

ORDINANCE NO. 8931-16

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AN AMENDMENT TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 32, SECTIONS 32.242, 32.392 AND 32.394, TO MAKE A CORRECTION, PROVIDE CLARIFICATION, AND ADD DEFINITIONS PERTAINING TO STORMWATER MANAGEMENT AND STORMWATER SYSTEMS; AND BY MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 2, CHART 2-100, ADDING MUSEUMS AND DELETING OUTDOOR RETAIL SALES, DISPLAY AND/OR STORAGE, AND OUTDOOR STORAGE AS PERMITTED USES; AMENDING ARTICLE 2, SECTIONS 2-802, 2-902, 2-1202, AND 2-1203, ADDING MUSEUMS AS A MINIMUM STANDARD DEVELOPMENT OR FLEXIBLE STANDARD DEVELOPMENT USE; AMENDING ARTICLE 2, SECTION 2-703, DELETING OUTDOOR RETAIL SALES, DISPLAY AND/OR STORAGE AS FLEXIBLE STANDARD DEVELOPMENT USE; AMENDING ARTICLE 2, SECTION 2-1302, DELETING OUTDOOR STORAGE (ACCESSORY USE) AS A MINIMUM STANDARD DEVELOPMENT USE, AND DELETING THE FOOTNOTE PERTAINING TO OUTDOOR STORAGE; AMENDING ARTICLE 3, DIVISION 2, STRIKING AND REPLACING THE ACCESSORY USES/STRUCTURES DIVISION IN ITS ENTIRETY; AMENDING ARTICLE 3, SECTION 3-702, MODIFYING VARIOUS ASPECTS OF THE EROSION AND SEDIMENTATION CRITERIA AND GUIDELINES; AMENDING ARTICLE 3, SECTION 3-904, CLARIFYING ALLOWABLE ENCROACHMENTS INTO WATERFRONT SIGHT VISIBILITY TRIANGLES AND MODIFYING THE ASSOCIATED GRAPHIC; AMENDING ARTICLE 3, SECTION 3-909, MODIFYING THE APPLICABILITY OF THE OUTDOOR CAFÉ PROVISIONS; AMENDING ARTICLE 3, SECTION 3-1202, MODIFYING THE RELATIONSHIP OF LANDSCAPING WITHIN STORMWATER RETENTION AREAS, AND MODIFYING VARIOUS ASPECTS OF THE INTERIOR LANDSCAPE REQUIREMENTS INCLUDING THE PROVISION OF CENTRAL LANDSCAPE ISLANDS AND THE USE OF LOW IMPACT DEVELOPMENT TECHNIQUES; AMENDING ARTICLE 3, SECTION 3-1204, ADDING AN EXCEPTION FROM THE REQUIREMENT OF PROVIDING CURBING; AMENDING ARTICLE 3, SECTION 3-1403, MODIFYING THE REGULATIONS PERTAINING TO GRASS PARKING; AMENDING ARTICLE 3, SECTION 3-1502, MODIFYING THE PROPERTY MAINTENANCE REQUIREMENTS WITH REGARD TO SEDIMENTATION; AMENDING ARTICLE 3, SECTION 3-1904, DELETING SUBSECTION N; AMENDING ARTICLE 3, SECTION 3-1906, MODIFYING THE REGULATIONS PERTAINING TO DEAD-ENDS AND CUL-DE-SACS; AMENDING ARTICLE 3, SECTION 3-1912,

MODIFYING THE REGULATIONS PERTAINING TO STORMWATER DRAINAGE AND RETENTION; AMENDING ARTICLE 4, SECTION 4-505, MODIFYING PROVISIONS FOR ORAL ARGUMENTS IN HEARING OFFICER APPEALS; AMENDING ARTICLE 4, SECTION 4-1008, CORRECTING REFERENCES WITHIN THE COMPREHENSIVE SIGN PROGRAM STANDARDS; AMENDING ARTICLE 8, SECTION 8-102, ADDING DEFINITIONS FOR BIOSWALE, GARDEN CENTER, LOW IMPACT DEVELOPMENT, MUSEUMS, AND TATTOO PARLOR, AND MODIFYING THE DEFINITIONS FOR PROBLEMATIC USES, AND RETAIL SALES AND SERVICES; AMENDING APPENDIX A, VIII. LAND DEVELOPMENT, CHANGING THE APPLICATION FEE FOR FINAL PLAT; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater desires for the Community Development Code to function effectively and equitably throughout the City; and

WHEREAS, the City of Clearwater has determined where the Community Development Code and Code of Ordinances needs clarification and revision; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Chapter 32, Utilities, Article VI, Stormwater Management, Section 32.242, Code of Ordinances be amended to read as follows:

Sec. 32.242. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Department means the ~~public works~~ engineering department of the city.

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Section 2. That Chapter 32, Utilities, Article X, Stormwater Systems, Section 32.392, Code of Ordinances be amended to read as follows:

Sec. 32.392. - Definitions.

The following definitions shall apply to the provisions of this article:

* * * * *

Illicit connection means any of the following: Any surface or subsurface drain or conveyance that allows an illicit discharge to enter the stormwater system including, but not limited to, any

conveyances that allow any non-stormwater discharge such as, but not limited to, sewage, processed wastewater, and/or wash water to enter the stormwater system; any connections to the stormwater system from indoor drains and sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or any drain or conveyance connected from a commercial or industrial land use to the stormwater system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Section 3. That Chapter 32, Utilities, Article X, Stormwater Systems, Section 32.394, Code of Ordinances be amended to read as follows:

Sec. 32.394. - Illicit discharges.

