

**CITY OF INDIAN ROCKS BEACH
ORDINANCE NO. 2015-21**

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; SECTION 110-131, ESTABLISHMENT OF ZONING DISTRICTS; PROVIDING FOR SECOND FLOOR RESIDENTIAL USES ABOVE COMMERCIAL USES IN THE B ZONING DISTRICT; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 20, 2015, the Local Planning Agency held a public hearing and found the proposed amendments consistent with the Comprehensive Plan.

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; Article III, District Designation and Regulations; Division 1., Generally; Section 110-131, Establishment of zoning districts; 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.

For the purposes of protecting, promoting and improving the public health, safety and general welfare of the community and in order to regulate the location of buildings, the height and size of buildings hereafter erected or structured, the setbacks and other open space requirements, the city is hereby divided into the following zoning districts, together with the appropriate land use categories as defined in the comprehensive plan:

(1) *Single-family residential zoning district—S.*

a. *Definition; purpose and intent.* The S, single-family residential district provides for single-family residential development located where lower density single-family uses are desirable. The S, single-family residential district, correlates with the residential urban (RU) category of the countywide plan. Essential services and public facilities compatible with this residential district are also provided. 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, temporary lodging use of a dwelling.

b. *Permitted uses.* The permitted uses in the S, single-family residential district are as follows:

1. Dwelling, single-family detached.
2. Public education facilities of the school board.
3. Assisted living facilities and family care homes with six or fewer residents.

c. *Accessory uses.* The accessory uses in the S, single-family residential district are as follows:

1. Home occupations.
2. Private garages and carports.
3. Private swimming pools and cabanas.
4. Residential docks.
5. Essential services.
6. 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 adjustment and city commission and favorable action thereon, the following uses may be permitted in the S, single-family residential district:

1. Churches, synagogues or other houses of worship.
2. Essential services.
3. Publicly owned parks or recreation areas.
4. Public buildings.
5. Amateur radio towers at 60 feet.

e. *Minimum building site area requirements.* The minimum building site area requirements in the S, single-family residential district are as follows:

1. Lot size:
 - i. Single-family: 5,808 square feet.
 - ii. Minimum width: 50 feet.
 - iii. Minimum depth: 80 feet.
 - iv. Density: The maximum density is seven and one-half single-family dwelling units per acre.
 - v. Minimum unit size: One-story dwellings shall have a minimum of 1,000 square feet of living area, exclusive of garage, carport or open spaces. Two-story dwellings shall have a minimum of 1,500 square feet of living area, exclusive of garage, carport or open spaces.
 - vi. Residential equivalent use shall not exceed three beds per dwelling unit with 7.5 dwelling units per acre.

f. *Setback requirements.* The following minimum setbacks shall apply in the S district:

1. Front yard: 25 feet measured from the property line to the structure.
2. Rear yard:
 - i. Waterfront lots: 25 feet for single-family and 20 feet for duplex measured from the center of the seawall.
 - ii. Non-waterfront lots for single-family and duplex:
 - a) With an alley: five feet from the rear property line.
 - b) With no alley: ten feet from the rear property line.
 - iii. Minimum rear setback on a north/south street is 20 feet.
3. Side yard: Total side setback of 15 feet with a minimum of seven feet on either side.
4. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

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. *Floor area ratio.* There is no floor area ratio in the S single-family residential district for residential uses. The maximum floor area ratio for non-residential uses is 0.40.

i. *Impervious surface ratio (ISR).* There is no maximum impervious surface ratio (ISR) in the S, single-family residential district. The maximum impervious surface ratio for non-residential uses is 0.65.

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

(2) *Medium density residential zoning district—RM1.*

a. *Definition; purpose and intent.* The RM-1, medium density residential district provides for medium density single-family and two-family residential dwellings and correlates with the residential medium (RM) 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. Prohibited uses shall include, but are not limited to, temporary lodging use of a dwelling.

b. *Permitted uses.* The permitted uses in the RM-1, medium density residential district are as follows:

1. Dwelling, single-family detached.
2. Dwelling, two-family attached (duplex).
3. Assisted living facilities and family care homes with six or fewer residents.

