such facilities need not exceed 660 feet beyond boundaries of the property involved and in such reasonable manner as the subdivider and board of commissioners shall agree.

**Sec. 90-~~79~~ 235. Sewer service laterals.**

All subdivisions created or extended under the provisions of this part ~~4 6~~ shall be provided with sewer service laterals to all lots in such subdivisions to be paid for by the subdivider. Such service laterals shall be constructed under the direction of the town.

**Sec. 90-~~80~~ 236. Conformance to comprehensive plan.**

All proposed subdivisions shall be in conformity with a plan for the most advantageous development of the entire neighboring area and shall conform to the comprehensive plan adopted by the Town of Redington Shores, as amended. Whenever a tract to be subdivided embraces any part of a thoroughfare, boulevard or parkway so designated by the planning and zoning board, such part of such proposed public way shall be platted by the subdivider in the location and to the width recommended by the planning and zoning board.

**ARTICLE XLI. MANDATORY SITE PLAN REVIEW**

**Sec. 90-~~110~~ 237. Mandatory site plan review.**

All applications for new construction or substantial improvement, other than single-family detached houses and duplex units east of Gulf Boulevard, whether permitted or special, shall be subject to site plan review by the planning and zoning board for recommendation, and by the town commission for final approval or denial, which application shall be processed in accordance with the provisions of section 90-~~124~~ ~~73~~.

- A. *Site plan requirements.* A site plan shall depict the following:

- (1) The locations of buildings and their relation to property lines.
- (2) Driveways and parking areas.
- (3) Pedestrian walks and landscaping.
- (4) Elevations and/or renderings, if required.
- (5) Locations of utilities, existing and proposed, including depicting all easements on the property, whether such are utility easements or private easements. Any property fronting on Gulf Boulevard shall show and provide a ten-foot wide utility easement, for aboveground and below-ground utilities, along such portions of the property abutting Gulf Boulevard. The providing of such utility easement to the Town of Redington Shores shall be a condition that must be fulfilled prior to the issuance of any building permit.
- (6) Spot locations of major trees in excess of eight inches in diameter, and waterways.
- (7) Topography to the one-foot contour interval.
- (8) Elevation of lowest habitable floor of building in relation to mean sea level.
- (9) When appropriate, the coastal construction control line and the flood zone boundaries of the most current flood insurance rate map (FIRM).
- (10) Facilities for control of runoff water.
- (11) Soil types.

B. *Site plan design criteria.* The following criteria shall be considered by the planning and zoning board for conformance to the design criteria, after adequate review of the site plan and inspection of the site in question:

- (1) Density and design harmonious with the environment and meeting the zoning district requirements. The use must be appropriate to the neighborhood with regard to street width, alignment and traffic access. Parking areas and yards shall be screened with evergreen planting where necessary for privacy and noise control. Planted buffer strips up to 20 feet in width may be required. Opaque fencing may, at the discretion of the board of commissioners, be allowed where necessary.
- (2) The location of buildings and structures on the site and the provision of minimum front, rear and side yards shall be ~~established based on desired standards for the neighborhoods. Desired standards may be at variance with prevailing standards. Such yards must be designed to conserve scenic amenities, particularly where water frontage is involved.~~ based on the zoning district minimum standards for the property proposed for development or redevelopment.

~~C. — Guidelines. The following criteria shall serve as guidelines:~~

~~(1) — Guideline yard standards for new construction of principal structures shall be as follows:~~

<del>Number of Stories</del>	<del>Front (feet)</del>	<del>Side (feet)</del>	<del>Rear (feet)</del>
<del>1—over nonhabitable garage/storage</del>	<del>20</del>	<del>5</del>	<del>20</del>
<del>2—over nonhabitable garage/storage</del>	<del>25</del>	<del>10</del>	<del>25</del>
<del>3—over nonhabitable garage/storage</del>	<del>30</del>	<del>15</del>	<del>30</del>
<del>4—over nonhabitable garage/storage</del>	<del>35</del>	<del>20</del>	<del>35</del>
<del>5—over nonhabitable garage/storage</del>	<del>40</del>	<del>25</del>	<del>40</del>

Height Standards

District	Building Height (feet)	Building Height (stories)
RS-7	30	2-5
RS-10	30	2-5
RD-15	30	2-5
RM-15	45 <sup>1,2,3,4</sup>	4 <sup>1,2,3,4</sup>
ROR-15	30	3
C-NR	30	3
CTF	45 <sup>1,2,3,4</sup>	4 <sup>1,2,3,4</sup>
PUD	85 <sup>5,6</sup> 75 <sup>5,7</sup>	
PP	15	1
PI	15 <sup>8</sup>	1
GBOD	22/25 <sup>9</sup> 48/52 <sup>10</sup>	2 <sup>9</sup> 4 <sup>10</sup>

Notes:

<sup>1</sup>Except for properties east of Gulf Boulevard and north of 177th Terrace where a maximum of two stories, not to exceed 30 feet is permitted.

<sup>2</sup>A height bonus may be permitted for parking of ten feet and one story through site plan approval.

<sup>3</sup>A height bonus may be permitted for parking and setbacks of 20 feet and two stories through site plan approval.

<sup>4</sup>A maximum of six habitable stories, not to exceed 65 feet, and 25 density units per net acre shall be permitted, except for properties east of Gulf Boulevard and north of 177th Terrace where the maximum permitted shall be four habitable stories, not to exceed 50 feet.

<sup>5</sup>Buildings within the GBOD shall comply with the design requirements of the district.

<sup>6</sup>Buildings located more than 100 feet from the Gulf Boulevard right-of-way.

<sup>7</sup>Buildings located outside the limits of the GBOD, except that single family residential dwellings shall not exceed 40 feet.

<sup>8</sup>Excluding public utility poles, lines, and church steeples.

<sup>9</sup>Minimum within ten feet from Gulf Boulevard right-of-way, to establish pedestrian arcade/protection area.

<sup>10</sup>Maximum with building stepback and architectural treatments contained within the district standards.

(2) Corner lots may be considered to have two front yards. Yard standards less than the guidelines may be approved if there is a finding that the proposed yards are in harmony with the neighborhood, comprise the most appropriate use of the land and, furthermore, that the yard reduction serves the greater public interest. Accessory structures may be located in yards based upon the standards of section 90-3 F.