- (2) *Specific prohibitions.* Any discharge to the stormwater system containing any pollutants, sewage, industrial waste or other waste materials, or containing any materials in violation of federal, state, county, municipal, or other laws, rules, regulations, orders or permits, is prohibited.

Section 4. That Article 2, Zoning Districts, Chart 2-100, Permitted Uses, Community Development Code be amended to read as follows:

Use Categories	CHART 2-100 PERMITTED USES															
	LDR	LMDR	MDR	MHDR	HDR	MHP	C	T	D	O	I	IRT	OSR	P	CRNCOD	IENCOD
Residential																
Accessory dwellings							X	X	X	X	X	X				
Attached dwellings	X	X	X	X	X			X	X							
Community residential homes	X	X	X	X	X					X					X	X
Detached dwellings	X	X	X	X	X	X									X	X
Mobile homes						X										
Mobile home parks						X										
Residential infill projects	X	X	X	X	X										X	X

Nonresidential																	
Adult uses							X						X				
Airport												X					
Alcoholic beverage sales							X	X	X								
Animal boarding							X		X				X				
Assisted living facilities			X	X	X							X					
Automobile service stations							X						X				
Bars							X	X	X				X				
Brewpubs							X	X	X								
Cemeteries													X				
Community gardens	X	X	X	X	X		X		X			X					
Comprehensive infill redevelopment project (CIRP)							X	X	X	X	X	X	X	X			
Congregate care			X	X	X							X					
Convention center									X								
Educational facilities							X		X	X	X						
Environmental park																X	
Funeral homes							X			X	X						
Governmental uses							X	X	X		X	X	X				
Halfway houses											X						
Hospitals											X						
Indoor recreation/entertainment							X	X	X				X				
Light assembly							X										
Manufacturing													X				
Marinas																X	
Marinas and marina facilities							X	X	X		X						
Medical clinic							X	X		X	X						
Microbreweries							X		X				X				
Mixed use							X	X	X	X							
Museums								X	X		X						
Nightclubs							X	X	X				X				
Non-residential off-street parking		X	X	X													
Nursing homes				X	X						X	X					
Offices						X	X	X	X	X		X					
Off-street parking							X			X							
Open space																X	
Outdoor recreation/entertainment							X	X					X	X			
Outdoor retail sales, display and/or storage							X										
Outdoor storage													X				
Overnight accommodations	X		X	X	X		X	X	X				X				
Parking garages and lots					X			X	X		X	X	X				
Parks and recreation facilities	X	X	X	X	X		X	X	X	X	X	X	X	X			
Places of worship							X		X	X	X						
Planned medical campus												X					

Planned medical campus project												X					
Problematic uses							X										
Public facility									X				X				
Publishing and printing													X				
Public transportation facilities						X	X	X	X	X	X	X	X				
Research and technology use													X				
Residential shelters												X	X				
Resort Attached Dwellings								X									
Restaurants							X	X	X	X			X	X			
Retail plazas							X	X	X								
Retail sales and services						X	X	X	X	X	X	X	X	X			
RV parks							X										
Salvage yards													X				
Schools	X	X	X	X	X		X			X	X						
Self-storage warehouse							X						X				
Social and community centers							X	X	X		X						
Social/public service agencies							X		X		X	X					
Telecommunications towers							X		X	X	X	X					
TV/radio studios										X		X					
Urban farms													X				
Utility/infrastructure facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Vehicle sales/displays							X						X				
Vehicle sales/displays, limited								X	X								
Vehicle sales/displays, major													X				
Vehicle service													X				
Vehicle service, limited							X										
Vehicle service, major													X				
Veterinary offices							X		X	X		X					
Wholesale/distribution/warehouse facility													X				

Section 5. That Article 2, Zoning Districts, Division 7, Commercial District, Section 2-703, Flexible Standard Development, Community Development Code be amended to read as follows with subsections re-lettered as appropriate:

Use	Min. Lot Area (sq. ft)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Front (ft.)	Min. Side (ft.)	Min. Rear (ft.)	Min. Off-Street Parking Spaces
Accessory Dwellings	n/a	n/a	n/a	n/a	n/a	n/a	1 space per unit
Adult Uses	5,000	50	25	25	10	20	5 per 1,000 GFA
Alcoholic Beverage Sales	10,000	100	25	25	10	20	5 per 1,000 GFA

