

## **ORDINANCE NO. 21-06**

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF REDINGTON SHORES, FLORIDA, PERTAINING TO SETBACKS AND REAR YARD REQUIREMENTS; AMENDING SECTION 90-92 OF THE CODE OF ORDINANCES; AMENDING SECTION 90-97 OF THE CODE OF ORDINANCES; AMENDING SECTION 90-98 OF THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town has identified an inconsistency in the Code as to whether setbacks and required rear yards are determined from the property line or the seawall; and

WHEREAS, the Town's historic interpretation of the Code pertaining to setbacks and rear yards has always been the distance from the property line or seawall, whichever is closer; and

WHEREAS, the Board of Commissioners desires to update the Code to remove any inconsistency to ensure the Code is interpreted consistently in the future with how it has been interpreted in the past.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF REDINGTON SHORES, FLORIDA:

**SECTION ONE.** The foregoing recitals are hereby approved and incorporated into this ordinance as if fully set forth herein.

**SECTION TWO.** The following Definitions of Section 90-92 of the Code of the Town of Redington Shores, Florida, are hereby amended to read as follows:

Sec. 90-92. - Word usage; terms defined.

*Setback*— Minimum distances specified between the nearest vertical wall of any construction on a lot and any of the lot boundaries or seawalls, whichever is closer.

*Yard, rear*— A yard extending across the rear of a lot measured between side lot lines and being the minimum horizontal distance between the rear of the main building and the rear lot property line or inside of the seawall, whichever is closer. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**SECTION THREE.** Section 90-97 of the Code of the Town of Redington Shores, Florida, is hereby amended to read as follows:

Sec. 90-97. - RS-7 low-density residential district.

The following regulations shall apply in the RS-7 low-density residential district:

A. Permitted uses shall be as follows:

- (1) Single-family detached dwellings.
- (2) Municipally owned or operated parks and playgrounds.
- (3) Accessory structures.

B. Special uses requiring a permit shall be as follows:

- (1) Home occupations.

C. Transient rentals, as defined by the Code, are specifically prohibited in the RS-7 district.

D. Minimum lot dimensions.

- (1) Minimum lot dimensions shall be as follows:

Type	Lot Area of 3,500 to 4,999 Square Feet	Lot Area of 5,000 or More Square Feet
Lot width	45 feet	50 feet
Lot depth	75 feet	90 feet
Front yard	20 feet	20 feet
Side yard	5 feet	5 feet
Rear yard	15 feet	20 feet*
Height	2½ stories, not to exceed	2½ stories, not to exceed
	30 feet	30 feet
Lot coverage	40%	40%
Pervious surface	30%	30%

\*NOTE: Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line or inside of the seawall than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line or inside of the seawall, whichever is closer.

- (2) Every lot shall have an area of not less than 5,808 square feet, except that if a lot has less area than herein required and the plat thereof was of record at the time of passing of this part 5, such lot may be used for a single-family dwelling in conformity with other provisions of this section.
  - (3) Maximum building height shall be two and one-half stories, not to exceed 30 feet.
- E. Minimum living area shall be as follows:
  - (1) First floor: 1,000 square feet.
  - (2) Second floor: 500 square feet.
- F. Maximum density. A maximum of seven and one-half residential dwelling units per acre are permitted within this district.
- G. Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.
- H. See also chapter 90, parts 1 and 2; §§ 90-108 and 90-138; and chapter 133, article I, business tax and business tax receipts.

**SECTION FOUR:** Section 90-98 of the Code of the Town of Redington Shores, Florida, is hereby amended to read as follows:

Sec. 90-98. - RS-10 medium/low-density residential district.

The following regulations shall apply in the RS-10 medium/low-density residential district:

- A. Permitted uses shall be as follows:
  - (1) Single-family dwellings.
  - (2) Municipally owned or operated parks and playgrounds.
  - (3) Accessory structures.
- B. Special uses requiring a permit shall be as follows:
  - (1) Home occupations.
- C. Transient rentals, as defined by the Code, are specifically prohibited in the RS-10 district.
- D. Minimum lot dimensions.
  - (1) Minimum lot dimensions shall be as follows:

Type	Lot Area of 3,500 to 4,000 Square Feet	Lot Area of 4,001 to 4,999 Square Feet	Lot Area of 5,000 or More Square Feet
Lot width	40 feet	45 feet	50 feet
Lot depth	50 feet	75 feet	90 feet
Front yard	15 feet	20 feet	20 feet
Side yard	5 feet	5 feet	5 feet
Rear yard	10 feet	15 feet	20 feet*
Height	2½ stories, not to exceed 30 feet	2½ stories, not to exceed 30 feet	2½ stories, not to exceed 30 feet
Lot coverage	45%	40%	40%
Pervious surface	30%	30%	30%

\*NOTE: Where a lot has a depth of less than 100 feet, then a building or other structure may be constructed not nearer to the rear lot line or inside of the seawall than a distance equal to 20% of the depth of the lot, and in no case nearer than 15 feet to said rear lot line or inside of the seawall, whichever is closer.

- (2) Every lot shall have an area of not less than 4,356 square feet, except that if a lot has less area than herein required and the plat thereof was of record at the time of passing of this part 5, such lot may be permitted, if variance is warranted, a single-family dwelling in conformity with other provisions of this section.
  - (3) Maximum building height shall be two and one-half stories, not to exceed 30 feet.
- E. Minimum living area shall be as follows:
- (1) First floor: 1,000 square feet.
  - (2) Second floor: 500 square feet.
- F. Maximum density. A maximum of 10.0 residential dwelling units per acre are permitted within this district.

- G. Government/public service uses shall not exceed a maximum area of three acres. Such uses or contiguous like uses in excess of this threshold shall require the parcel to be amended to the PI zoning district and to the appropriate comprehensive plan category.
- H. See also chapter 90, parts 1 and 2; sections 90-108 and 90-138; and Chapter 133, article I, business tax and business tax receipts.

**SECTION FIVE:** The provisions of this ordinance shall be deemed severable, and should any court of competent jurisdiction declare any part of this ordinance unconstitutional or invalid, the remaining parts hereof shall not, in any way, be affected by such determination as to the invalid part.

**SECTION SIX:** This ordinance shall become effective immediately upon adoption, as provided by law.

FIRST READING on the 28<sup>th</sup> day of September, 2021.

SECOND READING on the 13<sup>th</sup> day of October, 2021.

PUBLIC HEARING on the 13<sup>th</sup> day of October, 2021.

PUBLISHED in the Tampa Bay Times on the 25<sup>th</sup> day of August, 2021 and the 6<sup>th</sup> day of September, 2021.

  
MAYOR/COMMISSIONER

ATTEST:  
  
Town Clerk