(3) Traffic circulation:

(a) Unrestricted access to streets is not allowed. Generally curb cuts are limited to a maximum of 25 feet.

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- ~~(b) Access to streets should take into consideration sight distance and alignment.~~
  - ~~(c) All sites must provide for emergency vehicle access.~~
  - ~~(d) Separate ingress and egress is encouraged.~~
  - ~~(e) Traffic collection to reduce access points to Gulf Boulevard is encouraged.~~
  - ~~(f) Maneuver lanes between rows of parked autos shall be at least 20 feet in width.~~
  - ~~(g) Traffic lanes shall conform to the same design standards as public streets as regards alignment on intersection.~~
  - ~~(h) All buildings, exclusive of single-family and duplex dwelling districts, must provide for pedestrian circulation. Hard surfaced pedestrian walks a minimum of four feet wide shall be provided generally as follows:
    - ~~[1] Along public rights-of-way.~~
    - ~~[2] Along access corridors to buildings.~~
    - ~~[3] At interconnecting points where significant numbers of people will seek to walk.~~~~
  - ~~(i) See also section 90-108, parking regulations and requirements.~~

~~(4)~~(3) Landscaping. All uses shall be landscaped.

(a) Required landscaping may encompass the following:

- [1] Street trees or shrubs.
- [2] Foundation planting.
- [3] Planting islands to define curb cuts.
- [4] Perimeter planting to define and beautify sites.
- [5] Parking lot and walkway landscaping.
- [6] Buffer strips and screening for privacy.
- [7] Landscaping for underutilized acreage.
- [8] Landscaping for recreation space.
- [9] Landscaping for erosion control.

(b) See also part ~~6~~ 3, resources; vegetation and environmentally sensitive lands, article ~~XXIX~~ XXXI and article ~~XXX~~ XXXII, landscaping.

D. *Site plan approval criteria.* The planning and zoning board shall have the option to recommend to the town commission approval as submitted, approval with conditions or disapproval of any submitted site plan, and the town commission shall have the option to approve, approve with conditions, or disapprove any submitted site plan. In approving a site plan with conditions, the written conditions become an appendage to the site plan. No building permit may be issued until the conditions are incorporated in the site plan, and no certificate of occupancy may be issued until all the conditions are satisfied. Conditions may include modifications to the layout or transfer of development rights. They may also relate to the use of the facility, including activities conducted therein, occupancy or hours of use.

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- E. *Exceptions.* In a Commercial Tourist Facilities (CTF) Zoning District in the Town of Redington Shores, mandatory site plan review shall not be required as to single-family or duplex residences which are being altered only for the purpose of general repair and maintenance, up to a maximum expenditure of \$2,500.00. However, no expansion of present residential premises by conversion of breezeways, carports, garages, patios, covered parking areas or parking areas in order to provide additional living area shall be permitted without mandatory site plan review. In addition, any enclosure which would negate code parking otherwise required on the property shall not be permitted. Any general maintenance, repairs or changes to the premises which involve a total expenditure of over the amount of \$2,500.00 shall require a mandatory special exception review, but the property owner shall only be required to provide a current certified survey for such review. Nothing contained in these exceptions shall be deemed to authorize new construction or second-level additions without mandatory site plan review, and all such construction shall have drawings certified with the seal/stamp of a Florida-registered architect/engineer.

(Ord. No. 15-01, § 15, 4-8-2015)

Editor's note(s)—Former subsection E., transfer of development rights, was repealed 7-14-2010 by Ord. No. 10-01; said ordinance also provided for the redesignation of former subsection F. as subsection E. See now section 90-115.

## ARTICLE XLII. CONCURRENCY MANAGEMENT SYSTEM

### **~~Sec. 90-170. Definitions.~~**

~~As used in this article, the following terms shall have the meanings indicated:~~

~~*Acceptance of or accepted application for development*—An application for development contains sufficient information, pursuant to existing regulations, to allow continuing review under this division or other regulatory ordinances.~~

~~*Application for development*—Any documentation which contains a specific plan for development, including the densities and intensities of development, where applicable, that is presented by any person for the purpose of obtaining a development order or development permit.~~

~~*Approved final site plan*—Any site development plan that has been accepted, reviewed, and approved by the town.~~

~~*Certificate of concurrency*—The certificates issued by the Town of Redington Shores upon finding that an application for a development permit will not result in the reduction of the level of service standards set forth in the comprehensive plan for public facilities and services.~~

~~*Comprehensive plan*—The Comprehensive Plan adopted by Ordinance No. 89-11 on September 12, 1989, by the Board of Commissioners pursuant to F.S., pt. II, ch. 163, as said plan may be amended from time to time.~~

~~*Concurrency*—That the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.~~

~~*Concurrency management monitoring system*—The data collection, processing and analysis performed by the town to determine levels of service for public facilities and services. Data maintained by the concurrency management monitoring system shall be the most current information available to the town.~~

*Concurrency management system*—The procedures and processes utilized by the Town of Redington Shores to determine that development permits, when issued, will not result in the reduction of the level of service standards set forth in the Comprehensive Plan for the Town of Redington Shores.

*Currently available revenue sources*—An existing source and amount of revenue available to the town.

*Development*—Any construction, reconstruction or any use of real property which requires issuance of a development permit.

*Development permit*—Any approved final site plan, building permit, zoning clearance, rezoning, special exception, variance, conditional use, or any other official action of the town having the effect of permitting the development of land.

*Final local development order*—A building permit issued on or after April 1, 1990.

*Level of service (LOS)*—A measure of performance and/or of demand versus available capacity of public services and facilities.

*Public facilities and services*—The public facilities and services for which level of service standards have been established in the comprehensive plan:

- A. —Potable water.
- B. —Wastewater.
- C. —Solid waste.
- D. —Recreation/open space.
- E. —Stormwater management.

(Ord. No. 15-03, § 5, 2-10-2016)

## Sec. 90-~~171~~ 238. General requirements for concurrency review.

A certificate of concurrency shall be required prior to the issuance of a building permit. A certificate of concurrency shall automatically expire simultaneously with the expiration of the building permit to which it applies. In the event that a time extension is granted prior to the expiration of a building permit, then the accompanying certificate of concurrency shall be automatically renewed for the length of the time extension.

