

# **NRB NEWS – JULY 2025**

We hope everyone enjoyed a happy and safe 4<sup>th</sup>!

## **RESIDENTIAL BUILDING HEIGHT**

With the unprecedented amount of building and elevating taking place in the town after the recent storms, the Commission is considering raising the building height for homes in the single-family residential districts. The current code allows a height of 30' above base flood elevation to the highest point (roof peak, chimney, etc). The change discussed above would increase the height to 36' over BFE to the highest point. This change would be effective for existing homes that are being elevated as well as new construction.

The Board would like your input on this change. Please email me at [townclerk@townofnrb.com](mailto:townclerk@townofnrb.com) to let them know if you approve or are opposed prior to Friday, July 18<sup>th</sup>.

## **STILT HOUSE ORDINANCE**

There has been much discussion regarding the allowance of stilt type homes in NRB. We have received the following from the Town Attorney explaining the issue with our current code and the inability to change it at this time.



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## MEMORANDUM

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DATE: July 1, 2025

TO: Mayor Jay Super  
Vice Mayor Kevin Kennedy  
Commissioner Corey Thornton  
Commissioner Steve Bradley  
Commissioner Rick Nagrabski

FROM: Jay Daigneault, Town Attorney

CC: Mari Campbell, Town Clerk

RE: Sec. 98-212 and Stilt Houses

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Dear Mayor, Vice Mayor, Commissioners:

As you know, there have been discussions recently regarding Section 98-212 of the Town's Land Development Code and its application to stilt houses within the Town. As you are likely aware, Sec. 98-212 of the Land Development Code provides as follows:

**Sec. 98-212. - Drainage of residential properties.**

(a) For any residential structure the floor of any enclosed area including a garage or storage room and any point beneath the building which is capable of access will be at least one foot above street grade. Fill immediately adjacent to the exterior of the structure wall will be graded to provide water runoff to the bay or to the streets and drainage structures. The runoff will traverse other public or private property only through established drainage easements.

(b) **All exterior building foundation walls shall be solid, opaque and fully enclosed below the base flood elevation along the entire perimeter of the foundation and be carried down to grade level. The walls will be designed to allow for entry and exit of floodwater to automatically equalize hydrostatic flood forces on exterior walls. Designs for meeting this requirement must**

**either be certified by a professional engineer or meet the following minimum criteria:**

- (1) A minimum of two openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding will be provided.
- (2) The bottom of all openings will be no higher than one foot above grade adjacent to the exterior of the structure.
- (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(emphasis added).

This language is in the section of the LDC that applies to properties located in the RS-60 zoning district and appears also in sections 98-182 (RS-150), 98-239 (RM-15), and 98-258 (CT) of the Code. There is an indication from the minutes of a Commission meeting in January 1991 that the then-Commission intended to “avoid having stilt houses and make houses look more traditional,” though the discussion appears to have arisen in conjunction with the first reading of ordinance 91-354, which purported to make changes to sections of Chapter 22 of the Town’s Code which no longer exist. The language of § 98-212 (b) and the others utilizing the language at issue dates back to 1985 and has not been amended since.

The question is whether § 98-212(b) operates to ban stilt houses within the Town’s boundaries and it is my understanding that it has been so applied in the past, though the specific instances of such application are not known to me. Nevertheless, based upon a reading of the plain language of the Ordinance, § 98-212 cannot be reasonably interpreted to ban stilt houses.

The first step in determining the meaning of a statute or ordinance is to examine its plain language. *See State v. Hackley*, 95 So. 3d 92, 93 (Fla. 2012) (“The first place we look when construing a statute is to its plain language—if the meaning of the statute is clear and unambiguous, we look no further”); *see also City of Miami v. Gabela*, 390 So. 3d 65, 68 (Fla. 3d DCA 2023) (“If the plain language of the ordinance is unambiguous, we are required to apply its plain meaning and are without power to construe it in a way which would modify, limit, or extend those express terms.”). It is only if the language of a statute or ordinance is ambiguous that the court must resort to traditional rules of statutory construction to determine legislative intent. *See McNeil v. State*, 215 So. 3d 55, 58 (Fla. 2017) (“...we must discern legislative intent from the plain words used, and not resort to rules of construction unless we find an ambiguity exists.”). “A statute is normally regarded as ‘ambiguous’ when its language may permit two or more outcomes.” *Hess v. Walton*, 898 So. 2d 1046, 1049 (Fla. 2d DCA 2005). Further, courts are not at liberty to add to an ordinance or a statute words that the legislative body itself has not used in drafting the legislation at issue. *M.K. v. Dep’t of Children and Families*, 315 So.3d 16 (Fla. 4th DCA 2021).

The plain language of § 98-212(b) simply provides enforceable standards for exterior building foundation walls. Nowhere in that section does the language suggest that every residential structure *must have* exterior building foundation walls. It says only that, if such walls are used, they must be solid, opaque, and fully enclosed below the base flood elevation. Further, at no point

does the Code say that stilt houses (ie, those which do not use exterior building foundation walls and instead rely on pillars or piers driven into the ground to support the structure) are not allowed. Rather, the Code provides the standards for exterior building foundation walls, *should such walls be utilized*. I acknowledge that the minutes of the Board of Commissioners meeting on January 10, 1991, reflect the Commission's intent to avoid having stilt houses by requiring solid walls attached to the foundation of a house. However, this intention was simply not memorialized in the Code. Indeed, the Commission at that time merely referred an ordinance back to the Planning and Zoning Board for further review, and the fact remains that the Code contains no language whatsoever explicitly or implicitly prohibiting stilt houses in the Town. Accordingly, examination of the legislative intent behind the subject Ordinance would be an improper application of the rules of statutory construction, as such examination would only be proper if the Ordinance was ambiguous. The language is not ambiguous as it does not permit two or more outcomes. Even if one accepts the proposition that the language is ambiguous, the legislative history does not appear to relate to the Codes at issue so could not be relied upon by a court in any event.

