

PROPOSED ORDINANCE NO. 491

AN ORDINANCE OF THE TOWN OF BELLEAIR, FLORIDA, AMENDING THE TOWN OF BELLEAIR CODE OF ORDINANCES, PART II, SUBPART B LAND DEVELOPMENT CODE, PURSUANT TO THE REQUIREMENTS THEREFOR INCLUDING SECTIONS 74-82, 74-83, 74-84, 74-112, AND 74-155; PROVIDING FOR NEW ZONING DISTRICT ENTITLED RM-10, MULTIFAMILY RESIDENTIAL; PROVIDING FOR THE PERMITTED USES AND STANDARDS APPLICABLE THERETO, INCLUDING PROVISION FOR A HEIGHT BONUS FORMULA; PROVIDING FOR AMENDMENT OF THE PROVISION FOR ALTERNATIVE ACCESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Commission of the Town of Belleair adopted the Code of Ordinances as set forth in Ordinance No. 349, on April 19, 1994, including Subpart B, Land Development Code; and

WHEREAS, the Town Commission of the Town of Belleair has from time to time approved amendments to the Land Development Code; and

WHEREAS, the Town Commission over an extended period of time has reviewed and determined it necessary and prudent to update and revise the Land Development Code; and

WHEREAS, the Town Commission has received and considered the input and recommendation of the Planning and Zoning Board; and

WHEREAS, the Town Commission desires to amend the Land Development Code to establish a new multifamily residential zoning district that is less intensive and provides for greater flexibility of building height than the existing RM-15 multifamily residential district.

NOW, THEREFORE, BE IT ORDAINED BY THE Town Commission of the Town of Belleair, as follows:

Section 1. The Land Development Code, Sec. 74-82. Schedule of district regulations, is amended to insert the RM-10 district in the table as set forth below:

<i>District</i>	<i>Purpose</i>	<i>Permitted Use</i>	<i>Accessory Structures and Accessory Uses</i>
R-2, single-family residential	This district is composed of single-family dwellings with maximum density of land use by single-family residences. This district contains small lots and dwellings for those areas where this type of development is practical.	Single-family dwellings	Private garages and carports Private nurseries and greenhouses Private swimming pools, hot tubs, and cabanas Boat docks Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures
<u>RM-10, multifamily residential</u>	<u>This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas where it is likely and desirable to provide for such type of development.</u>	<u>Single-family dwellings</u> <u>Duplex dwellings</u> <u>Multifamily residential</u> <u>(See section 74-83(a))</u>	<u>Private garages and carports</u> <u>Private swimming pools, hot tubs, and cabanas</u> <u>Gazebos</u> <u>Storage buildings, fences and fence walls</u> <u>Public parks, playgrounds and recreation areas</u> <u>Utility service structures</u>
RM-15, multifamily residential	This district is composed of medium-density multiple-family residential areas with additional open areas where it is likely and desirable to extend such type of development.	Single-family dwellings Duplex dwellings Multifamily residential (See section 74-83(a b))	Private garages and carports Private swimming pools, hot tubs, and cabanas Gazebos Storage buildings, fences and fence walls Public parks, playgrounds and recreation areas Utility service structures

Note: All other parts of this table in Sec. 74-82 other than as noted above in red and underlined remain as previously set forth.

Section 2. The Land Development Code, Sec. 74-83. Special regulations for RM-15, RPD and H districts, is amended to read as follows and to insert the following as a new subparagraph (a) and change (a) to (b), (b) to (c), and (e) to (d):

Sec. 74-83. Special regulations for RM-10, RM-15, RPD, and H districts.

(a) Multifamily residential district regulations (RM-10 district.) This district is composed of low medium-density (10 units per acre) multiple-family residential dwelling areas with additional open areas where it is likely and desirable to extend such type of development and may serve as a transition from more intensive to less intensive development areas.

Site area requirements reflect the relative need for open space for the various types of residences based on the expected density of use. Permitted uses, minimum living space requirements and height bonus provisions shall be as follows:

- (1) Permitted uses. Within any RM-10 multifamily residential district, only the following uses shall be permitted:
 - a. Single-family, duplex, and multifamily dwellings; and
 - b. Accessory uses (see schedule of regulations).
- (2) Minimum living space per unit. The minimum dwelling unit area shall be 1,500 square feet. Garages, breezeways, porches, balconies, common halls and stairways shall not be included in computing living space..
- (3) Height bonus provisions. Additional height may be authorized in the RM-10 zoning district pursuant to the provisions of this subsection.
 - a. The provisions in this subsection are cumulative and additional height may be authorized on the basis of one or all of these provisions; however, in no event shall the height of any building in the RM-10 zoning district exceed 2.5 times the height permitted by right in this zoning district.
 - b. To be eligible for any height bonus, the average height of all buildings in the development, in proportion to the floor area of the first residential living floor of all buildings in the development, must not exceed the height otherwise permitted by right by more than (50) percent.
 - c. Should a building take advantage of the parking height bonus identified in section d(2), the applicable height of the building will be reduced, as it relates to height calculation in d(3), by the distance, measured from floor to ceiling of any designated parking floor, provided that:
 1. 75% of parking floor area is dedicated to parking
 2. The cumulative height of all parking floors above grade in a given building is below 20% of the unadjusted building height.
 - d. The following three provisions may be used to qualify for a height bonus, either singularly or in combination, consistent with the above stated conditions:
 1. Setbacks - The height of a building may be increased by .5 feet up to a maximum of one-half of the height permitted as of right for every additional 1 feet the building is set back from required setbacks for either or both of the following:

- i. The distance from the property line or the centerline of the road, whichever is greater, and
 - ii. The distance between buildings on the parcel proposed for development.
2. Structured Parking - The height of a building may be increased up to a maximum of one-half of the height permitted as of right if 50% or more of the required parking is provided for in a parking structure beneath the building.
3. Average Height - The height of a building may be increased up to a maximum of one-half of the height permitted by right, provided that the average height of all buildings on the site, in proportion to the floor area of the first residential living floor of all buildings, does not exceed the height otherwise permitted by right by more than fifty (50) percent.

Section 3. The Land Development Code, Sec. 74-84. Schedule of dimensional regulations, is amended to inset the RM-10 district in the table as set forth below:

The schedule of dimensional regulations for the various zoning districts is as follows:

District	<u>Lot Minimums</u>			<u>Minimum Yard Setbacks</u>				Minimum Offstreet Parking per Dwelling Unit ¹	Offstreet Dwelling	Maximum Height ³ (feet)	Flood Zone	Minimum Living Area per Unit ² (square feet)	Floor Area Ratio (FAR)
	Area (Square Feet)	Width (feet)	Depth (feet)	Density Maximum Dwelling Units per acre	Front (feet)	Side (feet)	Rear (feet)						
RE	18,000	100	100	2	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2		32	34	2,000	---
R-1	10000	80	100	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2		32	34	1,200	---
R-2	7500	75	90	4	25	7.5 ⁴	25 feet or 20% of lot depth, whichever is less	2		32	34	1,000	---
<u>RM-10⁵</u>	<u>5 acres</u>	<u>---</u>	<u>---</u>	<u>10</u>	<u>25</u>	<u>15⁴</u>	<u>25</u>	<u>1.5</u>		<u>32</u>	<u>34</u>	<u>1,500</u>	<u>---</u>
RM-15	10,000	100	100	15	25	7.5 ⁴	15	1.5		32	34	1,000	---
RPD	5 acres	---	---	5	(See section 74-83)			1		32	---	1,200	---

Note: All other parts of this table in Sec. 74-84 other than as noted above in red and underlined are as previously set forth.

¹ See article III, division 3, of this chapter, pertaining to Off-street parking regulations.

² Exclusive of garages, breezeways, porches and patios.

³ The height regulations contained in this section shall mean 32 or 34 feet from grade to the highest finished roof surface in the case of a flat roof, or to a point at the midpoint of the highest sloped roof, except for chimneys, parapets, bell towers and elevator penthouses. In no case shall a structure exceed 45 feet in height except in a RPD or RM-10 zoned district. Building height limitations for flood zone area construction are as follows: Any property which is located within an area of special flood hazard as designated on flood hazard boundary map or a flood insurance rate map, shall measure the maximum height standard from the Base Flood Elevation (BFE) of the flood zone the structure is located within. This shall not apply to any property located in the RPD district existing at the time of adoption of this land development code. [See Sec. 74-83 \(a\)\(3\) for special height bonus provisions for RM-10 District.](#)

⁴ See Section 74-113

⁵ See Sec. 74-83 (a) for additional requirements for RM-10 district.

Section 4. The Land Development Code, Sec. 74-112. Impervious surface coverage, is amended to add the RM-10 district to subparagraph (e) Table of Impervious Surface Ratios as set forth below:

(b) *Table of impervious surface ratios.* Maximum impervious surface ratios shall be as follows:

<i>Zoning District</i>	<i>Maximum Impervious Surface Ratio¹</i>
RE, R-1 and R-2 (residential districts)	60 percent
RM-10 and RM-15 (multifamily districts)	60 percent
RPD (planned residential district)	60 percent
H (hotel district)	70 percent
C-1 and C-2 (office and retail districts)	75 percent
C-3 and C-4 (retail and product distribution districts)	75 percent
C-5 (storage district)	75 percent
GC	As approved under site plan review
P:	
Institutional uses	85 percent
Transportation uses	90 percent
SPM	75 percent

¹ The maximum impervious surface ratio is given for each district, regardless of the type of use proposed and allowable pursuant to article II of this chapter.

Section 5. The Land Development Code, Sec. 74-155. Access. Subsection (3) Alternative designs, is amended to read as follows:

(3) Alternative designs. Where natural features, the previous development pattern and provisions for access, or spacing of existing driveways and roadways cause the access requirements set out in subsection (1) and (2) of this section to be physically or legally infeasible, alternate designs may be approved by the ~~town~~ Town Commission only as a function of their approval of a site development plan.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

Section 7. The effective date of this ordinance shall be the date the final ordinance is read and approved by the Town Commission as provided by law.

PASSED ON FIRST READING:

PASSED ON SECOND AND FINAL READING:

Mayor

ATTEST:

Town Clerk