## Sec. 90-~~172~~ 239. Level of service standards.

Levels of service standards shall be as follows:

Service	Level of Standards
Potable water	LOS - 150 gallons/day/capita (nonresidential is included)
	Number of gallons required determined by multiplying the LOS x buildout population
	Maximum demand of buildout population: 557,550 gallons/day (3,717 x 150 gallons) (Pinellas County has committed to provide service.)
Solid waste	LOS - 6.5 pounds/day/capita (nonresidential is included)
	Number of pounds produced is determined by multiplying the LOS x buildout population
	Maximum demand of buildout population: 24,160 pounds/day (3,717 x 6.5 pounds) (Pinellas County has committed to provide service.)
Sanitary sewers	LOS - 109 gpcd (nonresidential is included)

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(Supp. No. 8)

	Number of gallons required determined by multiplying the LOS x buildout population
	Maximum demand of buildout population: 405,153 gallons/day (3,717 x 109 gallons) (Pinellas County has committed to provide service.)
Parks and recreation	LOS minipark: 1/2,500 Existing: 3 parks Required: 1.48 parks Possible growth: 3,800 residents
	LOS neighborhood park: 1/5,000 Existing: 1 park Required: 0.74 Possible growth: 1,283 residents
	LOS community park: 1/10,000 Existing: 1 park Required: 0.37 Possible growth: 6,283 residents
	<u>All recreation and open space: 1 acre per 1,000 persons.</u>
Stormwater	25-year; 24 hours

( Ord. No. 15-03, § 5, 2-10-2016 )

**Sec. 90-~~173~~ 240. Exempt development.**

If a proposed development relates to land use of such a low intensity as to have minimal effect, if any, upon the level of service standards set forth in the comprehensive plan, the development shall be exempt from concurrency review.

( Ord. No. 15-03, § 5, 2-10-2016 )

**Sec. 90-~~174~~ 241. Concurrency evaluation.**

The Town of Redington Shores permits single-family and multifamily residential development, tourist accommodations and commercial/office uses. All services/facilities, with the exception of parks and recreation and stormwater management, are provided by Pinellas County. Pinellas County has either committed to provide the facilities/services (water, wastewater, solid waste) or has established a threshold for concurrency review which exceeds the town's demand (140 trips). Accordingly, based on the limited development potential of the town and the ability to meet projected demand for both parks and recreation and stormwater management, the concurrency management system for the Town of Redington Shores will be limited to a yearly monitoring of capacity draw down and an update of facility consumption with the five-year evaluation and appraisal report.

**Sec. 90-~~175~~ 242. Applicability.**

The concurrency management system, as contained in this article, is mandated by F.S. § 163.3202 to provide that public facilities and services meet or exceed the level of service standards set forth in the Comprehensive Plan. The Comprehensive Plan was adopted as the Comprehensive Plan of Redington Shores on September 12, 1989, and the application of the concurrency management system shall be effective as to all building permits issued on or after April 1, 1990.

**Sec. 90-243. Transportation management system.**

- A. Purpose and Intent. It is the purpose of this division to establish a transportation management system to ensure that the impacts of development on transportation facilities and services are effectively managed while increasing mobility for pedestrians, bicyclists, transit users and motor vehicles.
- B. Transportation Management Plan.

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- (1) Transportation management plans are to be submitted by applicants of development projects in conjunction with their site plans. Transportation management plans are required for development applications seeking to utilize transportation management strategies/improvements to address their development impacts. The extent of the strategies/improvements included in an approved transportation management plan in terms of the scale of the project(s) and roadway capacity and/or mobility benefits provided shall be based primarily on the projected impact of the development project on the surrounding traffic circulation system. Specific conditions of the deficient road corridor impacted by the development will also be considered. Transportation management plan strategies/improvements applicable to development projects within deficient road corridors will be determined at the time of site plan review. Should the impacts of the development project impact a road under the jurisdiction of an adjacent local government or FDOT, the identification of appropriate TMP strategies shall be coordinated with the affected jurisdiction(s). Transportation management plans must be developed by the applicant and accepted by the Town. Transportation management plan strategies/improvements include but are not limited to those listed below.
- (a) Intensity reduction. The intensity of the proposal may be reduced through an across-the-board reduction of the permitted floor area ratio, as it would otherwise normally apply to the proposal. Other such corrective actions that would reduce the intensity of the proposal may also apply.
  - (b) Density reduction. The density of the proposal may be decreased by a reduction in the number of units per acre below that which would otherwise normally apply to the proposal.
  - (c) Project phasing. A project may be divided into logical phases of development by area, with later phases of the development proposal's approval withheld until the needed facilities are available.
  - (d) Outparcel deletion. Those portions of the proposal characterized as outparcels that create separate and unique impacts may be deleted from the total proposal.
  - (e) Physical highway improvements. A project may construct link capacity improvements, acceleration/deceleration lanes, intersection improvements or frontage roads.
  - (f) Operational improvements (signal). This includes efforts involving signal removal or signal timing improvements.
  - (g) Access management strategies. These include access management controls such as the preclusion of a direct connection to a deficient facility, right-in/right-out driveways, alternative driveway locations, reduction of a driveway, single point access, shared access or the implementation of median controls.
  - (h) Mass transit initiatives. A project may implement a plan to encourage transit (e.g., employer-issued bus passes). Other mass transit initiatives may include, but are not limited to, direct route subsidies, provision of feeder service or the construction of bus stop amenities, bus pull-off areas and dedication of park and ride parking spaces.
  - (i) Demand management/commuter assistance. These include efforts to encourage ride-sharing (e.g., designated parking spaces for carpools, employer-sponsored carpool program, participation in transportation management organization/initiative programs), and to implement flexible work hour and telecommuting programs.