4.Public education facilities of the school board.

c.*Accessory uses.* The accessory uses in the RM-1, medium density residential district are as follows:

- 1.Home occupations.
- 2.Private garages and carports.
- 3.Private swimming pools and cabanas.
- 4.Residential docks.
- 5.Essential services.
- 6.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 adjustment and city commission and favorable action thereon, the following uses may be permitted in the RM-1, medium density residential district:

- 1.Churches, synagogues or other houses of worship.
- 2.Essential services.
- 3.Publicly-owned parks or recreation areas.
- 4.Public buildings.
- 5.Amateur radio towers at 60 feet.

e.*Minimum building site area requirements.* The minimum building site area requirements in the RM-1, medium density duplex residential district are as follows:

- 1.Lot size:
 - i. Single-family: 5,808 square feet.
 - ii. Two-family: 5,808 square feet.
- 2.Minimum width: 50 feet.
- 3.Minimum depth: 80 feet.
- 4.Density: The maximum density is seven and one-half units per acre for single-family dwelling units and 15 units per acre for duplexes.
- 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.
- 6.Residential equivalent use shall not exceed three beds per dwelling unit with 15 dwelling units per acre.

f. *Setback requirements.* The following minimum setbacks shall apply in the RM-1, medium density duplex residential district:

1. Front yard setback for both single-family and duplex: 25 feet measured from the property line to the structure.

2. Rear yard:

i. Waterfront lots: 25 feet for single-family and 20 feet for duplex measured from the center of the seawall.

ii. Non-waterfront lots for single-family and duplex:

a) With an alley: five feet from the rear property line.

b) With no alley: ten feet from the rear property line.

iii. Minimum rear setback on a north/south street is 20 feet.

3. Side yard: Total side setback of 15 feet with a minimum of seven feet on either side for both single-family and duplex residential.

4. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

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.* There is no floor area ratio in the RM-1, medium density duplex residential district for residential uses. The maximum floor area ratio for non-residential use is 0.50.

i. *Impervious surface ratio (ISR).* There is no impervious surface ratio (ISR) in the RM-1, medium density duplex residential district. The maximum impervious surface ratio for non-residential use is 0.75.

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.

(3) *Medium density multifamily residential zoning district—RM2.*

a. *Definition; purpose and intent.* The RM-2, medium density three or more units, multifamily residential dwelling district provides for medium density development. The RM-2, medium density multifamily residential district correlates with the residential medium (RM) 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. Prohibited uses shall include, but are not limited to, temporary lodging use of a dwelling.

b. *Permitted uses.* The permitted uses in the RM-2, medium density multifamily residential district are as follows:

1. Dwelling, single-family detached.

2. Dwelling, two-family attached.

3. Dwelling, multifamily attached.

- 4.Planned unit developments.
- 5.Public educational facilities.
- 6.Assisted living facilities and family care homes with seven to 14 residents.

c. *Accessory uses.* The accessory uses in the RM-2, medium density multifamily residential district are as follows:

- 1.Home occupations.
- 2.Private garages and carports.
- 3.Private swimming pools.
- 4.Residential docks.
- 5.Essential services.
- 6.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 adjustment and city commission and favorable action thereon, the following uses may be permitted in the RM-2, medium density residential district:

- 1.Churches, synagogues or other houses of worship.
- 2.Essential services.
- 3.Publicly-owned parks or recreation areas.
- 4.Public buildings.
- 5.Amateur radio towers at 60 feet.
- 6.Community residential homes.

e. *Minimum building site area requirements.* The minimum building site area requirements in the RM-2, medium density multifamily residential district are as follows:

- 1.Lot size:
 - i. Single-family: 5,808 square feet.
 - ii. Two-family (duplex): 5,808 square feet.
 - iii. Multifamily: The minimum lot size for multifamily is 8,712 square feet for the first three units and 2,904 square feet for each additional unit.
- 2.Minimum width: 50 feet.
- 3.Minimum depth: 80 feet.
- 4.Density: The maximum density is 15 dwelling units per acre.
- 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 three beds per dwelling unit with 15 dwelling units per acre.

f. *Setback requirements.* The following minimum setbacks shall apply in the RM-2, medium density residential district:

1. Front yard setback for single-family, duplex and multifamily in the RM-2 district is 25 feet measured from the property line to the structure.

