

**CITY OF INDIAN ROCKS BEACH  
ORDINANCE NO. 2019-01**

**AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 110, ZONING; ARTICLE I - IN GENERAL, SECTION 110-1 "DEFINITIONS" TO DEFINE "PAID PARKING LOTS;" AMENDING ARTICLE III - DISTRICT DESIGNATION AND REGULATIONS, DIVISION I - GENERALLY, SECTION 110-131 "ESTABLISHMENT OF ZONING DISTRICTS," SUBSECTION 6 "BUSINESS ZONING DISTRICT-B" TO PROVIDE FOR PAID PARKING LOTS AS A PERMITTED USE IN THE BUSINESS DISTRICT TRIANGLE OVERLAY ZONE; AMENDING ARTICLE III - DISTRICT DESIGNATION AND REGULATIONS, DIVISION 1. - GENERALLY, SECTION 110-135 "BUSINESS DISTRICT TRIANGLE OVERLAY ZONE" TO ALLOW THE OPERATION OF PAID PARKING LOTS; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR RENUMBERING; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, on December 4, 2018, the Local Planning Agency held a public hearing and found the proposed amendments consistent with the Comprehensive Plan.

**WHEREAS**, Section 13.1 of the City's Charter empowers the City Commission to regulate and restrict, among other things, the location and use of buildings, structures, and land and water for trade, industry, residence or other purposes in the City; and

**WHEREAS**, the City Commission for the City of Indian Rocks Beach finds the amendments set forth in this ordinance to be in the interest of promoting the health, safety and general welfare of the community.

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

**SECTION 1.** Chapter 110, Zoning; Article I, In General; Section 110-1 "Definitions," of The Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended to read as follows:

**Sec. 110-1. Definitions.**

**Paid parking lot:** is for the general public to pay for use of parking vehicles and is designed to be consistent with the criteria in Division 8- Off -street parking and loading facilities, Section 110-371 General standards for parking facilities and Chapter 106 Vegetation in the Land Development Code.

**SECTION 2.** Chapter 110, Zoning; Article III, District Designation and Regulations, Division I – Generally, Section 110-131-Establishment of zoning Districts, Subsection 6 “Business Zoning District—B,” of The Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended to read as follows:

**Sec. 110-131. Establishment of zoning districts.**

(6) *Business zoning district—B.*

- a. *Definition; purpose and intent.* The purpose of this district is to provide for retail shopping areas. The B, business district correlates with the CG, commercial general 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.
- b. *Permitted uses.* The permitted uses in the B, business district are as follows:
  1. Retail and personal services.
  2. Business and financial service uses.
  3. Offices.
  4. Service stations.
  5. Restaurants.
  6. Public land and buildings.
  7. Dwelling, single-family on the floors above commercial.
  8. Dwelling, two-family on the floors above commercial.
  9. Dwelling, multifamily on the floors above commercial.
  10. Hotels, motels and motor lodges.
  11. Bed and breakfast establishments in accordance with section 110-592.
  12. Mixed use of commercial and residential.
  13. Temporary lodging use.
  14. Craft/micro brewery, winery or distillery

15. Paid parking lots shall be a permitted use solely in the business district triangle overlay zone.

- c. *Accessory uses.* The accessory uses in the B, business district are as follows:
1. Parking lots.
  2. Essential services.
  3. Publicly-owned parks or recreation areas.
  4. Certain portions of outdoor dining establishments allowing dogs.
  5. Home occupations.
- d. *Special exception uses.* First-floor residential use.
- e. *Minimum building site area requirements.*
1. The minimum building site area requirements in the B, business district is 5,808 square feet.
  2. The number of businesses on a lot shall be regulated by sections 110-371 through 110-377 and chapter 86. Where a platted lot exists as of February 1, 1983, having an area of less than 5,808 square feet, that actual area shall be considered the minimum lot size requirement for that lot.
  3. Density: The maximum density is 18 units per acre for permanent dwelling units and 15 units per acre for temporary lodging.
  4. Minimum unit size: 200 square feet of area exclusive of garage, carport, or open space.
  5. Residential equivalent use shall not exceed three beds per dwelling unit with 18 dwelling units per acre.
- f. *Setback requirements.* The following minimum setbacks shall apply in the B, business district:
1. Front yard setback in B zoning is 25 feet measured from the property line.
    - i. All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard as measured from the property line, unless elsewhere provided.
  2. Rear yard:
    - i. Lots with an alley on the rear shall be setback 15 feet.
    - ii. Lots with no alley on the rear shall be setback 15 feet.