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- (j) Bicycle/pedestrian improvements. These would involve structural improvements or construction of a bikeway or sidewalk connecting an existing bikeway/sidewalk network or providing access to a school, park, shopping center, etc. These improvements may also include pedestrian treatments in parking areas, sidewalks connecting developments with adjacent land uses, trail improvements and bicycle rack and on-street bicycle lane installations, and the planting of trees to provide shade canopy along sidewalks.
  - (k) Intelligent transportation system improvements. This includes improvements pertaining to computerized traffic signal systems that automatically adjust to maximize traffic flow and to permit emergency vehicles to pass through intersections quickly. It also includes freeway management systems, such as electronic message signs, and electronic fare payment on public buses that reduce passenger boarding time.
  - (l) Livable community site design features. These include, but are not limited to, implementation of pedestrian friendly site design features such as orienting buildings toward the street and parking lots to the side or rear of buildings.
- (2) Transportation management plans seeking to implement strategies that do not involve structural improvements, such as ride-sharing and transit incentive programs, must include a monitoring program to ensure the strategies are carried out in accordance with the plan, as developed by the applicant and accepted by the Town.
- C. Deficient Road Corridors, Transportation Management Plan Strategies Applied
- (1) Deficient road corridors include parcels within one-half mile of the centerline or terminus of a facility operating under a deficient level of service.
  - (2) In support of the provisions of this section regarding deficient road corridors, policies in the comprehensive plan seek to discourage future land use map (FLUM) amendments that allow for an increase in automobile trips generated from sites proposed for amendment.
  - (3) Development projects located within deficient road corridors that generate between 51 and 300 new peak hour trips are classified as tier 1.
    - (a) Developers of tier 1 projects are required to submit a transportation management plan designed to address their impacts while increasing mobility and reducing the demand for single occupant vehicle travel.
    - (b) The cost of transportation management strategies implemented for tier 1 projects are creditable toward their multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance. If the cost of the improvement exceeds the assessment, the development project would not be subject to payment of the fee.
  - (4) Development projects located within deficient road corridors that generate more than 300 new peak hour trips are classified as tier 2. Developers of tier 2 projects are required to conduct a traffic study and submit an accompanying report. The report shall include the results of the traffic study and a transportation management plan identifying improvements necessary to mitigate the impacts of the project. The report shall be submitted to the Building Department for review. The cost of transportation management strategies implemented for tier 2 projects may be applied as credit toward the project's multimodal impact fee assessment in accordance with the Multimodal Impact Fee Ordinance or payment of the fee could be included as part of a transportation management plan.

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- (5) Development projects that generate less than 51 new peak hour trips are required to pay a multimodal impact fee in accordance with the Multimodal Impact Fee Ordinance. They are not required to submit a transportation management plan or traffic study.
  - (6) A traffic study and corresponding transportation management plan for a land development project generating more than 50 new peak hour trips outside a deficient road corridor may be required if through the site plan review process the local government determines that operational improvements such as intersection or median modifications are necessary to accommodate the additional trips generated by the proposed land use.
- D. Methodology Applied. Determination of trip generation shall be based on the Pinellas County Transportation Impact Fee Ordinance fee schedules and latest edition of the *Institute of Transportation Engineers Trip Generation Manual*.

### ARTICLE XLIII. DEVELOPMENT AGREEMENTS

#### Sec. 90-244. Procedures.

- A. Terms and conditions. Development agreements shall be considered under the following procedures: The board of commissioners of the Town of Redington Shores, in its sole and exclusive discretion, may enter into development agreements with the legal and equitable owners of real property within the town limits of the Town of Redington Shores as provided in Chapter 163, Florida Statutes, and as is further set forth under the terms of this article. The entry into a development agreement by said town shall in no way whatsoever limit or modify any legislative power by said town to adopt ordinances, resolutions or regulations or to make executive administrative or legislative decisions of any kind which it had the power to make prior to the entry of such development agreement, except to the degree that the development agreement, by its express terms and not by implication, gives vested rights to said property owner as to certain development permissions, required improvements and similar matters. No development agreement shall, by its express terms or by implication, limit the right of the board of commissioners to adopt ordinances or regulations or to adopt policies that are of general application or specific as to the property subject to the development agreement in the town, except as is expressly provided in Chapter 163, Florida Statutes.
- B. Rights of the town reserved. The submission of a request for consideration of a development agreement, the board of commissioner's willingness to pursue discussions, the resultant negotiations regarding a development agreement, the payment of any application fees for the submission of any applications, engineering plans, surveys and any other expenditures or efforts in prosecution of the development agreement provided for herein by a property owner shall not vest any rights whatsoever in any land use district or future land use designation in such property owner nor shall it in any manner whatsoever limit the board of commissioners from undertaking any land use district or future land use plan amendments that it would be otherwise legally entitled to undertake.
- C. Initiation of request and fee. A property owner desiring to enter into a development agreement with the town shall make a written request for such development agreement to the town administrator and pay the fee as is established by motion of the board of commissioners. Such written request shall identify the lands which are desired to be subject to the development agreement and shall identify all legal and equitable owners having any interest in such property, and such ownership interests shall be certified by a

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title company or an attorney-at-law licensed to practice in the State of Florida. Any partnerships, corporations, joint ventures or other persons with interest in such partnerships, corporations or joint ventures shall be revealed.

- D. Preliminary Board of commissioners review. Upon receipt of such a request, the town administrator or designee shall place the matter on the agenda of the board of commissioners, and the board of commissioners shall, in its discretion, determine whether or not it desires the town administrator or designee to pursue negotiations with the property owner relative to the entry into a development agreement. In the event that the board of commissioners determines not to proceed with further negotiations or discussions regarding the development agreement, the fee paid by the property owner shall be refunded. In the event that the board of commissioners instructs the town administrator or designee to proceed with further negotiations, the fee shall thereafter be nonrefundable, regardless of whether or not a development agreement is ultimately executed between the town and the property owner.
- E. Submission requirements. Upon the board of commissioner's determining that it desires to proceed with further negotiations relative to a development agreement, the property owner shall promptly submit a development proposal for the subject property to include the following information:
- (1) Legal description of the lands to include identification of lands or out-parcels to be exempt from the agreement.
  - (2) The persons, firms or corporations having a legal or equitable interest in the land.
  - (3) The desired duration of the development agreement, but not exceeding three years.
  - (4) The development uses desired to be permitted on the land, including population densities and building intensities and heights.
  - (5) A description of all existing and proposed public facilities that will serve the land.
  - (6) Identification of Land Use Plan district or Future Land Use Map amendments that will be required if the proposed development proposal were to be approved.
  - (7) The Future Land Use Map and zoning district designations of all abutting property; the complete names and addresses of all property owners abutting or lying within 200 feet of the subject property as currently listed in the Pinellas County records one week prior to the agreement application.
  - (8) A certified property boundary survey prepared by a registered Florida surveyor no more than 12 months prior to the property owner's written request for the development agreement.
  - (9) All environmentally sensitive lands, DEP jurisdictional wetlands and lands subject to the jurisdiction and regulations of the Southwest Florida Water Management District shall be shown on a survey of the property.