2. Rear yard:

i. Waterfront lots for single-family: 25 feet measured from the center of the seawall.

ii. Waterfront lots for duplex and multifamily: 20 feet measured from the center of the seawall.

iii. Non-waterfront lots for single-family and duplex:

a) With an alley: five feet from the rear property line.

b) With no alley: ten feet from the rear property line.

iv. Non-waterfront lots for multifamily dwelling:

a) With an alley: five feet

b) With no alley: 15 feet

v. Minimum rear setback on a north/south street is 20 feet.

3. Side yard:

i. For buildings that do not exceed 25 feet in height above pilings: Total side setback of 15 feet with a minimum of seven feet on either side.

ii. For buildings that exceed 25 feet in height above pilings: Total side setback of 20 feet with a minimum of ten feet per side.

4. Corner lots: 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.

5. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

g. *Maximum building height.* The maximum height of pilings is ten feet. The maximum height of a building above pilings is 36 feet.

h. *Maximum floor area ratio.* There is no maximum floor area ratio in the RM-2, medium density residential district for residential uses. The maximum floor area ratio for non-residential uses is 0.50.

i. *Impervious surface ratio (ISR)*. There is no maximum impervious surface ratio (ISR) in the RM-2, medium density residential district for single-family and duplex.

The maximum impervious surface ratio (ISR) for multifamily is 0.70.

The maximum impervious surface ratio for non-residential uses is 0.75.

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.

(4) *Professional office zoning district—P1.*

a. *Definition; purpose and intent*. The P-1, professional office district, encourages office buildings of high character and attractive surroundings with types of uses and exterior indication of these uses so controlled as to be compatible with single-family or multiple-family dwellings conveniently located within or adjacent to the district. When used with the R/OG and R/O/R land use plan categories, the use of parcels for single-use purposes is discouraged. P-1 is intended for location in or bordering low or medium density single-family residential or multifamily zoning districts. 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, temporary lodging use of a dwelling.

b. *Permitted uses*. The permitted uses in the P-1, professional office district are as follows:

1. Professional offices.
2. Medical clinics.
3. Studios (e.g., art, dance and photography).
4. Dwelling, single-family detached.
5. Dwelling, two-family attached (duplex).
6. Dwelling, multifamily attached.
7. Financial services.
8. Public educational facilities.
9. Bed and breakfast establishments in accordance with Section 110-592.

c. *Accessory uses*. The accessory uses in the P-1, professional office district are as follows:

1. Private garages.
2. Other accessory uses customarily incidental to permitted or special exception uses.
3. Parking lots.

d. *Special exception uses.* There are no special exception uses in the P-1 zoning district.

e. *Minimum building site area requirements.* The minimum building site area requirements in the P-1, professional office district are as follows:

1. Lot size:

i. Office: 7,200 square feet.

ii. Single-family: 5,808 square feet.

iii. Two-family (duplex): 5,808 square feet.

iv. Multifamily: 8,712 for the first three units and 2,904 for each additional unit.

2. Density: The maximum density for single-family dwellings in 7.5 units per acre. The maximum density duplex and multifamily dwellings is 15 units per acre.

3. Minimum unit size: 200 square feet exclusive of garage, carport or open space.

4. Residential equivalent use shall not exceed three beds per dwelling unit with 15 dwelling units per acre.

f. *Setback requirements.* The following minimum setbacks shall apply in the P-1 professional office district:

1. Front yard: Setback for all structures in the P-1 zone is 25 feet.

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.

iv. All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

3. Side yard:

i. For single-family, duplex or multifamily in the P-1 zone the side yard setback is a total of 15 [feet] with a minimum of seven [feet] on one side.

ii. For professional office the side yard setback is a total of 20 feet with a minimum of ten feet on one 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.* The maximum floor area ratio in the P-1 zone for professional offices and non-residential use is 0.40.

i. *Impervious surface ratio (ISR).* The maximum impervious surface ratio in the P-1 zone for professional offices and 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.

(5) *High density commercial tourist zoning district—CT.*

a. *Definition; purpose and intent.* The CT, [commercial tourist] 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.

b. *Permitted uses.* The permitted uses in the CT, high density commercial tourist district 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.

c. *Accessory uses.* The accessory uses in the CT, commercial tourist district 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 adjustment and city commission and favorable action thereon, the following uses may be permitted in the CT, commercial tourist district:

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, commercial tourist district are as follows:

1. Lot size:

- i. Single-family: 5,808 square feet.
- ii. Two-family, duplex: 5,808 square feet.
- iii. Multifamily: The minimum lot size for multifamily is 5,808 square feet for the first four 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 three beds per dwelling unit with 30 dwelling units per acre.

f. *Setback requirements.* The following minimum setbacks shall apply in the CT district:

1. Front yard setback in CT 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 multifamily:

- 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.

