

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2019-04**

AN ORDINANCE OF THE CITY OF INDIAN ROCKS BEACH, FLORIDA, PROVIDING FOR AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 106, VEGETATION; ARTICLE IV - BUFFERS, SECTION 106-142 GENERAL STANDARDS, CHAPTER 110, ZONING; ARTICLE IV- SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3 - YARD REQUIREMENTS, SECTION 110-241, YARDS TO BE OPEN AND UNOBSTRUCTED, CHAPTER 110, ZONING; ARTICLE IV- SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3 - YARD REQUIREMENTS, SECTION 110-245 STRUCTURES EXTENDING OVER SETBACK LINES, CHAPTER 110, ZONING; ARTICLE IV- SUPPLEMENTARY DISTRICT REGULATIONS DIVISION 7- ACCESSORY USES, SECTION 110-344 SWIMMING POOLS AND SPAS, AND CHAPTER 110, ZONING; ARTICLE VIII- DESIGN STANDARDS, SECTION 110-826 PROHIBITED FEATURES; GENERALLY PROVIDING FOR MECHANICAL, AIR CONDITIONING AND ELECTRICAL EQUIPMENT TO BE LOCATED IN THE SIDE YARD SETBACKS; PROVIDING FOR ENFORCEABILITY OF EXISTING LAND DEVELOPMENT REGULATIONS; 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 February 21, 2019, the Local Planning Agency held a public hearing and found the proposed amendments consistent with the Comprehensive Plan; and

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 technological advancement of mechanical equipment has reduced the impacts to the surrounding properties; 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 106, Vegetation, Article IV, Buffers, Section 106-142 General Standards; of The Code of Ordinances, City of Indian Rocks Beach, Florida, is hereby amended to read as follows:

Sec. 106-142. General standards.

(a) A buffer consists of a horizontal distance from a property line which may only be occupied by drainage areas, utilities, mechanical, air conditioning, solar, generators and electrical equipment and associated structures and landscaping materials. The required buffering distance between land uses on adjoining lots is set forth in the buffer matrix in section 106-143. ~~Mechanical/air conditioning equipment,~~ Outdoor storage areas, and parking areas shall not be located within the required buffers.

(b) Compliance with this section is required in all cases of new construction, change of use or expansion of a use or structure.

Section 2. Chapter 110, Zoning, Article IV, Supplementary District Regulations, Division 3, Yard Requirements, Section 110-241, Yards to be open and unobstructed, is hereby amended to read as follows:

Sec. 110-241. Yards to be open and unobstructed.

Every part of a required yard must be open to the sky, unobstructed, except for the ordinary projections of steps, mechanical, air conditioning and electrical equipment, sills, belt courses, cornices, bay windows, and vegetation. Ornamental features shall not project more than 18 inches beyond any setback line.

Section 3. Chapter 110, Zoning, Article IV, Supplementary District Regulations, Division 3, Yard Requirements, Section 110-245, Structures extending over setback lines, is hereby amended to read as follows:

Sec. 110-245. Structures extending over setback lines.

(a) The part of the space between the prescribed setback lines and the parallel property lines shall be free from fabricated structures, except for sills or roof overhangs. Roof overhangs shall not exceed 30 inches over the prescribed setback line. Mechanical, air conditioning, and solar, generators, electrical equipment and associated structures are allowed in the side yard setbacks, but shall not exceed four (4) feet over the prescribed setback line. All setback lines of the building shall be measured from the closest point of the building to the appropriate property line. If, as in the case of building built in flood zones, the first habitable floor is built above the regulatory flood elevation, and the first habitable floor protrudes, projects, or overhangs that portion below the regulatory flood elevation, the setback line shall be measured from a projected vertical line from the closest point of any building wall to the ground. The applicable setback line shall be measured from the property line to the point where the projected vertical line meets the ground.

(b) The street-front setback line of all buildings shall be measured as shown in subsection (a) of this section, except that, in the case of commercial buildings, a fixed self-supported canopy may extend over the setback line a distance of five feet.

(c) Open fire escapes, open stairways, and ordinary projections of chimneys and flues beyond the rear setback line are permitted for a distance not more than ten feet, but only when they are so placed as not to obstruct light and ventilation.

Section 4. Chapter 110, Zoning, Article IV, Supplementary District Regulations, Division 7, Accessory Uses, Section 110-344, Swimming pools and Spas, is hereby amended to read as follows:

Sec. 110-344. Swimming pools and spas.

The following standards shall apply to swimming pools and spas:

- (1) *Projection above grade.* Except for spas, as provided in subsection (7) of this section, no part of the pool structure shall protrude more than one foot above the adjacent finished grade.
- (2) *Location of pool equipment and pool decks.* When located on a nonwaterfront lot or lot abutting the Intracoastal Waterway, pool mechanical equipment, including pumps, filters, heaters and similar apparatus, and pool decks, shall not be permitted in front yards, and shall maintain a minimum five-foot setback from any side or rear property line. When located on a lot abutting the Gulf of Mexico, pool mechanical equipment and pool decks may be located in any yard, ~~and shall maintain a minimum five-foot setback from any property line.~~
- (3) *Setback from retaining walls and seawalls.* The building official shall be empowered to increase the minimum required setback of a pool from a retaining or seawall where it can be shown that the minimum setback as defined in this section would interfere with tie-backs or alter the structural integrity of the retaining wall or seawall.
- (4) *Location of pools on nonwaterfront lots.* The edge of water for a swimming pool shall be set back to comply with the side and rear yard setbacks for the zoning district in which the property is located. No pool shall be permitted in a front yard.
- (5) *Location of pools on lots abutting Intracoastal Waterway.* The edge of water for a swimming pool shall be set back a minimum of 12 feet from the centerline of the seawall cap, and comply with the side yard setbacks for the zoning district in which the property is located. No pool shall be permitted in a front yard.
 - a. A swimming pool located on lots abutting the Intracoastal Waterway may be located within the required rear yard setback of 12 feet provided that prior to the issuance of a permit, applicant provides a set of calculations and engineered drawings signed by a licensed professional engineer registered in Florida stating that the proposed swimming pool will not affect the integrity or functioning of the seawall under the most adverse conditions. Fence