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- (10) All existing and proposed utilities and the manner in which existing utilities will be extended to the site and/or expanded for the use of the development, including water, sewer, gas, electricity, CATV and other utilities.
  - (11) A master drainage plan for the development indicating thereon the existing drainage features and land topography, along with, and superimposed thereon, the proposed drainage features indicating clearly the means by which the final developed land will collect, regulate and conduct the drainage runoff from the lands developed and tributary thereto.
  - (12) The location, type, size and height of fencing, earth berms, retaining wall or screen planting to buffer abutting properties or as is otherwise required by town regulations.
  - (13) A grading plan and, included therewith, the elevation requirements of the National Flood Insurance Program as applicable to the town.
  - (14) A landscape plan and existing tree survey.
  - (15) Any deed restrictions existing or being imposed upon the lands for development.
  - (16) A list of all federal, state and local permit requirements.
  - (17) Private or public parklands required or proposed for parkland impact fee purposes.
  - (18) Any further information that the town administrator or designee may require because of the particular nature or location of the development.

#### **Sec. 90-245. Town review, negotiation and determination.**

- A. Review and report by town administrator or designee. The town administrator or designee and his/her staff shall review the development proposal of the property owner and shall meet and negotiate with the property owner regarding the appropriate development of the property and the terms and conditions on which said property should be developed as said town administrator or designee shall deem to be appropriate and necessary for the protection of the public interest. At such time as the property owner and the town administrator or designee have reached tentative agreement as to the terms and conditions of the development agreement or the town administrator or designee deem that no further negotiations would be useful because of the unlikely possibility of reaching a concurrence on the terms and conditions of a development agreement, the town administrator or designee shall report the status of such negotiations to the board of commissioners. Such tentative agreement shall not give rise to any development rights or equitably or legally vest any development rights in the property owner.
- B. Review and direction by board of commissioners. In the event that the town administrator or designee and the property owner have negotiated the terms of a mutually acceptable development agreement, the essential terms of that development agreement shall be presented in an outline form to the board of commissioners. Said board of commissioners shall review the same and shall, if it determines to proceed

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further with completion of the development agreement by vote of not less than four members of the board of commissioners, direct the town attorney to reduce said development terms to contractual form for further consideration by the board of commissioners. This direction shall in no manner whatsoever obligate the board of commissioners to ultimately approve a development agreement or to approve any of the matters outlined to it by the town administrator or designee as to any specific term or condition.

- C. Determination to terminate or proceed by board of commissioners. In the event that the town administrator or designee and the property owner have not negotiated a mutually satisfactory development agreement, the town administrator or designee shall notify the board of commissioners and the development agreement process as to the particular land shall be concluded unless by a concurring lot of four members of the board of commissioners, the board of commissioners shall direct that negotiations shall continue. A further development agreement application on the same property may be submitted no sooner than one 180 calendar days from the date of the town administrator's notification of the board of commissioners that the previous development agreement application was terminated for failure to reach a mutually satisfactory agreement or the board of commissioners has concluded consideration of the development agreement, whichever is later.

#### **Sec. 90-246. Public hearings; board of commissioners action.**

- A. Public hearings. At such time as the town attorney has reduced the terms of the proposed development agreement to written contractual form, the town administrator or designee shall transmit such development agreement to the board of commissioners with his/her written recommendation regarding adoption of the development agreement. The board of commissioners shall then conduct not fewer than two public hearings on the question of entering into said development agreement. Said public hearing shall be advertised in a newspaper of general circulation in Pinellas County, and such notice shall be advertised approximately 14 days before each public hearing. Notice of intent to consider said development agreement shall also be mailed to all property owners abutting the subject land or lying within 200 feet of the subject land not less than 14 days prior to the first hearing. The applicant for the development agreement shall furnish an updated listing of the complete names and addresses of the affected owners. The day, time and place at which the second public hearing will be held shall be announced at the first public hearing. Said notice shall specify the location of the land subject to the development agreement, the development uses proposed on the property, the proposed population densities and building heights and shall specify where a copy of the proposed agreement can be obtained. At public hearings, the board of commissioners shall accept any public comment on the terms of the development agreement.
- B. Local Planning Agency review. Prior to the first public hearing, the proposed development agreement shall have been reviewed by the local planning agency, and its recommendation shall have been provided to the board of commissioners. In the event that the local planning agency has failed to provide a recommendation to the board of commissioners within 45 days from the date that such development agreement has been submitted to it for action, this requirement may be waived by the board of commissioners.
- C. Board of commissioner's action. At the meeting at which the second public hearing is held, or at any subsequent meeting thereafter, the board of commissioners may, by vote of not less than four members of the board of commissioners, approve the form and execution of a development agreement.

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## **Sec. 90-247. Requirements for approved development agreement.**

- A. Content. Any development agreement approved under the provisions of this code shall contain not less than the following requirements:
- (1) A legal description of the land subject to the agreement and the identification of all persons having legal or equitable ownership therein.
  - (2) The duration of the development agreement, which duration shall not exceed three years, but which may be extended by mutual consent of the town and the property owner, said extension being subject to the public hearing process necessary for the initial approval of said development agreement.
  - (3) The development uses permitted on the land, including population densities, building intensities and building heights.
  - (4) A site plan containing such information as is otherwise required by this code. All the requirements of the site plan process and submittal shall be integrated with and approved concurrently with the development agreement.
  - (5) A description of the public facilities that will service the development, including designation of the entity or agency that shall be providing such facilities. Additionally, if new facilities are needed to serve the project, the date by which such facilities will be constructed and a schedule to assure that public facilities shall be available concurrent with the impacts of the development will be provided. The development agreement may provide for a letter of credit to be deposited with the town to secure the construction of any new facilities that are required to be constructed. Alternatively, such construction may be a condition precedent to the issuance of any building permits or other development permissions. In the event that the new public facilities are in place and operating at the time development permits are requested, no such letter of credit shall be necessary unless such facilities are not adequate for the project.
  - (6) A description of any reservation or dedication of land for public purposes. The development agreement shall provide specifically how the land dedication code obligation for the project, if any, is to be met. In the event that land is to be conveyed to the town in discharge of the land dedication code obligation, the development agreement will provide that such conveyance will be by warranty deed and will be accompanied by a title insurance policy (at the expense of the property owner) in an amount not less than the fair market value of the land.
  - (7) Development permits.
    - (a) A description of all local development permits approved or needed to be approved for the development of the land, specifically to include at least the following: any required future land use plan map amendments, any required submissions to the Pinellas County Planning Council or to the Department of Economic Opportunity, any required permissions of the State of Florida Department of Environmental Regulation, the United States Corps of Army Engineers, the Southwest Florida Water Management District, the United States Environmental Protection Agency and any other governmental permissions that are required for the project.