Automobile Service Stations	10,000	100	25	25	10	20	5/1,000 SF GFA
Bars	10,000	100	25	25	10	20	10 per 1,000 GFA
Brewpubs	3,500—10,000	30- 100	25—50	25	0—10	10- 20	1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area
Educational Facilities(1)	40,000	200	25	25	10	20	1 per 2 students
Funeral Homes	3,500—10,000	30- 100	25—50	25	0—10	10- 20	0.25 per seat
Governmental Uses(1)	10,000	100	25—50	25	10	20	4 spaces per 1,000 GFA
Indoor Recreation/Entertainment	5,000—10,000	50- 100	25	25	10	20	3—5/1000 SF GFA or 3—5/lane, 1—2/court or 1/machine
Medical Clinics(1)	10,000	100	25 - 50	25	0 - 10	10- 20	3 - 5/1,000 GFA
Microbreweries	3,500 - 10,000	30 - 100	25 - 50	25	0 - 10	10- 20	1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area
Mixed Use	5,000—10,000	50—100	25—50	25	0—10	10—20	Based upon specific use requirements
Nightclubs	10,000	100	25	25	10	20	10 per 1,000 GFA
Offices	3,500—10,000	30—100	25—50	25	0—10	10—20	3/1,000 SF GFA
Off-Street Parking	10,000	100	n/a	25	10	20	n/a
Outdoor Retail Sales, Display and/or Storage	20,000	400	25	25	40	20	5 per 1,000 SF of outdoor display area
Overnight Accommodations	20,000—40,000	150—200	25—50	25	0—10	10—20	1 per unit
Places of Worship(2)	20,000—40,000	100—200	25—50	25	10	20	.5-1 per 2 seats
Public Transportation Facilities(3)	n/a	n/a	10	n/a	n/a	n/a	n/a
Restaurants	3,500—10,000	30—100	25—50	25	0—10	10—20	7—12 spaces per 1,000 GFA
Retail Plazas	15,000	100	25—50	25	0—10	10—20	4 spaces per 1,000 GFA
Retail Sales and Services	3,500—10,000	30—100	25—50	25	0—10	10—20	4—5 spaces per 1,000 GFA

Schools (5)	40,000	200	25	25	0—10	10—20	1 per 3 students
Social and Community Centers (1)	3,500—10,000	35—100	25—35	25	0—10	10—20	4—5 spaces per 1,000 GFA
Utility/Infrastructure Facilities(4)	n/a	n/a	20	25	10	20	n/a
Vehicle Sales/Displays	20,000—40,000	150—200	25	25	10	20	2.5 spaces per 1,000 of lot sales area
Veterinary Offices	5,000—10,000	50—100	25	15—25	0—10	10—20	4 spaces per 1,000 GFA

~~P. Outdoor retail sales, display and/or storage.~~

- ~~1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas unless the principal use is the sale of living plant material;~~
- ~~2. No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved comprehensive sign program;~~
- ~~3. All buildings located on the parcel proposed for development are finished or painted in earth tone colors;~~
- ~~4. No cyclone, chainlink or other metal mesh fences are located on the parcel proposed for development;~~
- ~~5. All fences, excluding gates, are landscaped on the exterior of such fences with continuous shrubs or vines and trees located 20 feet on center;~~
- ~~6. No goods and materials other than living plant material which are stored or displayed outside a building or structure are located within a required setback;~~
- ~~7. The parcel proposed for outdoor storage or display fully conforms to the requirements of Article 3, Division 12 in regard to landscaping;~~
- ~~8. The height of non-living goods and materials stored or displayed outdoors shall not exceed 15 feet;~~
- ~~9. No building materials or automobile parts or supplies which are stored or displayed outdoors shall be visible from a public right-of-way.~~

Section 6. That Article 2, Zoning Districts, Division 8, Tourist District, Section 2-802, Flexible Standard Development, Community Development Code be amended to read as follows with subsections re-lettered as appropriate:

Table 2-802. "T" District Flexible Standard Development Standards							
Use ¹	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height ¹ (ft.)	Min. Setbacks (ft.) ¹			Min. Off-Street Parking
				Min. Front (ft.)	Min. Side (ft.)	Min. Rear (ft.)	
Accessory Dwellings	n/a	n/a	n/a	n/a	n/a	n/a	1/unit

Alcoholic Beverage Sales	5,000	50	35	10—15	10	20	5 per 1,000 GFA
Attached Dwellings(6)	10,000	100	35—50	10—15	10	10—20	2 per unit
Bars	5,000	50	35	15	10	20	10 per 1,000 GFA
Brewpubs	5,000—10,000	50—100	35—50	0—15	0—10	10—20	1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area
Governmental Uses(2)	10,000	100	35—50	10-15	0—10	10-20	3—4/1,000 GFA
Indoor Recreation/Entertainment	5,000	50	35—50	0—15	0—10	20	10 per 1,000 GFA
Medical Clinic	10,000	100	35—50	10-15	10	20	5/1,000 GFA
Mixed Use	5,000—10,000	50—100	35—50	0—15	0—10	10-20	Based upon specific use requirements
<u>Museums</u>	<u>10,000</u>	<u>100</u>	<u>35- 50</u>	<u>10-15</u>	<u>0-10</u>	<u>10-20</u>	<u>1 - 3/1,000 GFA</u>
Nightclubs	5,000	50	35	15	10	20	10 per 1,000 GFA
Offices	5,000—10,000	50—100	35—50	0—15	0—10	10-20	3/1,000 SF GFA
Outdoor Recreation/Entertainment	5,000	50	35	10-15	10	20	2.5 spaces per 1,000 sq. ft. of lot area or as determined by the community development director based on ITE Manual standards
Overnight Accommodations	20,000	100—150	35—50	10-15	0—10	10-20	1.2 per unit
Parking Garages and Lots	20,000	100	50	15-25	10	10-20	n/a
Parks and Recreation Facilities	n/a	n/a	50	25	10	20	1 per 20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Public Transportation Facilities(3)	n/a	n/a	10	n/a	n/a	n/a	n/a
Resort Attached Dwellings(6)	10,000	100	35—50	10-15	10	10-20	1.5 per unit
Restaurants	5,000—10,000	50—100	35—50	0—15	0—10	10-20	7—12 spaces per 1,000 GFA(5)