Assuming again that the language at issue can be construed as ambiguous or subject to multiple interpretations, it still cannot be construed so as to ban stilt homes. This is so because "zoning ordinances are in derogation the common law" and, as such, "are subject to strict construction in favor of the right of a property owner to the unrestricted use of his property." *Persaud Property FL Investments, LLC v. Town of Fort Myers Beach*, 310 So.3d 493, 495 (Fla. 2d DCA 2020). The language of the subject ordinances simply does not convey an intent to ban stilt houses, and it certainly cannot be said that any such intended ban is expressed clearly.

Finally, it is also important to note that the Town's Building Official has similarly applied the plain language of the Code to not operate as a ban on stilt houses within the Town. Pursuant to § 468.604(1), Fla. Stat., it is the building official's responsibility to administrate, supervise, direct, enforce, or perform the permitting and inspection of construction and alterations of structures within the boundaries of their governmental jurisdiction to ensure compliance with the Florida Building Code and any applicable local technical amendment to the Florida Building Code. "The . . . building official shall faithfully perform these responsibilities without interference from any person." *Id.* Similarly, the Florida Legislature intended that the Florida Building Code be interpreted by building officials. *See* § 553.775(1), Fla. Stat. The Florida Building Code has been adopted as the Town's Building Code pursuant to Sec. 18-56 of the Town's Code of Ordinances. Thus, the Town Building Official's interpretation of the Florida Building Code and any local amendments thereto by the Town should not be interfered with pursuant to State law.

Given this information, the Commission might ordinarily move to amend the subject Codes to explicitly prohibit stilt houses within the Town. However, Senate Bill 180 was signed by the Governor on June 26, 2025, and the Bill prohibits any municipality within a county listed in the Federal Disaster Declaration for Hurricanes Debby, Helene, or Milton, including Pinellas County, from proposing or adopting more restrictive or burdensome amendments to its comprehensive plan or land development regulations before October 1, 2027. I would therefore caution against proposing any such amendment before that date as it would be void ab initio. Further, if the Town elects to adopt such amendment anyway, SB 180 provides a private right of action available to any person for declaratory or injunctive relief. This provision includes a prevailing plaintiff attorney fee provision, so if the Town is sued for adopting such amendment and loses, it will be required to

pay not only the fees of the attorney defending the case on the Town's behalf, but also those of the person bringing the suit.

In sum, and while I recognize that this opinion may not meet with popular approval, I remain of the position that the Town's Code does not and cannot be read to prohibit the construction of stilt houses. Moreover, the Town is cautioned strongly against amending its Code to so prohibit these types of structures before October 1, 2027, because such amendment would be considered more restrictive than the existing Code and would therefore be subject to the limitations imposed by SB 180.

Please do not hesitate to contact me directly should you have any questions or concerns regarding this memo.

Respectfully,

TRASK DAIGNEAULT, LLP.

A handwritten signature in blue ink, appearing to be 'JD' with a stylized flourish.

/s/ Jay Daigneault, Esq.  
Town Attorney

## **STORAGE**

Questions have arisen about what can be stored underneath a "stilt" type home. The current codes are still in place regarding storage. Boats, Trailers, RV's, etc must be in an enclosed garage. No building material, junk, debris, etc may be stored within the open space.

## **BEACH RENOURISHMENT**

We have been informed that the beach renourishment is once again back on for 2025. According to Pinellas County, the project is slated to begin in late summer. The County is holding public information sessions which will include the project details and timeline.

Those sessions are available:

- **July 9:** 6 p.m. – 8 p.m.  
Treasure Island City Hall 10451 Gulf Blvd.
- **July 16:** 6 p.m. – 8 p.m.  
Virtual- [register via Zoom to attend](#).
- **Aug. 6,** 6 p.m. – 8 p.m.  
Belleair Beach, 444 Causeway Blvd.

More information can be found at <https://pinellas.gov/signforsand>

## **MOSQUITOS**

If you are having a mosquito problem, Pinellas County Mosquito Control services the entire county including North Redington Beach. For information and to request service, visit their website at <https://pinellas.gov/mosquito-control/>

## **BEACH ACCESS OPEN**

The pedestrian walkway located north of the Tides, which was washed out during Helene, is rebuilt and open for use.

Our last remaining project from the flood is the restoration of the Beach Park which is scheduled to begin next week. Once the park is restored, the renaming ceremony to Bill Queen Park will be scheduled for the fall.

## **BULK TRASH PICK UP**

Bulk pickup is this Saturday, July 12th. Make sure to get your things out early so you aren't missed.

For the holiday schedules and more information on the bulk pickup, please visit <https://www.wasteprousa.com/northredingtonbeach>

*Board of Commission meetings are on the second Thursday of each month at 6:00 pm and workshops are scheduled as needed. Please keep an eye on our webpage for agendas at*

*<https://townofnorthredingtonbeach.com/government/agendas-minutes/>*

*Always feel free to call or stop by and visit. The Commission and Staff are happy to answer questions anytime.*

**All updates available on [townofnrb.com](https://townofnorthredingtonbeach.com)**