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- (b) The development agreement shall specifically provide that said development permissions will be obtained at the sole cost of the property owner and that, in the event that any development permissions are not received, no further development of the property shall be allowed until such time as the board of commissioners has reviewed the matter and determined whether or not to terminate the development agreement or to modify it in a manner consistent with the public interest. Under these conditions, action in reliance on the development agreement or expenditures in pursuance of its terms or any rights accruing to the property owner thereunder, shall not vest any development rights in the property owner, nor shall it constitute partial performance entitling the property owner to a continuation of the development agreement.
- (c) A specific finding in the development agreement that the development permitted or proposed is consistent with the town's Comprehensive Plan and this Chapter or that, if amendments are necessary to the land use plan designations on the subject property, such development agreement is contingent upon those amendments being made and approved by the appropriate governmental agencies.
- (d) The board of commissioners may provide for any conditions, terms, restrictions or other requirements determined to be necessary for the public health, safety or welfare of its citizens, and such conditions, terms or restrictions may be more onerous or demanding than those otherwise specifically required by the land development standards then existing in the Town of Redington Shores and may provide for off-site improvements, screening, buffering, setbacks, building height restrictions, land coverage restrictions and similar types of matters that would not otherwise be required of the development under the existing town ordinances and regulations.
- (e) A statement indicating that failure of the development agreement to address a particular permit, condition, term or restriction shall not relieve the property owner of the necessity of complying with the law governing said permitting requirements, conditions, terms or restrictions and that any matter or thing required to be done under existing ordinances of the Town of Redington Shores shall not be otherwise amended, modified or waived unless such modification, amendment or waiver is expressly provided for in said development agreement with specific reference to the code provision so waived, modified or amended.
- (f) At the board of commissioner's discretion, the development agreement may provide that the entire development or any phase thereof be commenced or be completed within any specific period of time and may provide for penalties in the nature of monetary penalties, the denial of future building permits, the termination of the development agreement or the withholding of certificates of occupancy for the failure of the property owner to comply with any such requirement.
- B. Execution. All development agreements shall be executed by all persons having legal or equitable title in the subject property, including the fee simple owner and any mortgagees, unless the town attorney approves the execution of the development agreement without the necessity of such joinder or subordination on a determination that the substantial interests of the town will not be adversely affected thereby. A development agreement is determined to be a legislative act of the town in the furtherance of its powers to zone and regulate development within its boundaries and, as such, shall be superior to the

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rights of existing mortgagees, lien holders or other persons with a legal or equitable interest in the subject property, and the development agreement and the obligations and responsibilities arising thereunder on the property owner shall be superior to the rights of said mortgagees or lien holders and shall not be subject to foreclosure under the terms of mortgages or liens entered into or recorded prior to the execution and recordation of the development agreement.

**Sec. 90-248. Applicability of existing ordinances and regulations.**

- A. Town ordinances prevail subject to development agreement. The ordinances and regulations of the town governing the development of the land at the time of the execution of any development agreement provided for hereunder shall continue to govern the development of the land subject to the development agreement for the duration of the development agreement. At the termination of the duration of the development agreement, all then existing codes shall become applicable to the project regardless of the terms of the development agreement, and said development agreement shall be modified accordingly. The application of such laws shall not include any fee structure, including any impact fees, then in existence or thereafter imposed.
- B. Ordinances and policies subsequently adopted. The town may apply ordinances and policies adopted subsequently to the execution of the development agreement to the subject property only if the town has held a public hearing and determined that such new ordinances and policies are:
  - (1) Not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities or densities as allowed under the terms of the development agreement;
  - (2) Essential to the public health, safety and welfare and expressly state that they shall apply to a development that is subject to a development agreement;
  - (3) Specifically anticipated and provided for in the agreement; and the town demonstrates that substantial changes have occurred in pertinent conditions existing at the time for the approval of the development agreement or the development agreement is based on substantially inaccurate information supplied by the developer.
- C. Specific provision for ordinances and policies of general application. All development agreements shall specifically provide that subsequently adopted ordinances and policies of general application in the town, specifically including impact fees, shall be applicable to the lands subject to the development agreement and that such modifications are specifically anticipated in the development agreement.
- D. Compliance with subsequently adopted state and federal laws. In the event that state and federal laws are enacted after the execution of a development agreement which are applicable to and preclude the parties' compliance with the terms of the development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws, such modification or revocation to take place only after the notice provisions provided for the adoption of a development agreement have been complied with. Such persons as are defined by state law shall have standing to enforce the development agreement.

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**Sec. 90-249. Review and filing.**

- A. Annual review for compliance. The town shall review all lands within the town subject to a development agreement not less than once every 12 calendar months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. The town administrator or designee shall report his/her findings to the board of commissioners. In the event that the town finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the town upon 30 days' notice to the property owner as shown on the records of the Property Appraiser of Pinellas County. Such termination or amendment shall be accomplished only after public hearing and notice as is herein required for the adoption of a development agreement. Amendment or cancellation of the development agreement by mutual consent of the town and the property owner may be accomplished following notice requirements required for initial adoption of the development agreement as is above set forth.
  