Retail Plazas	15,000	100	35—50	0—15	0—10	10-20	4 spaces per 1,000 GFA
Retail Sales and Services	5,000—10,000	50—100	35 - 50	0—15	0—10	10-20	4—5 spaces per 1,000 GFA(5)
Social and Community Center	5,000—10,000	50—100	35—50	10-15	0—10	10-20	4—5 spaces per 1,000 GFA
Utility/Infrastructure Facilities(4)	n/a	n/a	n/a	25	10	10	n/a

J. Museums.

1. Height. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance.
2. Front setback. The reduction in front setback results in an improved site plan or improved design and appearance.
3. Side and rear setback.
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required.
4. Off-street parking. The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building for storage or other non-parking demand-generating purposes or the physical context, including adjacent buildings and uses are such that there is a high probability that patrons will use modes of transportation other than the automobile to access the use.

Section 7. That Article 2, Zoning Districts, Division 9, Downtown District, Section 2-902, Flexible Standard Development, Community Development Code be amended to read as follows with subsections re-lettered as appropriate:

Use	Max. Height (ft.)	Min. Off-Street Parking
Accessory Dwellings	n/a	n/a
Alcoholic Beverage Sales	30—50	3—5 per 1,000 GFA
Attached Dwellings	30—50	1-1.5 per unit
Bars	30—50	3—10 per 1,000 GFA
Brewpubs	30 -50	1/1,000 GFA dedicated to brewery operations and support services; and 5-10/1,000 GFA for all other use area (1)

Community Gardens	n/a	n/a
Convention Center	30—50	5 per 1,000 GFA
Indoor Recreation/Entertainment Facility	30—50	3—5 per 1,000 GFA(1)
Microbreweries	30—50	1/1,000 GFA dedicated to brewery operations and support services; and 5-10/1,000 GFA for all other use area (1)
Mixed Use	30—50	Based upon specific use requirements
<u>Museums</u>	<u>30- 50</u>	<u>1-3 per 1,000 GFA (1)</u>
Nightclubs	30—50	3—10 per 1,000 GFA
Offices	30—50	1—3 per 1,000 GFA(1)
Overnight Accommodations	30—50	.75—1 per unit
Parking Garages and Lots	50	n/a
Parks and Recreation Facilities	50	1 per 20,000 SF or as determined by the community development coordinator based on ITE Manual standards
Places of Worship	30—50	.5—1 per 2 seats
Public Transportation Facilities	10	n/a
Restaurants	30—50	5—10 per 1,000 GFA(1)
Retail Plazas	30—50	4 per 1,000 GFA
Retail Sales and Service	30—50	2—4 per 1,000 GFA(1)
Social and Community Centers	30—50	2—4 per 1,000 GFA
Utility/Infrastructure Facilities	n/a	n/a

K. Museums.

1. Height. The increased height results in an improved site plan, landscaping areas in excess of the minimum required or improved design and appearance.
2. Off-street parking. The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building for storage or other non-parking demand-generating purposes or the physical context, including adjacent buildings and uses are such that there is a high probability that patrons will use modes of transportation other than the automobile to access the use.
3. Design. The design of all buildings complies with the Downtown District design guidelines in Division 5 of Article 3.

Section 8. That Article 2, Zoning Districts, Division 12, Institutional District, Section 2-1202, Minimum Standard Development, Community Development Code be amended to read as follows:

<i>Table 2-1202. "I" District Minimum Standard Development Standards</i>							
<i>Use</i>	<i>Min. Lot Area (sq. ft.)</i>	<i>Min. Lot Width (ft.)</i>	<i>Min. Setbacks (ft.)</i>			<i>Max. Height (ft.)</i>	<i>Min. Off-Street Parking</i>
			<i>Front</i>	<i>Side</i>	<i>Rear</i>		
Assisted Living Facilities	20,000	100	25	10	20	50	1 per 2 residents
Cemeteries	20,000	100	25	10	20	50	n/a
Community Gardens	n/a	n/a	15	5	5	n/a	n/a
Congregate Care	20,000	100	25	10	20	50	1 per 2 residents
Educational Facilities	40,000	200	25	10	20	50	1 per 2 students
Funeral Homes	20,000	100	25	10	20	50	0.25 per seat
Governmental Uses	20,000	100	25	10	20	50	4 per 1,000 SF GFA
Hospitals	5 acres	250	25	25	25	50	2/bed
Medical Clinic	10,000	100	25	10	20	50	5 per 1,000 SF GFA
<u>Museums</u>	<u>20,000</u>	<u>100</u>	<u>25</u>	<u>10</u>	<u>20</u>	<u>50</u>	<u>3 per 1,000 SF GFA</u>
Nursing Homes	20,000	100	25	10	20	50	1 per 2 residents
Places of Worship	20,000	100	25	10	20	50	1 per 2 seats
Parks and Recreation Facilities	n/a	n/a	25	10	20	50	1 per 20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Schools	40,000	200	25	10	20	50	1 per 3 students

Section 9. That Article 2, Zoning Districts, Division 12, Institutional District, Section 2-1203, Flexible Standard Development, Community Development Code be amended to read as follows with subsections re-lettered as appropriate:

