

ORDINANCE NO. 534

AN ORDINANCE OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, REVISING AND UPDATING THE LAND DEVELOPMENT CODE (LDC), CHAPTER 169, TABLE 160; CLARIFYING AND AMENDING THE DEFINITIONS; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Table 160: Lot, Setback and Bulk Regulations of the Land Development Code determines building restrictions in the zoning classification areas of the Town; and

WHEREAS, an error in the R2A Multifamily classification has been discovered and needs to be corrected; and

WHEREAS, Definitions found in Chapter 169 Definitions need modification as set forth in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF INDIAN RIVER SHORES, FLORIDA, AS FOLLOWS:

1. The Land Development Code (LDC) Table 160: Lot, Setback and Bulk Regulations which presently sets forth the following relating to heights of buildings in R2A Multifamily zoning district: 2/30 representing two (2) stories and a maximum height of thirty (30) feet, is by this Ordinance changed to “3/40 representing three (3) stories and a maximum height of forty (40) feet subject to Footnote (D).”

2. Footnote (D) to Table 160 presently reads as follows: “(D) In R2A Multifamily Residence Districts, heights of four stories shall be allowed; provided that the entire bottom story or ground story is used for parking and is completely enclosed, conforming to the general aesthetic design of the building, except for ingress and egress to other stories” is now changed to read as follows:

(D) In R2A Multifamily Residence Districts, building heights of forty feet with a maximum of four (4) stories shall be allowed with three (3) habitable stories above a ground story; provided, that the entire bottom story or ground story is used for parking and is completely enclosed, conforming to the general aesthetic design of the building, except for ingress and egress to other stories.

3. Chapter 169.01 “Definitions” defines and sets forth different aspects of a Building. Reference is specifically made to Subparagraph (2) which currently reads as follows: “(2) **Building. Height Of.** Excluding oceanfront residences, the vertical distance to the intersection of the highest inside finished face of the exterior vertical wall and the highest ceiling or the midpoint of the top roof, whichever is greater, measured from the average natural grade or the minimum flood elevation, whichever is higher.” This definition is amended in its entirety to read as follows:

(2) **Building, Height Of:** except for Oceanfront residences, the vertical distance to the intersection of the highest inside finished face of the exterior vertical wall and the highest ceiling, measured from the average natural grade or the minimum flood elevation, whichever is higher. The maximum height of the roof shall not exceed 10 ft. above the intersection point cited in this definition.

4. Chapter 169 Definitions is further amended to add a new definition as follows:

Habitable Story. A space in a structure for living, sleeping, eating or cooking.

SECTION 1. All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 2. If any provision of this ordinance or the application hereof is held invalid, such invalidity shall not affect the other provisions or applications, and to this end, the provisions.

SECTION 3. This Ordinance shall take effect upon its final reading and approval.

1st Reading: April 20, 2017

Published: May 12, 2017

PASSED AND ADOPTED upon second and final reading at a regular meeting of the Town Council of the Town of Indian River Shores, Florida, on the 25th day of May, 2017.

By:

/s
Michael B. Ochsner, Vice Mayor

Attest:

/s
Laura Aldrich, Town Clerk

TABLE 160: LOT, SETBACK AND BULK REGULATIONS***

Zoning District	Minimum Lot area (Sq. Ft.)	Minimum Lot Width (Feet)	Max. Density ^(A) (DU's/Acre)	Front Yard** (Feet)	Side Yard** (Both Yds/ One Yard) (Ft.)	Rear Yard** (Feet)	Minimum Floor Area* (Sq. Ft.) (F,G,H)	Maximum Height**** (Stories/Feet)	Minimum Landscaped Area (%)	Maximum ^(B) Building Lot Coverage (%)	Lot Coverage ^(C) : Other Structures
R1A Single Family	15,000	120	2.5	30	15/30	30	1,800 1 story bldg 1,400 2 story bldg	2/30	50	30	20
R1B Single Family Zero Lot	7,500	60	2.5	25	(E)	25	1,500	2/30	50	40	10
R2A Single Family	12,000	100	3 ^(J)	25	12.5/25	30	1,800 ^(F)	2/30	50	40	10
R2A Multifamily	25,000	300	6	30	25/30	30	1,400	3/40	50	30	20
C1A Commercial	20,000	150	NA	25	50	25	NA	2/30	25	NA	NA
C2A Commercial	20,000	150	NA	25	50	25	NA	2/30	25	NA	NA
RC/ES	(I)	(I)	1 ^(K)	30	30	30	1,800	2/30	(I)	(I)	NA
RC/ESI	(I)	(I)	1 per 5 acres	30	30	30	1,800	2/30	(I)	(I)	NA

(A) Density in dwellings per acre is fractional and dependent on lot size.

(B) Only Covered Buildings such as house, garages, utility buildings and other covered buildings are included in the Maximum Building lot coverage percent.

(C) Other impervious structures including but not limited to decks, driveways, slabs, pools and parking areas. Sand-set pavers are calculated at 70% coverage.

(D) In R2A Multifamily Residence Districts, building heights of forty feet with a maximum of four (4) stories shall be allowed with three (3) habitable stories above a ground story; provided, that the entire bottom story or ground story is used for parking and is completely enclosed, conforming to the general aesthetic design of the building, except for ingress and egress to other stories.

(E) The living area of a single-family residence may be built up to the lot line on one side of a lot. On the opposite side of the lot, the living area must be set back a minimum of 15 feet. Exception: structures or portions of structures not containing living area, such as garages, may be built to within the fire separation requirements of the Florida Building Code.

(F) Ground floor only - excluding garage.

(G) The required residential garage is not included in this floor area. See Section 162.05(B) for garage requirements.

(H) The second floor shall be a minimum of 33 1/3% of the ground floor.

(I) Conditional use review will determine lot size and width minimum, pervious minimum and coverage maximum.

(J) Except when zero lot line houses are placed in R2A zones.

(K) Except wetlands which is 1 unit per 5 acres.

* Floor Area is defined in Chapter 169 as livable floor area.

** All structures shall be set back a minimum of 30 feet from the mean high water mark line of inland waters and 25 feet if abutting a street. See Section 161.08 for special setback from A1A.

*** Minimum FFE (Finished Floor Elevation) is to be 1 foot above the base flood elevation in the Town Flood Map or 20" above crown of road in non-flood locations. Maximum FFE is 20" above base flood elevation or 20" above crown of road in non-flood locations.

**** Mean roof height. For ocean lots, see Chapter 161.