3. Rear yard for single-family and duplex:

i. Lots with an alley on the rear shall be setback five feet.

ii. Lots with no alley on the rear shall be setback ten feet.

4. Side yard:

i. For buildings that do not exceed 25 feet in height above pilings: The side yard setback is a total of 15 [feet] with a minimum of seven [feet] on one side.

ii. For buildings that exceed 25 feet in height above pilings: The side yard setback shall be a minimum of 12 percent 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 and 4, Indian Rocks Subdivision shall have a minimum setback of 15 feet from Gulf Boulevard. Generally, this area is found south of Central Avenue.

8. Beach Trail: For purposes of this Code, Beach Trail is considered an alley.

g. *Maximum building height.* The maximum height of pilings is ten 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—commercial tourist district is 0.50 for hotels, motels, motor lodges and non-residential uses. There is no maximum floor area ratio for single-family, duplex, or multifamily in the CT district.

i. *Impervious surface ratio (ISR).* The impervious surface ratio in the CT zone for hotel, motel, multifamily 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.

(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 ~~detached~~ on the floors above commercial.
8. Dwelling, two-family ~~attached (duplex)~~ on the floors above commercial.
9. Dwelling, multifamily ~~attached~~ 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.

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.
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.
4. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

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.

(7) *Neighborhood mixed use zoning district—NMU.*

a. *Definition; purpose and intent.* The purpose of the neighborhood mixed use district is to provide for a mixture of medium density dwellings. The district also allows for low intensity office and neighborhood-type commercial uses. When used with the R/O/R land use plan categories the use of parcels for single-use purposes is discouraged. 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, temporary lodging use of a dwelling.

b. *Permitted uses.* The permitted uses in the NMU, neighborhood mixed use district are as follows:

1. Dwelling, single-family detached.
2. Dwelling, two-family attached.
3. Dwelling, multifamily attached.
4. Professional/medical offices.
5. Retail and personal services
6. Financial services (Institutions qualified under state and federal bonding regulations).
7. Bed and breakfast establishments in accordance with Section 110-592

c. *Accessory uses.* The accessory uses in the NMU, neighborhood mixed use district are as follows:

1. Private garages.
2. Other accessory uses customarily incidental to permitted or special exception uses.
3. Parking lots.

d. *Special exception uses.* Upon application for a special exception to the board of adjustment and city commission and favorable action thereon, the

following uses may be permitted in the NMU, neighborhood mixed use district:

1. Public buildings.
2. Essential services.
3. Churches, synagogues or other homes of worship.
4. Publicly-owned parks or recreation areas.

e. *Minimum building site area requirements.* The minimum building site area requirements in the NMU, neighborhood mixed use district are as follows:

1. Lot size: Minimum lot size in NMU is 5,808 square feet.
 - i. Single-family: 5,808 square feet.
 - ii. Two-family (duplex): 5,808 square feet.
 - iii. Multifamily: The minimum lot size for multifamily is 8,712 square feet for the first three units and 2,904 square feet for each additional unit.
2. Minimum width: 50 feet.
3. Minimum depth: 80 feet.
4. Density: The maximum density is 15 units per acre for both permanent dwelling units and temporary lodging in the NMU district.
5. Minimum unit size:
 - i. Single-family, one-story dwellings, 1,000 square feet of living area, exclusive of garage, carport or open porches. Two-story dwellings shall have a minimum of 1,500 square feet of living area, exclusive of garage, carport or open spaces.
 - ii. Duplex, minimum of 850 square feet of living area, exclusive of garage, carport and open spaces.
 - iii. Multifamily, a minimum of 750 square feet of living area, exclusive of garage, carport or open spaces.
 - iv. Professional/medical office, 200 square feet, exclusive of garage, carport or open space.
 - v. Retail and personal services, 200 square feet, exclusive of garage, carport or open spaces.
 - vi. Financial service uses, 200 square feet, exclusive of garage, carport or open space.