<i>Table 2-1203. "I" District Flexible Standard Development Standards</i>					
<i>Use</i>	<i>Min. Lot</i>	<i>Min. Lot</i>	<i>Min. Setbacks (ft.)</i>	<i>Max.</i>	<i>Min. Off-Street</i>

	Area (sq. ft.)	Width (ft.)	Front	Side	Rear	Height (ft.)	Parking
Accessory Dwellings	n/a	n/a	n/a	n/a	n/a	n/a	1/unit
Airport	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Educational Facilities	40,000	200	15—25	10	15—20	50	0.5—1 per 2 students
Funeral Homes	15,000-20,000	100	15-25	10	15-20	50	0.25 per seat
Halfway Houses	10,000	100	15—25	10	15—20	30	1 per 2 residents
Hospitals	1—5 acres	100—250	15—25	10—25	15—25	50	1—2/bed
Medical Clinic	10,000	100	15—25	10	15 - 20	50	5/1000 SF
<u>Museums</u>	<u>20,000</u>	<u>100</u>	<u>15- 25</u>	<u>0- 10</u>	<u>15- 20</u>	<u>50</u>	<u>1 – 3 per 1,000 SF GFA</u>
Parking Garages and Lots	20,000	100	15—25	10	15—20	50	n/a
Places of Worship	20,000	100	15—25	10	15—20	50	0.5—1 per 2 seats
Planned Medical Campus Project	Based upon approved Planned Medical Campus						
Public Transportation Facilities	n/a	n/a	n/a	n/a	n/a	10	n/a
Residential Shelters	10,000	100	15—25	10	15—20	30	1 per 2 residents
Retail Sales and Service	10,000	100	15—25	10	15—20	50	5 per 1,000 SF GFA
Utility/Infrastructure Facilities(1)	n/a	n/a	15—25	10	15—20	n/a	n/a
Assisted Living Facilities	15,000—20,000	100	25	5-10	10-20	50	1 per 2 residents
Nursing Homes	15,000-20,000	100	25	5-10	15-20	50	1 per 2 residents
Social and Community Centers	20,000	100	15—25	10	15—20	50	4—5 per 1,000 GFA
Congregate Care	20,000	100	25	5-10	10-20	50	1 per 2 residents

H. Museums.

1. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance.
2. Side and rear setback:
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance;
 - c. The reduction in side and rear setback does not reduce the amount of landscaped area otherwise required.

3. Off-street parking. The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building for storage or other non-parking demand-generating purposes or the physical context, including adjacent buildings and uses are such that there is a high probability that patrons will use modes of transportation other than the automobile to access the use.

Section 10. That Article 2, Zoning Districts, Division 13, Industrial, Research and Technology District, Section 2-1302, Minimum Standard Development, Community Development Code be amended to read as follows:

Table 2-1302. "IRT" District Minimum Development Standards

Use	Min. Lot Area (sq. ft)	Min. Lot Width (ft.)	Min. Setbacks (ft.)		Max. Height (ft.)	Min. Off-Street Parking Spaces
			Front	Side/Rear		
Accessory Dwellings	5,000	50	20	15	50	1/unit
Governmental Uses(1)	20,000	200	20	15	50	3/1,000 SF GFA
Indoor Recreation/Entertainment(2)	20,000	200	20	15	50	5/1,000 SF GFA or 5/lane, 2/court or 1/machine
Manufacturing(3)	20,000	200	20	15	50	1.5/1,000 SF GFA
Offices(4)	n/a	n/a	n/a	n/a	n/a	n/a
Outdoor Storage (accessory use)(5)	n/a	n/a	n/a	n/a	n/a	n/a
Parks and Recreation Facilities	n/a	n/a	25	10/20	50	1 per 20,000 SF land area or as determined by the community development coordinator based on the ITE Manual standards
Publishing and Printing	20,000	200	20	15	50	3/1,000 SF GFA
Research and Technology	20,000	200	20	15	50	2/1,000 SF GFA
Restaurants(6)	10,000	100	20	15	50	12 spaces per 1,000 SF GFA
Self Storage	20,000	200	20	15	50	1 per 20 units plus 2 for manager's office
TV/Radio Studios	20,000	200	20	15	50	4/1000 SF GFA
Urban Farms	n/a	n/a	20	15	50	2 per acre or fraction thereof
Vehicle Service(7)	20,000	200	20	15	50	1.5/1,000 SF GFA

Wholesale/Distribution/ Warehouse Facility	20,000	200	20	15	50	1.5/1,000 SF GFA
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- ~~(5) Outdoor storage within the required front yard setback shall be prohibited. Such outdoor storage areas shall be limited to not more than 30 percent of the subject lot or parcel and shall be completely screened from view from all adjacent residential zoned properties and/or public rights of way by a solid wall/fence six feet in height. Items stored within outdoor storage areas shall not exceed six feet in height and/or shall not be otherwise visible from adjacent residentially zoned property and/or public rights of way.~~
- (65) Restaurants that are accessory or incidental to any permitted use will not require Flexible Standard Development application for review. Restaurants located in the IL future land use category shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan amendment to the appropriate category which shall include such use and all contiguous like uses. Restaurants located in the IG future land use category shall be allowed only as an accessory use, located within the structure to which it is accessory, and shall not exceed 25 percent of the floor area of the principal use to which it is accessory.
- (76) Vehicle service located in the Industrial General (IG) future land use category shall be allowed only as an accessory use, located within the structure to which it is accessory, and shall not exceed 25 percent of the floor area of the principal use to which it is accessory. Vehicle service located in the Industrial Limited (IL) future land use category shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan map amendment to Commercial General which shall include such uses and all contiguous like uses.

