

ORDINANCE NO 2018-07

AN ORDINANCE OF THE CITY OF MADEIRA BEACH, PINELLAS COUNTY, FLORIDA PROVIDING FOR AMENDMENT TO PART II – CODE OF ORDINANCES CHAPTER 110 – ZONING ARTICLE V. – DISTRICTS DIVISION 3. – R-2, LOW DENSITY MULTIFAMILY RESIDENTIAL, SEC. 110- 206. – SETBACK REQUIREMENTS. AMENDMENT TO REDUCE SETBACK REQUIREMENTS FOR TOWNHOUSES TO REFLECT CONSISTENCY WITH OTHER USES IN THE PERMITTED DISTRICT; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

NOW BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF MADEIRA BEACH, FLORIDA;

Section 1: DIVISION 3. - R-2, LOW DENSITY MULTIFAMILY RESIDENTIAL be amended as follows:

Sec. 110-201. - Definition; purpose and intent.

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

(Code 1983, § 20-404; Ord. No. 1069, § 2, 2-28-06; Ord. No. 1138, § 3, 12-9-08)

Cross reference— Definitions generally, § 1-2.

Sec. 110-202. - Permitted uses.

The permitted uses in the R-2, low density multifamily residential district are as follows:

- (1) Single-family.
- (2) Duplex.
- (3) Triplex.
- (4) Townhouse type construction.
- (5) Public education facilities of the school board.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-203. - Accessory uses.

The accessory uses in the R-2, low density multifamily residential district are as follows:

- (1) Home occupations.
- (2) Private garages and carports.
- (3) Private swimming pools.
- (4) Residential signs.

- (5) Residential docks.
- (6) Essential services.
- (7) Other accessory uses customarily incident to permitted or approved special exception uses.

(Code 1983, § 20-404)

Sec. 110-204. - Special exception uses.

Upon application for a special exception to the board of adjustment and favorable action thereon, the following uses may be permitted in the R-2, low density multifamily residential district:

- (1) Churches, synagogues or other houses of worship.
- (2) Publicly owned or operated parks or recreation areas.
- (3) Private schools.
- (4) Public service facilities.
- (5) Cabanas used as bathhouses.

(Code 1983, § 20-404)

Sec. 110-205. - Minimum building site area requirements.

The minimum building site area requirements in the R-2, low density multifamily residential district are as follows:

- (1) Lot size:
 - a. Single-family: 4,000 square feet.
 - b. Duplex and triplex: Minimum land area of 3,000 square feet per dwelling unit.
 - c. Townhouses: Minimum land area of 12,000 square feet (3,000 square feet per dwelling unit). (See article VI, division 10, subdivisions II and III of this chapter.)
 - d. Public service facilities: Shall not exceed a maximum area of three acres. Like uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the P-SP zoning district and the appropriate land use category.
- (2) Lot width:
 - a. Single-family: 40 feet.
 - b. Duplex: 60 feet.
 - c. Triplex: 80 feet.
 - d. Townhouses: 100 feet.
- (3) Lot depth: 80 feet.
- (4) The maximum density is 15 dwelling units per acre.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-206. - Setback requirements.

The following minimum setbacks shall apply in the R-2, low density multifamily residential district:

- (1) Front yard: 20 feet.
- (2) Rear yard: 25 feet.

(3) Side yard:

- a. Single-family lots less than 50 feet wide may reduce the total side setback to 12 feet with a minimum of five feet on either side.
 - b. Single-family and duplex lots, the total side setback shall be 15 feet with a minimum of seven feet on either side for lots equal to 50 feet and less than 80 feet wide.
 - c. Single-family and duplex lots, the total side setback shall be 18 feet with a minimum of eight feet on either side for lots equal to 80 feet and less than 120 feet wide.
 - d. Single-family and duplex lots 120 feet in width or greater, the total side setback shall be 25 feet with a minimum of 12 feet on either side.
 - e. Triplex lots, the total side setback shall be 20 feet with a minimum of nine feet on either side.
 - f. Townhouses: A minimum of 15 feet between each row of townhouses and minimum of 25-9 feet on each side property line.
- (4) For only those dwelling units with the lowest habitable space elevated at or above the elevation designated on the flood insurance rate map (FIRM); exterior stairs, platforms for mechanical equipment, and chimneys shall be allowed to extend into the side-yard setback, but only to a depth of no more than one-half of the required setback. Such equipment shall be located in the middle one-third of the structure. All mechanical equipment must be appropriately shielded from public view with materials including, but not limited to louvers, lattice and the like.

(Code 1983, § 20-404; Ord. No. 1023, § 3, 11-30-04)

Sec. 110-207. - Maximum building height.

No structure in the R-2, district shall exceed 30 feet in height measured from the designated base flood elevation on the flood insurance rate map (FIRM) to the eave line of the building; except as provided in the land development regulations.

In any case, the overall height of the building measured from the base flood elevation to the highest point shall not exceed 40 feet and the maximum roof pitch shall not exceed 6:12 pitch or 45 degrees.

(Code 1983, § 20-404; Ord. No. 1023, § 4, 11-30-04)

Sec. 110-208. - Maximum lot coverage.

The maximum lot coverage in the R-2, low density multifamily residential district is as follows:

- (1) Residential use: Floor area ratio (FAR) 0.80. The maximum area of a lot or parcel to be covered by structures shall be 40 percent of the total area except for townhouse dwelling units which shall be 50 percent of the total lot area.
- (2) Public owned parks and recreation facilities: Floor area ratio (FAR) 0.25.
- (3) Public service facilities:
 - a. Institutional: Floor area ratio (FAR) 0.50.
 - b. Transportation/utility: Floor area ratio (FAR) 0.50.

(Code 1983, § 20-404; Ord. No. 1138, § 3, 12-9-08)

Sec. 110-209. - Impervious surface ratio (ISR).

The impervious surface ratio (ISR) in the R-2, low density multifamily residential district for all uses is 0.70.

(Code 1983, § 20-404) Sec. 110-210. - Special requirement.

Institutional, other than public educational facilities shall not exceed a maximum area of five acres. Transportation and/or utility uses shall not exceed a maximum area of three acres.

(Ord. No. 1138, § 3, 12-9-08) Secs. 110-211—110-225. - Reserved.

Section 2: The provisions of this ordinance shall be deemed severable. If any part of the ordinance is deemed unconstitutional, it shall not affect the constitutionality of the other portions of the ordinance.

Section 3: All Ordinance or parts of ordinances in conflict with the provision of this ordinance be hereby repealed insofar as the same affect this Ordinance.

Section 4: This ordinance shall be in full force and effect upon adoption in the manner provided by law.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA, THIS 1st day of July, 2018.

ATTEST:


CLARA VANBLARGAN, City Clerk


MARGARET BLACK, Mayor

PUBLISHED: 6/23/2018

FIRST READING:



PUBLISHED:

PASSED ON SECOND READING:

Approved as to legal sufficiency:



City Attorney