6. Residential equivalent use shall not exceed three beds per dwelling unit with 15 dwelling units per acre.

f. *Setback requirements.* The following minimum setbacks shall apply in the NMU district:

1. Front yard: 25 feet measured from the property line to the structure.

2. Rear yard:

i. With an alley: five feet from the rear property line.

ii. With no alley: ten feet from the rear property line.

3. Minimum rear setback on a north/south street: 20 feet.

4. Side yard: For neighborhood mixed use the side yard setback is a total of 20 feet with a minimum of ten feet on one side.

5. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

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 containing with two habitable floors.

h. *Maximum floor area ratio coverage.* The maximum floor area ratio coverage in the NMU district for non-residential use is 0.40.

i. *Impervious surface ratio (ISR).* The maximum impervious surface ratio (ISR) in the NMU 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

(8)*Recreation/open space—R/OS.*

a. *Definition; purpose and intent.* The purpose of the R/OS, recreation/open space district is for areas of recreational uses where the predominant activities involve developed public physical facilities. The R/OS, recreation/open space district correlates with the recreation/open space (R/OS) and the water/drainage feature (W/DF) categories 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. Prohibited uses shall include, but are not limited to, temporary lodging use of a dwelling.

b. *Permitted uses.* The permitted uses in the R/OS, recreation/open space district are as follows:

1. Parks.
2. Recreation areas.
3. Beaches.
4. Beach accesses.
5. Open areas for fishing, boat launch and public recreation.
6. Community gardens.

c. *Accessory uses.* The accessory uses in the R/OS, recreation/open space district are as follows:

- Other accessory uses customarily incidental to permitted uses.

d. *Special exception uses.* Upon application for a special exception to the board of adjustment and city commission and favorable action thereon, the following uses may be permitted in the R/OS recreation/open space district.

- Other municipal or governmental recreational uses.

e. *Minimum building site area requirements.* The minimum building site area requirements in the R/OS recreation/open space district are as follows:

Lot size: Minimum lot size in R/OS recreation/open space district is 5,808 square feet.

1. Density: Not applicable.

2. Minimum unit size: No dwelling units are permitted in the R/OS district.

f. *Setback requirements.* The following minimum setbacks shall apply in the R/OS district:

1. Street Front: 25 feet measured from the property line to the structure.

2. Rear yard:

i. With an alley: 15 feet from the rear property line.

ii. With no alley: 5 feet from the rear property line.

3. Minimum rear setback on a north/south street: 20 feet.

4. Side yard: For recreation open space the side yard setback is a total of 15 feet with a minimum of seven feet on one side.

5. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

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 coverage.* The maximum floor area ratio coverage in the R/OS district is 0.25.

i. *Impervious surface ratio (ISR).* The maximum impervious surface ratio (ISR) in the ROS district is 0.60.

(9) *Preservation zoning district—P.*

a. *Definition; purpose and intent.* The purpose of the P, preservation district is for preservation of water recharge areas and areas of significant environmental or ecological importance, and low intensive preservation including conservation and recreation uses which require the retention of an essentially natural landscape with the predominating surface cover being vegetated and permeable is for areas of recreational uses where the predominant activities involve developed public physical facilities. The P, preservation district correlates with the preservation and the water/drainage feature (W/DF) categories 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. Prohibited uses shall include, but are not limited to, temporary lodging use of a dwelling.

b. *Permitted uses.* The permitted uses in the P, preservation district are as follows:

1. Wildlife preserves.
2. Freshwater and saltwater wetlands.
3. Coastal dunes, etc.
4. Conservation and recreation uses.

c. *Accessory uses.* The accessory uses in the P, preservation district are as follows:

- Other accessory uses customarily incidental to permitted uses.

d. *Special exception uses.*

- None.

e. *Minimum building site area requirements.* The minimum building site area requirements in the P, preservation district are as follows:

Lot size:

1. Minimum lot size in P, preservation district is 5,808 square feet.

2. Density: There is no minimum density in the P, preservation district.
3. Minimum unit size: No dwelling units are permitted except for existing nonconforming units in the P, preservation district.

f. *Setback requirements.* The following minimum setbacks shall apply in the P, preservation district:

Front yard:

1. Front yard setback in P, preservation zoning is:

- i. 25 feet from the property line.
- ii. Minimum gulf front setback 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.