* * * * *

Section 11. That Article 3, Development Standards, Division 2, Accessory Use/Structures, Community Development Code be amended to read as follows:

~~DIVISION 2. – ACCESSORY USE/STRUCTURES~~

~~Section 3-201. – General.~~

- ~~A. Purpose and applicability. The purpose of this division is to establish standards for accessory uses of land, water, and buildings and accessory structures.~~
- ~~B. Standards. In addition to all the standards in this Development Code, accessory uses and structures shall be established in accordance with the following standards:~~
 - ~~1. The accessory use and structure is subordinate to and serves an established and conforming principal use.~~
 - ~~2. The accessory use and structure is subordinate in area, extent, and purpose to the principal use.~~
 - ~~3. The accessory use and structure contributes to the comfort, convenience or use of the principal use.~~
 - ~~4. The accessory use and structure is located on the same property as the principal use and located behind the front edge of the principal structure except as provided for in subsection 5. below.~~

- ~~5. Accessory detached garages may be located in front of the principal structure of an attached dwelling development containing more than 100 units. Such garages shall be reviewed and approved as part of a required Level One or Level Two development application for the attached dwellings as the case may be and shall demonstrate compliance with all of the following criteria and any other applicable provisions of the Community Development Code.
 - ~~a. The parcel proposed for development is not governed by any special area plan including but not limited to Beach by Design, the Clearwater Downtown Redevelopment Plan, the US 19 Corridor Redevelopment Plan, or located in any activity center, along a redevelopment corridor or view corridor identified on the Citywide Design Structure adopted in the Clearwater Comprehensive Plan.~~
 - ~~b. Such detached garages shall be setback at least 25 feet from the front property line and shall comply with the side setbacks of the zoning district in which the project is located.~~
 - ~~c. Such detached garages shall not obstruct access to the primary use.~~
 - ~~d. Such detached garages shall be designed as an integral part of the architectural design of the principal structures. The same materials, colors, roof design and other architectural details shall be incorporated into the design of the detached garages.~~
 - ~~e. Such detached garages that front along a street shall appear to contain habitable space through the use of windows, doors and other design elements consistent with the front façade of the principal structure(s).~~
 - ~~f. Such detached garages shall not exceed 80 feet in length and shall modulate horizontally or vertically by at least two feet for every 40 feet in length.~~
 - ~~g. Such detached garages shall not be converted to a residential dwelling unit.~~~~
- ~~6. The accessory use(s) and structures, unless otherwise allowed as a permitted use in the zoning district, shall not cumulatively exceed ten percent of the gross floor area of the principal use. Such structures may be permitted up to 25 percent of the gross floor area of the principal use through a Level One (flexible standard) approval process. Gross floor area of the principal building includes the floor area of any attached garage or carport.~~
- ~~7. The accessory use may be located in a separate building, provided that such building complies with all the development standards in Article 3~~
- ~~8. The use complies with each and every development standard applicable to the principal use to which the accessory use is accessory.~~
- ~~9. No accessory structure shall exceed 15 feet in height in any residential zoning district and no more than the allowable height for the principal use in any nonresidential zoning district. Such structures may be permitted up to 20 feet in height in the residential zoning districts if approved through a Level One (flexible standard development) approval process.~~

- ~~10. Canvas, or other similar materials, shall not be allowed as a permitted material for any accessory structure.~~
- ~~11. In-ground pools that are 12 inches or less above grade shall be classified as an accessory structure. In-ground pools that are greater than 12 inches or more above grade shall be classified as a principal structure.~~
- ~~12. Community gardens may be allowed as an accessory use and may be located in front of the principal structure provided that each of the following are met:

 - ~~a. The community garden shall not obstruct access to the primary use; and~~
 - ~~b. The community garden shall not be located within any required perimeter landscape buffer, interior landscape area, or foundation planting area.~~~~
- ~~13. Exemptions.

 - ~~a. A two-car detached garage accessory to a detached dwelling shall be exempt from the percentage requirements specified in Section 3-201.B.6 above provided there is no other parking garage located on the site.~~
 - ~~b. Swimming pools and spas shall not be included when calculating the amount of permitted accessory uses/structures on a site.~~
 - ~~c. Picnic tables, sheds, water pumps, etc. that are accessory to a community garden shall be exempt from the location requirement specified in Section 3-201.B.4 above.~~~~
- ~~C. Outdoor cafés. Restaurants may establish on-site outdoor cafés as an accessory use. Such café areas shall be reviewed and approved through the applicable development review process as set forth in Article 4 of this Community Development Code and shall be exempt from parking requirements.~~
- ~~D. Solid waste containers/mechanical equipment.