- B. Development agreement to be recorded with Clerk of the Circuit Court. Not later than 14 days after the execution of a development agreement, the town shall record said agreement with the Clerk of the Circuit Court in Pinellas County, and a copy of the recorded development agreement shall be submitted to the State Land Planning Agency within 14 days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

**Secs. 90-176—90-190. Reserved.**

**PART 7. ~~CONCURRENCY MANAGEMENT~~<sup>8</sup> SUPPLEMENTAL STANDARDS**

**ARTICLE XLIV. TRAFFIC CIRCULATION**

**Sec. 90-250. Traffic circulation.**

- (1) Unrestricted access to streets is not allowed. Generally curb cuts are limited to a maximum of 25 feet.
- (2) Access to streets should take into consideration sight distance and alignment.
- (3) All sites must provide for emergency vehicle access.
- (4) Separate ingress and egress is encouraged.
- (5) Traffic collection to reduce access points to Gulf Boulevard is encouraged.
- (6) Maneuver lanes between rows of parked autos shall be at least 20 feet in width.
- (7) Traffic lanes shall conform to the same design standards as public streets as regards alignment on intersection.
- (8) All buildings, exclusive of single-family and duplex dwelling districts, must provide for pedestrian circulation. Hard-surfaced pedestrian walks a minimum of four feet wide shall be provided generally as follows:

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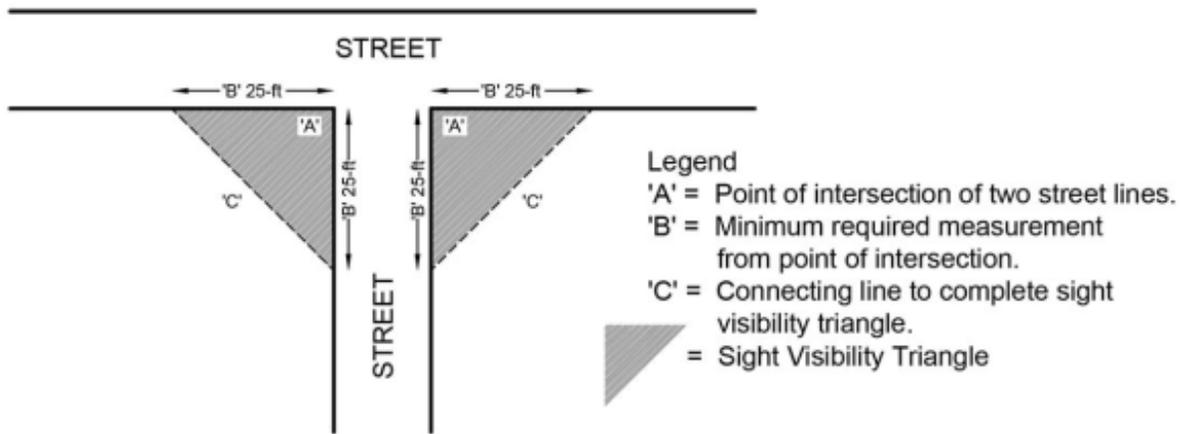
<sup>8</sup>Editor's note(s)—Adopted 12-12-2007 by Ord. No. 07-06.

- (a) Along public rights-of-way.
- (b) Along access corridors to buildings.
- (c) At interconnecting points where significant numbers of people will seek to walk.

**ARTICLE XLV. SIGHT VISIBILITY AT INTERSECTIONS**

**Sec. 90-~~157~~ 251. Sight visibility at intersections.**

- A. *General standards.* Sight visibility triangles are designated areas located near streets and/or driveway intersections that shall be free from visual obstruction in order to maintain safe visibility for vehicles, bicyclists, and pedestrians. All property shall maintain sight visibility triangles as described in this section.
- (1) Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or a driveway; and, on all corners of the intersection of an alley and driveway.
  - (2) Within sight visibility triangles, unobstructed sight lines and cross visibility shall be maintained between a height of two and one-half feet and eight feet.
  - (3) No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.
- B. *Sight visibility triangle areas.* The required sight visibility triangle area is based on the type of intersection and specified below.
- (1) Intersection of two streets. The sight visibility triangle is formed with two sides being 25 feet in length along the abutting street pavement (illustrated by the letter "B" on the diagram below), measured from their point of intersection, illustrated by the letter "A" in the diagram below, and the third side being a line connecting the ends of the other two sides, illustrated by the letter "C" in the diagram below.



**Figure 1 — Sight visibility triangle at the intersection of two streets.**

- (2) Intersection of an alley and a street, a street and a driveway, and/or alley and a driveway. The triangle is formed on both sides of the alley and driveway with two sides of each triangle being ten feet in length along the abutting street pavement, measured from their point of intersection, illustrated by

the letter "A" on diagram below, and the third side being a line connecting the ends of the other two sides, illustrated by the letter "C" on the diagram below.

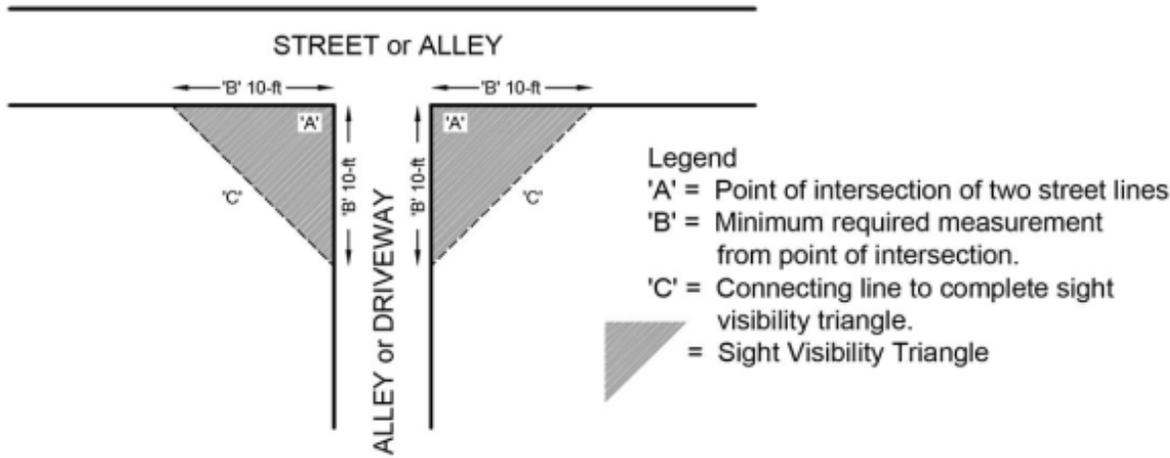


Figure 2 — Sight visibility triangle at the intersection of a street and alley or driveway; OR alley and driveway.