enclosures must comply with Chapter 110, Zoning, Article IV, Supplementary District Regulations, Division 5, Fences, Walls and Hedges.

- (6) *Location of pools on lots abutting Gulf of Mexico.* Pools shall be permitted in any yard where the following setback requirements can be met: The edge of water for a swimming pool shall be set back a minimum of 18 feet from the centerline of the seawall cap, and comply with the rear and side yard setbacks for the zoning district in which the property is located.
- a. A swimming pool located on lots abutting the Gulf of Mexico may be located within the required front yard setback of 18 feet, but eastward of the coastal construction control line (CCCL), provided that prior to the issuance of a permit, applicant provides a set of calculations and engineered drawings signed by a licensed professional engineer registered in Florida stating that the proposed swimming pool will not affect the integrity or functioning of the seawall under the most adverse conditions. Fence enclosures must comply with Chapter 110, Zoning, Article IV, Supplementary District Regulations, Division 5, Fences, Walls and Hedges. In no case will a swimming pool be permitted westward of the coastal construction control line.
- (7) *Spas, jacuzzis, and hot tubs.* Spas, as defined in section 14-421, shall be permitted in accordance with the following standards:
- a. When located on nonwaterfront lots and lots abutting the Intracoastal Waterway, spas may be located in rear and side yards so long as a five-foot setback is maintained from the property line.
- b. When located on lots abutting the Gulf of Mexico, spas may be located in any yard, so long as a five-foot setback is maintained from the property line.
- c. The capacity of any spa permitted pursuant to this subsection shall not exceed 500 gallons. Larger spas shall be permitted in accordance with subsections (1) through (6) of this section.
- d. Spas shall not exceed four feet in height above the adjacent finished grade, or four feet in height above a deck permitted in accordance with chapter 14.
- e. The provisions of this subsection (7) shall also apply to spas which are constructed as part of and integrated into a swimming pool.
- f. The provisions of this subsection (7) shall also apply to decorative waterfalls where they are constructed as part of or integrated into a spa or swimming pool, provided the length or diameter of the improvement does not exceed six feet.

- g. A maximum of one spa per residential unit is permitted pursuant to this subsection.
- (8) *Protective barrier.* A four-foot-high protective barrier shall be provided for all pools and spas. This barrier shall comply with appendix E of the American National Standard for Residential Inground Swimming Pools (ANSI/NSPI-5 1995).

Section 5. Chapter 110, Zoning, Article VIII, Design Standard, section 110-826 Prohibited Features, is hereby amended to read as follows:

Sec. 110-826. Prohibited features.

- (1) Windows that are arranged to create an uninterrupted or continuous band.
- (2) Balconies that are arranged to create an uninterrupted or continuous band, such as motel-style common linear balconies.
- (3) Non-prominent entrance features, such as the use of a narrow staircase to access multiple units.
- (4) Exposed painted concrete masonry units.
- (5) Metallic, neon or fluorescent colors for exterior walls.
- (6) Visible ~~mechanical, air conditioning and electrical equipment~~, antennas (except approved telecommunication antennas per sections 110-521 through 110-560), satellite dishes (except as allowed per Division 15, Satellite Dish Antennas, section 110-581 et seq.), and garbage containers (enclosures shall meet minimum primary structure setback requirements and all containers shall be kept in a landscaped enclosure constructed per section 50-64).
- (7) Structures or components of structures that are of symbolic design for reasons of advertising (e.g. "twisty" cone-shaped buildings).
- (8) Dirt, gravel or shell driveways (except single-family and duplex residences).
- (9) Asphalt sidewalks.
- (10) Chain link fencing in yards facing the Gulf of Mexico or a right-of-way (excluding alleys, where chain link fences must be coated).

Section 6. 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 7. Each provision hereof shall be considered separable, and 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 8. This Ordinance shall 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 9. All ordinances or parts of ordinances, in conflict herewith are hereby repealed, to the extent of such conflicts.

Section 10. This Ordinance shall become effective immediately upon final passage as allowed by law.

PUBLISHED this 29th day of March 2019, in the Tampa Bay Times newspaper.

PASSED ON FIRST READING on the 9th day of April 2019, by the City Commission of the City of Indian Rocks Beach

PUBLISHED this 3rd day of May 2019, in the Tampa Bay Times newspaper

ADOPTED ON SECOND AND FINAL READING on the 14th day of May 2019, by the City Commission of the City of Indian Rocks Beach, Florida.

Joanne Moston Kennedy, Mayor-Commissioner

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

Approved as to form and legal sufficiency:

Randy D. Mora, City Attorney

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