 - ~~1. All solid waste containers, recycling or trash handling areas and outside mechanical equipment shall be completely screened on four sides by a fence, gate, wall, mounds of earth, or vegetation from view from public streets and abutting properties. If such screening is provided by means of a fence, gate, or wall, materials which are consistent with those used in the construction of and the architectural style of the principal building shall be utilized.~~
 - ~~2. Screening of mechanical equipment shall be accomplished in a manner that does not interfere with the proper operation and/or maintenance of such equipment.~~
 - ~~3. Solid waste containers shall be of a size sufficient to serve the use to which they are accessory.~~
 - ~~4. If it is necessary in order to accommodate a solid waste container in the redevelopment of an existing building, the required number of parking spaces may be reduced by a maximum of two spaces.~~
 - ~~5. Solid waste containers and recycling or trash handling areas shall be located to facilitate easy and safe access for pickup and shall be provided in accordance with Chapter 32 of the City Code.~~~~

DIVISION 2. - ACCESSORY USE/STRUCTURES

Section 3-201. – Purpose and applicability.

The purpose of this division is to establish standards for accessory uses of land, water, and buildings and accessory structures so as to contribute to the comfort and convenience of the principal use/structure, while not detracting from the character of the neighborhood.

Section 3-202. – Exemptions.

- A. For the purpose of calculating the gross floor area of the principal use as set forth in Section 3-203.C., the floor area of any attached garage or carport shall be included.
- B. A detached two-car garage that is accessory to a detached dwelling shall be exempt from the size limitations set forth in Section 3-203.C., provided there is no other garage located on the site.
- C. Garden centers shall be exempt from the size limitations set forth in Section 3-203.C.
- D. Swimming pools shall be exempt from the size limitations set forth in Section 3-203.C.
- E. A screen enclosure around a swimming pool shall be exempt from the maximum height requirement set forth in Section 3-203.D., with the limitation that it not exceed the height of the principal structure.
- F. Picnic tables, sheds, water pumps, etc. that are accessory to a community garden shall be exempt from the location requirement set forth in Section 3-203.A.
- G. Recreation equipment, including but not limited to: play apparatus, swing sets, slides, sandboxes, play houses and basketball hoops shall be exempt from the location requirement set forth in Section 3-203.A., as well as the size limitations set forth in Section 3-203.C. All such recreation equipment, however, must still meet applicable setbacks.
- H. Solid waste containers shall be exempt from the location requirement set forth in Section 3-203.A.

Section 3-203. – General standards.

- A. Accessory uses and/or structures shall not be located between the right-of-way and the principal structure except as may otherwise be permitted in Section 3-204.
- B. Accessory structures shall comply with those setbacks established in their respective zoning district.
- C. Accessory structures shall not cumulatively exceed 25 percent of the gross floor area of the principal use.
- D. Accessory structures shall not exceed 15 feet in height in any residential zoning district and no more than the height of the principal structure in any nonresidential zoning district. Accessory structures may be permitted up to 20 feet in height in any residential zoning district if approved through a Level One (flexible standard development) approval process. However, under no circumstances shall the height of an accessory structure exceed the height of the principal structure.
- E. Carports, garages or any structure used or intended to be used for the storage of any vehicle shall include a permanent and solid roof deck constructed with material such as asphalt shingles, metal, concrete tile, or wood. Fabric, canvas and canvas/fabric-like materials are prohibited.
- F. Accessory structures, with the exceptions as noted in this Section, which are used or intended to be used for recreational purposes such as shade structures for decks,

patios, pools, hot tubs, playground equipment, gardens and the like may include flexible roof material appropriate and rated for outdoor use such as Sunbrella and Sailrite.

- G. Accessory structures shall not be separately metered for electricity or water.
- H. Accessory uses shall not cumulatively exceed ten percent of the gross floor area of the principal use, except as may otherwise be permitted in this Code.
- I. An otherwise detached structure shall not be considered an accessory structure if it is connected to the principle structure by means of a breezeway, roofed passage or similar structure where the roofs are integrated.

Section 3-204. – Specific standards.

- A. *Community gardens.* Community gardens may be an accessory use and may be located between the right-of-way and the principal structure(s) provided that each of the following are met:
 - 1. The community garden shall not obstruct access to the primary use; and
 - 2. The community garden shall not be located within any required perimeter landscape buffer, interior landscape area, or foundation planting area.
- B. *Detached garages for attached dwellings.* Accessory detached garages may be located between the right-of-way and the principal structure(s) of an attached dwelling development containing more than 100 units. Such garages shall be reviewed and approved as part of a required Level One or Level Two development application for the attached dwellings as the case may be and shall demonstrate compliance with all of the following criteria and any other applicable provisions of the Community Development Code.
 - 1. The parcel proposed for development is not governed by any special area plan including but not limited to *Beach by Design*, the Clearwater Downtown Redevelopment Plan, the US 19 Corridor Redevelopment Plan, or located in any activity center, along a redevelopment corridor or view corridor identified on the Citywide Design Structure adopted in the Clearwater Comprehensive Plan.
 - 2. Such detached garages shall be setback at least 25 feet from the front property line and shall comply with the side setbacks of the zoning district in which the project is located.
 - 3. Such detached garages shall not obstruct access to the primary use.
 - 4. Such detached garages shall be designed as an integral part of the architectural design of the principal structures. The same materials, colors, roof design and other architectural details shall be incorporated into the design of the detached garages.
 - 5. Such detached garages that front along a street shall appear to contain habitable space through the use of windows, doors and other design elements consistent with the front façade of the principal structure(s).
 - 6. Such detached garages shall not exceed 80 feet in length and shall modulate horizontally or vertically by at least two feet for every 40 feet in length.
 - 7. Such detached garages shall not be converted to a residential dwelling unit.
- C. *Garden centers.*

