

## ORDINANCE NO. 2014-06

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 110, ZONING; ARTICLE III, DISTRICT DESIGNATION AND REGULATIONS; DIVISION 1, GENERALLY; BY ADDING A SECTION TO BE NUMBERED 110-131.11, HIGH DENSITY COMMERCIAL TOURIST ZONING DISTRICT 1- CT-1; PROVIDING FOR A NEW ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission has reviewed the Official Zoning Map and has identified several parcels that warrant a change from legally non-conforming to legally conforming to the greatest extent possible as provided by the Pinellas Planning Council Countywide Rules and;

**WHEREAS**, the Local Planning Agency met on November 21, 2013, and found the proposed amendments to be consistent with the Indian Rocks Beach Comprehensive Plan.

**NOW THEREFORE BE IT ORDAINED**, by the City of Indian Rocks City Commission in its regular meeting duly assembled on this 28<sup>th</sup> day of January 2014, that the Land Development Regulations of Indian Rocks Beach are amended as follows:

**SECTION 1.** Chapter 110, Zoning; Article III, District Designation and Regulations; Division 1, Generally; of the Code of Ordinances, City of Indian Rocks Beach, Florida, is hereby amended by adding a section to be numbered 110-131.11.

### **Sec. 110.131.11. HIGH DENSITY COMMERCIAL TOURIST ZONING DISTRICT 1 – CT -1**

#### **A. Definition; purpose and intent.**

The CT-1, district, provides for various commercial tourist facilities of high density and related to both the natural assets of the city as well as the ability to provide the necessary public facilities and utilities. The CT Commercial Tourist district correlates with the Resort Facilities High (RFH) category of the Countywide Plan. Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Temporary lodging use of dwellings is permitted.

More specifically the CT-1 zoning district is to be used to allow for the conversion of existing, legally non-conforming zoning uses and structures to legally conforming zoning uses and structures to the greatest extent possible consistent with the Comprehensive Plan and the Pinellas County Countywide Rules. Each rezoning to CT-1 shall include a

survey, site plan or comparable document depicting such items as setbacks and parking. Rezoning to CT-1 will not cure legally nonconforming items such as density, floor area ratio and impervious surface ratio. Nor can it be used to cure nonconformities related to FEMA, building code requirements and other requirements outside the authority, purview and jurisdiction of the City of Indian Rocks Beach.

In considering an application to CT-1 zoning in order to cure or remedy a legally non-conforming use or structure, the Planning and Zoning Board, the Local Planning Agency and the City Commission shall give serious consideration to the positive contribution that the legally non-conforming use makes to the community. It is not the intent of these regulations to provide an exemption, variance or special exception from the City's zoning requirements related to the initial purpose of non-conforming uses.

### **B. Permitted uses.**

The permitted uses in the CT-1 high density commercial tourist district 1 are as follows:

- (1) Dwelling, single-family detached.
- (2) Dwelling, two-family attached.
- (3) Dwelling, multifamily attached.
- (4) Hotels, motels, motor lodges.
- (5) Planned Unit Development.
- (6) Churches, synagogues and other houses of worship.
- (7) Bed and breakfast establishments in accordance with Section 110-592.
- (8) Temporary lodging uses.
- (9) Tourist Facility Use;
- (10) Office;
- (11) Personal Service/Office Support;

### **C. Accessory uses.**

The accessory uses in the CT-1, Commercial Tourist district 1 are as follows:

- (1) Private garages
- (2) Swimming pools and cabanas
- (3) Other accessory uses customarily incidental to permitted or approved special exception uses.

### **D. Special exception uses.**

Upon application for a special exception to the board of adjustments and appeals and city commission and favorable action thereon, the following uses may be permitted in the CT-1, Commercial Tourist district 1:

- (1) Public land and buildings
- (2) Essential services.

- (3) Publicly owned or operated parks or recreation area
- (4) Parking lots.

#### **E. Minimum building site area requirements.**

The minimum building site area requirements in the CT-1, Commercial Tourist district 1 are as follows:

- (1) Lot size:
  - a. Single-family: 5,808 square feet.
  - b. Two-family, duplex: 5,808 square feet.
  - c. Multifamily: The minimum lot size for multifamily is 5,808 square feet for the first three units and 1,452 square feet for each additional unit.
- (2) Minimum width: 50 feet.
- (3) Minimum depth: 100 feet
- (4) Density: The maximum density is 30 units per acre for both permanent dwelling units and temporary lodging.
- (5) Minimum unit size: One story single family dwellings shall have a minimum of 1,000 square feet of living area, exclusive of garage, carport or open spaces. Two story single family dwellings shall have a minimum of 1,500 square feet of living area, exclusive of garage, carport or open spaces. Duplexes, regardless of the number of floors, shall have a minimum of 850 square feet of living area, exclusive of garage, carport and open spaces. Multifamily shall have a minimum of 750 square feet of living area, exclusive of garage, carport or open spaces.
- (6) Residential equivalent use shall not exceed 3 beds per dwelling unit with 30 dwelling units per acre.
- (7) As provided for in the survey, site plan or comparable document submitted with a rezoning application.