- iii. Minimum rear setback on a north/south street 20 feet.
- 3. Side yard:
  - I. Total side setback of 20 feet with a minimum of ten [feet] per side.
  - ii. If the property is a corner lot (fronts on two bisecting streets), the side setback shall be a minimum of 15 feet on the street and a minimum of ten feet on the other side.
- g. *Maximum building height.* For buildings constructed on pilings, the maximum height of pilings is ten feet. The maximum height of a building above pilings is 25 feet.
- h. *Maximum floor area ratio.* Maximum floor area ratio in the B business district for non-residential use is 0.55.
- I. *Impervious surface ratio (ISR).* Maximum impervious surface ratio (ISR) in the B business district for non-residential use is 0.70.
- 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. 0

**SECTION 3.** Chapter 110, Zoning; Article III, District Designation and Regulations, Division I – Generally, Section 110-135- “Business District Triangle Overlay Zone,” of The Code of Ordinances, City of Indian Rocks Beach, Florida is hereby amended to read as follows:

**Sec. 110-135. Business district triangle overlay zone.**

(a) *Purpose.* The purpose of the business district triangle overlay zone is to impose special development regulations. It is the intent of the city to foster new development and redevelopment in this area, making it a pleasant area for businesses and civic functions. The underlying land uses for each underlying zone classification shall remain undisturbed by the creation of an overlay zone except as specifically noted in this section. The overlay zone imposes additional or different development standards than those that would otherwise apply.

(b) *Boundaries.* The business district triangle overlay zone is an area within the city limits bounded on the east by the Intracoastal Waterway, by Gulf

Boulevard on the west and by Walsingham Road (SR 688) on the north and ending at the intersection of Gulf Boulevard and Bay Drive on the south.

(c) *Conflict with underlying zoning regulations.* The regulations of this overlay zone shall supersede all conflicting regulations of the underlying zoning for properties located in the overlay zone. This provision does not eliminate current applicable zoning requirements.

(d) *Nonconforming structures.* When a lawful structure exists on the effective date of the ordinance from which this section is derived or the effective date of an amendment to this section which could not be built under the terms of this article by reason of restrictions on the area, lot, coverage, height, yards, setbacks or other characteristics of the structure or its location on the lot, such structures may be allowed to continue to exist so long as they remain otherwise lawful, subject to the following provisions:

- (1) Any and all enlargement, extension, reconstruction or structural alteration greater than 25 percent of the assessed value of the structure, as determined by the county property appraiser's office or independent appraisal, or \$15,000.00 in site improvements, shall require the property owners to place on file an approved, updated site plan and landscaping plan.
- (2) For purposes of this subsection, site improvements shall mean any change to improved or unimproved real estate, including, but not limited to, paving, excavating, landscaping or decking. Habitable structures are specifically excluded from this definition.

(e) *Use regulations and development standards.*

- (1) *Setbacks.* There shall be a ten-foot minimum front yard setback from the property line. No structures or temporary fixtures/devices shall be located within any setback. Structures, within the overlay zone, shall be defined as signs, fences, stormwater retention areas, parking lots, parking bumpers, patios, seating, newspaper racks, decks above ground or on the ground, etc. The only exception is a one-foot by two-foot entrance/exit sign, no higher than 3½ feet, with sufficient sight distance from the driveway along the road. There shall be a limit of one driveway entrance and one sidewalk entrance per lot. The city may review individual sites for additional driveway or sidewalk entrances. The front is considered facing the road. Corner lot front designation must be approved by the city. A

ten-foot minimum setback is required on other property boundaries abutting a right-of-way. The remaining boundary setbacks shall be five feet minimum with a city-reviewed and approved landscaping plan, which shall meet the overlay zone requirements regarding in-ground landscaping and irrigation.

- (2) *Structures on right-of-way or sidewalk.* No structures or temporary fixtures/devices as defined in subsection (e)(1) of this section shall be permitted in any right-of-way or sidewalk without prior approval of the city administration.
- (3) *Fences.* Fences located in the business district triangle overlay zone shall comply with article IV, division 5 of this chapter and the following provisions:
  - a. *Prohibited fences.* In addition to those fences prohibited in section 110-289, chainlink fences shall be prohibited in the business district triangle overlay zone.
  - b. *Allowable fences.* Fences shall be a minimum of 50 percent open and compatible with the architectural design of the main building, as determined by the city manager or designee, except that dumpsters and fences enclosing loading/storage areas shall be a solid wall or fence approved by the city manager or designee.
  - c. *Height.* Dumpster enclosures and fences enclosing storage/loading areas shall not exceed six feet in height. Any other fence located in the business district triangle overlay zone shall not exceed three feet in height.
  - d. *Setback.* Dumpster enclosures and fences enclosing storage/loading areas shall be located behind the front building line. All other fences shall be located not less than three feet from a front lot line or side lot line adjacent to a public right-of-way.
  - e. *Landscaping.* Any fence located in a front yard or side yard adjacent to a public right-of-way shall be landscaped in accordance with a landscaping plan in compliance with subsection (e)(8) of this section and shall incorporate the following requirements: All areas between the public right-of-

way and the fence shall be landscaped with ground cover or other ornamental vegetation, additional landscaping shall be planted along not less than 50 percent of the lineal distance of the fence, and all landscaping shall be chosen from the city's approved landscape palette from the Indian Rocks Beach Business Triangle Development Guide.