2. Rear yard:

- i. Lots with an alley on the rear shall be setback five feet.
- ii. Lots with no alley on the rear shall be setback ten feet.
- iii. Minimum rear setback on a north/south street 20 feet.
- iv. Bay front setback shall be 20 feet. Special provision: All lots in Blocks 3 and 4, Indian Rocks Subdivision shall have a minimum setback of 15 feet from Gulf Boulevard.

3. Side yard:

- i. A total of 15 feet with a minimum of seven feet on one side.
- ii. If the property is a corner lot (fronts on two bisecting streets), the side yard setback shall be a minimum of ten feet on the street and a minimum of seven feet on the other side. This provision does not apply to gulf-front lots abutting beach accesses.

4. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

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 containing with two habitable floors.

h. *Maximum floor area ratio coverage.* The maximum floor area ratio coverage in the P, preservation district is 0.10.

i. *Impervious surface ratio (ISR).* The maximum impervious surface ratio (ISR) in the P, preservation district is 0.20.

(10) *Public/semipublic zoning district—P/SP.*

a. *Definition; purpose and intent.* The purpose of the P/SP district is for areas to be used for public/semipublic, institutional or utility uses. The P/SP district correlates with the institutional (I), transportation/utility (T/U) and water/drainage feature (W/DF) categories 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. Prohibited uses shall include, but are not limited to, temporary lodging use of a dwelling.

b. *Permitted uses.* The permitted uses in the P/SP district are as follows:

1. Public/private schools.
2. Hospitals.
3. Churches/religious institutes.
4. Fraternal/civic organizations.
5. Municipal office/public buildings.
6. Utility transmission line/electric power substation.
7. Municipal water supply, wastewater disposal facility, solid waste/refuse disposal transfer, recycling facility.
8. Public services.
9. Garage/storage.

c. *Accessory uses.* The accessory uses in the P/SP district are as follows:

1. Other accessory uses customarily incidental to permitted uses.
2. Any public/semipublic accessory or special exception use shall not exceed a maximum area of three acres. Any such use, alone or when added to existing contiguous like uses, which exceed this threshold shall require an appropriate plan and corresponding zoning map amendment which shall include such use and all contiguous like uses.

d. *Special exception uses.*

- None.

e. *Minimum building site area requirements.* The minimum building site area requirements in the P/SP district are as follows:

Lot size:

1. Minimum lot size in P/SP district: 5,808 square feet.
2. Density: There is no minimum density in the P/SP district.
3. Minimum unit size: No dwelling units are permitted in the P/SP district.

f. *Setback requirements.* The following minimum setbacks shall apply in the P/SP district:

Front yard:

1. Front yard setback in P/SP zoning is:

i. 25 feet from the property line.

ii. Minimum gulf front setback 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.

2. Rear yard:

i. Lots with an alley on the rear shall be setback five feet.

ii. Lots with no alley on the rear shall be setback ten feet.

iii. Minimum rear setback on a north/south street 20 feet.

iv. Bay front setback shall be 20 feet.

3. Side yard:

i. A total of 15 feet with a minimum of seven feet on one side.

ii. If the property is a corner lot (fronts on two bisecting streets), the side yard setback shall be a minimum of ten feet on the street and a minimum of seven feet on the other side. This provision does not apply to gulf-front lots abutting beach accesses.

4. Gulf Boulevard: All lots with a front, side or rear yard on Gulf Boulevard shall have a minimum of 25 feet from Gulf Boulevard.

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 coverage.* The maximum floor area ratio coverage in the P/SP district is 0.65.

i. *Impervious surface ratio (ISR).* The maximum impervious surface ratio

SECTION 2. 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 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 provision of this Ordinance or Subpart B of the City of Indian Rocks Beach Code of Ordinances.

SECTION 4. 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 5. All ordinances or 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 this _____ day of _____ 2015, in the Tampa Bay Times newspaper.

ADOPTED ON FIRST READING on the ____ day of _____ 2015, by the City Commission of the City of Indian Rocks Beach, Florida.

PUBLISHED this _____ day of _____ 2015 in the Tampa Bay Times newspaper.

ADOPTED ON SECOND AND FINAL READING on the _____ day of _____ 2015, by the City Commission of the City of Indian Rocks Beach, Florida.

R. B. Johnson, Mayor-Commissioner

ATTEST:

Deanne B. O'Reilly, MMC, City Clerk

Approved as to form and legal sufficiency:

BY: _____
Randy D. Mora, City Attorney