#### **F. Setback requirements.**

The following minimum setbacks shall apply in the CT-1 district:

- (1) Front yard setback in CT-1 zoning is measured from the center line of the seawall. No structure or building shall be placed seaward or within 35 feet of the existing seawall, and all new seawall construction and/or seawall repair or replacement shall be permitted by the state department of environmental protection and the city. Further, all new seawall construction and/or repair shall maintain the existing seawall alignment as determined and approved by the city manager or designee and the state department of environmental protection. No city building permit shall be issued for development or redevelopment seaward of the coastal construction control line without approval from the state department of environmental protection where such approval is required by that agency.
- (2) Rear yard for hotel, motel, motor lodge and multi-family:

- a. Lots with an alley on the rear shall be setback 15 feet.
- b. Lots with no alley on the rear shall be setback 15 feet.
- (3) Rear yard for single family and duplex:
  - a. Lots with an alley on the rear shall be setback 5 feet.
  - b. Lots with no alley on the rear shall be setback 10 feet.
- (4) Side Yard:
  - a. For buildings that do not exceed 25 feet in height above pilings: The side yard setback is a total of 15 with a minimum of 7 on one side.
  - b. For buildings that exceed 25 feet in height above pilings: The side yard setback shall be a minimum of 12% of the building width on each side and the side yard shall be at least seven feet one side and 15 feet total on both sides. Also, for every two feet in height above 30 feet from grade, one foot shall be added to each minimum side yard. If the property is a corner lot abutting Gulf Boulevard and the structure fronts the beach access, the side setback shall be a minimum of 25 feet on Gulf Boulevard and the other side setback shall be the minimum as calculated based on height and width of the building.
- (5) Minimum rear setback on a north/south street: 20 feet.
- (6) All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.
- (7) Special Provision: All lots in Blocks 3 & 4, Indian Rocks Subdivision shall have a minimum setback of 15 feet from Gulf Boulevard. This area is found south of Central Avenue.
- (8) Beach Trail: For purposes of this Code, Beach Trail is considered an alley.
- (9) As provided for in the survey, site plan or comparable document submitted with a rezoning application.

#### **G. Maximum building height.**

- (1) The maximum height of pilings is 10 feet. The maximum height of a building above pilings is 36 feet.

#### **H. Maximum floor area ratio.**

The maximum floor area ratio in the CT-1 – Commercial Tourist district 1 is 0.50 for hotels, motels, motor lodges and non-residential uses. There is no maximum floor area ratio for single family, duplex, or multi-family in the CT district.

#### **I. Impervious surface ratio (ISR).**

The Impervious Surface Ratio in the CT-1 zone for hotel, motel, multi-family structures and non-residential uses is 0.70. There is no impervious surface ratio for single family and duplex in the CT district.

#### **J. Construction on substandard lots.**

A single-family home may be constructed on a lot of record existing on May 11, 1981, as a permitted use in accordance with Section 110-211.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, AS FOLLOWS:**

**Section 2.** In all other respects, the provisions of the Code of the City of Indian Rocks Beach, Florida, not hereby amended or modified, shall remain in full force and effect.

**Section 3.** It is the intention of the Indian Rocks Beach City Commission that each provision hereof be considered separable, and that the invalidity of any provision of this ordinance shall not affect the validity of any other provisions of this Ordinance of the City of Indian Rocks Beach's Code of Ordinances.

**Section 4.** If any portion, part or section of this ordinance is declared invalid, the valid remainder hereby shall remain in full force and effect.

**Section 5.** All ordinances, parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

**Section 6.** This ordinance shall become effective immediately upon final passage as allowed by law.

**PUBLISHED IN THE TAMPA BAY TIMES** the 27 day of November 2013.

**ADOPTED ON FIRST READING** by the City Commission of the City of Indian Rocks Beach, Florida, held on the 10th day of December, 2013.

**PUBLISHED IN THE TAMPA BAY TIMES THIS** 15th day of January 2014.

**ADOPTED ON SECOND AND FINAL READING** by the City Commission of the City of Indian Rocks Beach, Florida, held on the 28th day of January 2014.

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R.B. Johnson, Mayor-Commissioner

ATTEST: \_\_\_\_\_  
Deanne B. O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

BY: \_\_\_\_\_  
Maura J. Kiefer, City Attorney  
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