- (4) *Adult entertainment.* There shall be no adult entertainment establishments permitted in the overlay zone. For purposes of this subsection, adult entertainment shall be defined as any conduct or activity which involves an adult arcade, adult bookstore, adult video store, adult booths, adult modeling, adult photographic studio, adult theater, or adult nightclub or bar. These terms are further defined in section 110-1.
- (5) *Restaurants.* Restaurants are encouraged; however, bars, restaurants and other eating/drinking establishments with less than 51 percent of total revenues arising from food are prohibited. There shall be no packaged alcohol sales permitted.
- (6) *Utilities; streetlights and security lights.* No new utility poles or aboveground wires, except replacement poles and wires, shall be placed throughout the overlay zone district for new construction or additions to existing structures. All new utilities must be placed underground, the cost of which shall be borne by the property owner. Public and private street and security lighting poles may, upon written application, review and approval by the city, be installed. However, all wiring necessary for such lighting shall be required to be underground.
- (7) *Parking requirements.* No parking outside of designated spaces within the overlay zone is permitted. Delivery vehicles must be able to maneuver on-site or park in spaces on the street.
- (8) *Landscaping.* The property owner, with either new building construction, expansion and/or renovations, as defined in subsection (d)(1) of this section, for parking lot reconfiguration, shall be required to place in-ground landscaping and an irrigation system around the perimeter of the property as provided in the development guide. Property owners within the business district shall be required to place landscaping and irrigation as specifically outlined in the development guide or an approved equivalent.

Fences, if desired, shall be set back behind the landscaping. Sight distances shall be maintained for all driveway accesses. The city shall have a limited palette of alternative landscaping materials listed. Any alternative can be administratively approved if it meets the business district development guide requirements. Landscaping must be maintained in excellent condition at all times.

(9) *Parking credits.*

- a. Any business losing existing recognized parking due to the city reclaiming its right-of-way shall be given full credit for the same number of spaces with on-street parking.
- b. Parking requirements in the business district triangle overlay zone shall be ten percent less than what is otherwise required.

(10) *Architectural requirements.* All new construction or major renovations as outlined in subsection (d)(1) of this section within the overlay zone should conceal mechanical (HVAC) units on the roof or adjacent to the building.

(11) *Prohibited uses.* The following uses shall be prohibited in the overlay zone district:

- a. Drive-through restaurants.
- b. Service stations.
- c. Schools.
- d. Adult entertainment.
- e. Astrologers.
- f. Character reading.
- g. Clairvoyants.
- h. Divine healers.
- i. Fortunetellers.
- j. Mental healers.
- k. Palmists.
- l. Phrenologists.
- m. Pawnshops.
- n. Massage establishments as defined in section 110-1, except for those where services are provided by medical personnel or therapists who are licensed and regulated by the state and who are providing services included under the scope of a state license.

- o. Automotive sales.
- p. Tattoo parlors.

(12) *Lot consolidation.* Those individuals, firms, or corporations using multiple lots for the purpose of a site plan approval or building permit application, as outlined in subsection (d)(1) of this section, within the overlay zone, shall be required to consolidate all lots into one lot and replat the property.

(13) *Paid Parking lots.* Paid parking lots shall be a permitted use in the business district triangle overlay zone.

(f) *Enforcement.* The city commission shall, through the city administration, enforce and administer all provisions of this section and the accompanying development guide. Any and all activities prohibited by the overlay zone regulations and development guide shall be considered a violation of this Code. The city may enforce such requirements in any manner deemed appropriate.

**SECTION 4.** In all other respects, the provisions of the Land Development Regulations of the City of Indian Rocks Beach, Florida, not hereby amended or modified shall remain in full force and effect.

**SECTION 5.** 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 provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

**SECTION 6.** It is the intention of the Indian Rocks Beach City Commission that such amended Ordinance be included in the Land Development Regulations of the City of Indian Rocks Beach, Florida and the publisher of the Land Development Regulations may renumber or reclassify such other provisions of the Land Development Regulations to accomplish such intention.

**SECTION 7.** All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

**SECTION 8.** This Ordinance shall become effective immediately upon final passage as allowed by law.

**PUBLISHED** this 28<sup>th</sup> day of December 2018 in the Tampa Bay Times newspaper.

**ADOPTED ON FIRST READING** on the 8<sup>th</sup> day of January 2019, by the City Commission of the City of Indian Rocks Beach, Florida.

**PUBLISHED** this 1<sup>st</sup> day of February 2018 in the Tampa Bay Times newspaper.

**ADOPTED ON SECOND AND FINAL READNG** on the 12<sup>th</sup> day of February 2019, by the City Commission of the City of Indian Rocks Beach, Florida.

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Joanne Moston Kennedy, Mayor-Commissioner

ATTEST:

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Deanne B. O'Reilly, MMC, City Clerk

Approved as to form:

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Randy D. Mora, City Attorney

HISTORY:  
12-4-2018-LPA