- (3) For all of the above cases, in the case of rounded corners and corner chords, the point at which the street/driveway/alley pavement would meet, if extended without such rounding, will be used as the point of intersection, as illustrated by the letters "A" and "B" in the diagram below.

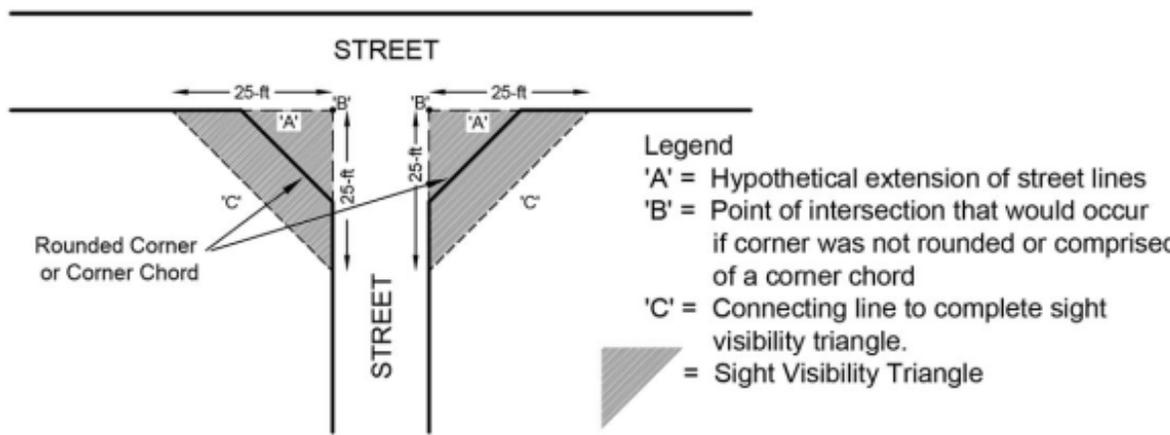


Figure 3 — Sight visibility triangle calculation with corner chords.

- C. *Exemptions.* The following exemptions may apply to sight visibility standards.
- (1) Governmental signage and governmental sign posts in the right-of-way.
  - (2) Fire hydrants, benches, and traffic control devices in the right-of-way.
  - (3) Utility poles and one utility transmission or control device in the right-of-way.

**ARTICLE ~~XXXIII~~ XLVI. SUN SHELTERS/CHICKEE HUTS**

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**Sec. 90-191. Definitions.**

*Chickee huts.* A hut built on stilts, with open sides and a thatched roof of palm fronds, that does not incorporate any electrical, plumbing or other non-wood features, and is constructed exclusively by either the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.

*Sun shelter.* For the purpose of this article, a sun shelter shall have the same meaning as chickee hut.

*Thatched roof.* A roof constructed of palm fronds in an open web type of construction and attached in such a manner that they are sacrificed in winds exceeding 70 mph.

(Ord. No. 19-01, § 1, 2-13-2019)

**Sec. 90-~~192~~ 252. Construction standards.**

- (1) All construction must meet at least the minimum requirements of the Florida Building Code as adopted by the Town of Redington Shores, and as amended to date, and as may be subsequently amended.
- (2) No sun shelters shall be permitted except those supported by either:
  - (a) One central pole of a diameter not to exceed ten inches; or
  - (b) A maximum of eight poles.
- (3) The maximum coverage allowed under roof, including overhangs shall be 150 square feet.
- (4) The maximum height of the sun shelter shall be 14 feet measured from the patio or land on which the sun shelter is constructed. Should the surface on which the sun shelter is constructed have a grade, the measurement required by this subsection shall be from the lowest point of the grade under the sun shelter, including overhangs.
- (5) The minimum height of the palm fronds composing the sun shelter shall be six feet, measured in subsection (4) above.
- (6) No sun shelter shall incorporate any electrical, plumbing or other non-wood features.
- (7) Any sun shelter not constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida is subject to the Florida Building Code and not exempt from building permit requirements.

(Ord. No. 19-01, § 1, 2-13-2019)

**Sec. 90-~~193~~ 253. Zoning regulations.**

- (1) Sun shelters are allowed only in residential zoning districts.
- (2) Sun shelters shall not be constructed within five feet of any rear lot line.
- (3) Sun shelters shall not be constructed within three feet of any side lot line.
- (4) No sun shelter shall be permitted to attach to existing living structures on the property and must comply with all separation requirements under the Florida Fire Prevention Code.

(Ord. No. 19-01, § 1, 2-13-2019)

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**Sec. 90-~~194~~ 254. Condition of fronds.**

A sun shelter to which palm fronds are attached so as not to be sacrificed in winds exceeding 70 mph is hereby declared to be a danger to the health and safety of the citizens of the Town of Redington Shores. No such condition shall be allowed to exist.

(Ord. No. 19-01 , § 1, 2-13-2019)

**Sec. 90-~~195~~ 255. Zoning clearance required.**

- (1) Sun shelters/chickee huts constructed by the Miccosukee Tribe of Indians of Florida and/or the Seminole Tribe of Florida are exempt from the Florida Building Code and do not require a building permit. They are not, however, exempt from zoning district regulations.
- (2) The following is required to be submitted to the Town prior to construction of any sun shelter by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida for a zoning clearance approval:
  - (a) A zoning clearance application fee of \$89.00 payable to the Town of Redington Shores.
  - (b) Site plans showing the proposed location of construction (all setbacks are required to be shown on the site plan).
  - (c) Proof of identification (business card, tribe ID card, driver's license).
  - (d) Letter from the tribe member stating that only they will be doing the work to construct and erect the sun shelter.
- (3) Any structure larger than 150 square feet, whether or not it is constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida, requires a permit and would require engineered plans and any variances that might be required.

(Ord. No. 19-01 , § 1, 2-13-2019)

**Sec. 90-~~196~~ 256. Approval of existing structures.**

Any property owner with an existing sun shelter that was constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida prior to the adoption of this Ordinance 19-01, shall have a 120-day period (beginning from the date this Ordinance 19-01 is adopted) to submit all regulatory paperwork required to prove compliance with the standards set forth in this section. There shall be no approval fee required for pre-existing sun shelters during the 120-day grace period.

(Ord. No. 19-01 , § 1, 2-13-2019)

Ord. No. 20-03 , § 1, 7-8-2020)