1. Garden centers shall be designed with columns that are consistent with the architecture of the principal structure, and are connected by either black vinyl coated chainlink fence or black aluminum fence. The chainlink or aluminum fencing may also include windscreen; however the color of the windscreen must be consistent with the color of the principal structure.
 2. The storage of materials within the garden center, including the racks, shall not be visible above any fencing, walls or other screening.
 3. All areas of the garden center located beneath a roof or canopy that includes combustible materials, shall include a sprinkler system unless otherwise not required by the Fire Marshall.
 4. There shall be no sale of prepared foods.
- D. *Mechanical equipment.* Outdoor mechanical, electrical, and communication equipment, including heating, air conditioning, and ventilation equipment; venting and vent terminations for commercial hoods; electric meters; mechanical penthouses; electrical and communication equipment, panels, and cabinets; satellite dishes; and similar features shall be located and designed to meet all of the following standards:
1. Equipment shall be placed on roofs or to the rear or side of buildings and shall not be placed between any right-of-way and the principal structure(s).
 2. Equipment shall be exempt from side and rear setback requirements. However, no mechanical equipment shall be permitted within a side setback which has been reduced as part of a Level One or Level Two application.
 3. Equipment shall be screened from public view by landscaping, fencing, or architecturally-finished walls and/or enclosures designed to be compatible with the exterior facade of the building. Rooftop mechanical and elevator penthouses shall complement the design of street-facing building facades and shall be clad on all sides in the same or a material complementary to that used on street-facing facades.
- E. *Outdoor cafés.* A bar, brewpub, community facility, indoor recreation/entertainment facility, microbrewery, museum, nightclub, restaurant, take-out food establishment with no indoor seating, or other use which includes the sale and or consumption of food or drink as determined by the Community Development Coordinator may establish on-site outdoor cafés as an accessory use. Such café areas shall be reviewed and approved through the applicable development review process as set forth in Article 4 of this Community Development Code and shall be exempt from off-street parking requirements.
- F. *Outdoor retail sales and display.*
1. The outdoor retail sales and display area shall not encroach into any parking space, vehicular use area, landscape area, or right-of-way.
 2. The outdoor retail sales and display area shall not limit or restrict appropriate access to the building, including the provision of a required handicapped accessible route.
 3. The outdoor retail sales and display area shall not exceed four feet in height.
 4. Merchandise displayed outdoors must be items otherwise sold inside the principal building to which the outdoor retail sales and display area is associated

with, or items sold within a garden center as may be allowable pursuant to Section 3-204.C.

5. There shall be no sale of prepared foods.

G. Solid waste containers.

1. All solid waste containers, recycling or trash handling areas shall be completely screened on four sides by a fence, gate, wall, mounds of earth, or vegetation from view from public streets and abutting properties. If such screening is provided by means of a fence, gate, or wall, materials which are consistent with those used in the construction of and the architectural style of the principal building shall be utilized.

2. Solid waste containers shall be of a size sufficient to serve the use to which they are accessory.

3. If it is necessary in order to accommodate a solid waste container in the redevelopment of an existing building, the required number of parking spaces may be reduced by a maximum of two spaces.

4. Solid waste containers and recycling or trash handling areas shall be located to facilitate easy and safe access for pickup and shall be provided in accordance with Chapter 32 of the Code of Ordinances.

H. Swimming pools. Swimming pools and their associated decks that are 12 inches or less above grade shall be classified as an accessory structure. Swimming pools and their associated decks that are greater than 12 inches above grade shall be classified as a principal structure.

Section 12. That Article 3, Development Standards, Division 7, Erosion and Siltation Control, Community Development Code be amended to read as follows:

DIVISION 7. - EROSION AND SILTATION SEDIMENTATION CONTROL

Section 3-702. - Minimum criteria and design guidelines.

D. *Protection of existing storm sewer systems.* During construction, all storm sewer inlets receiving drainage from the project shall be protected by sediment traps, such as but not necessarily limited to secured synthetic hay bales, sod or stone, which shall be maintained and modified as required by construction progress and which shall be approved by the community development coordinator before installation. In no case shall sediment or debris be allowed to enter a public right-of-way or adjacent properties in such a manner as to create a traffic hazard, a public nuisance or a threat to existing drainage ways. Should the erosion and sedimentation controls shown on the plan be insufficient, it is the responsibility of the contractor to provide controls that perform adequately.

G. *Working in or crossing waterways or water bodies.* Land alteration and construction shall be minimized in all waterways and in a 25-foot-wide strip adjacent to the water, measured from the top of the bank of the waterway. Construction equipment and motor vehicles shall be kept out of waterways and the 25-foot buffer area whenever possible. Barriers shall be used to prevent access by construction equipment and motor vehicles. Where in-channel work cannot be avoided, precautions shall be taken to stabilize the work area during land alteration, development and construction to minimize erosion. If the channel or buffer area is disturbed during land alteration, it shall be stabilized within three calendar days after the in-channel work is completed. Silt curtains or other filter/siltation reduction devices shall be installed on the downstream side of the in-channel activity to alleviate increased turbidity. Wherever stream crossings are required, properly sized temporary culverts shall be provided and shall be removed when construction is completed. Upon completion of construction, the area of the crossing shall be restored to a condition reasonably equal to that which existed prior to the construction activity, or to a condition consistent with what is detailed in the development/building approval.

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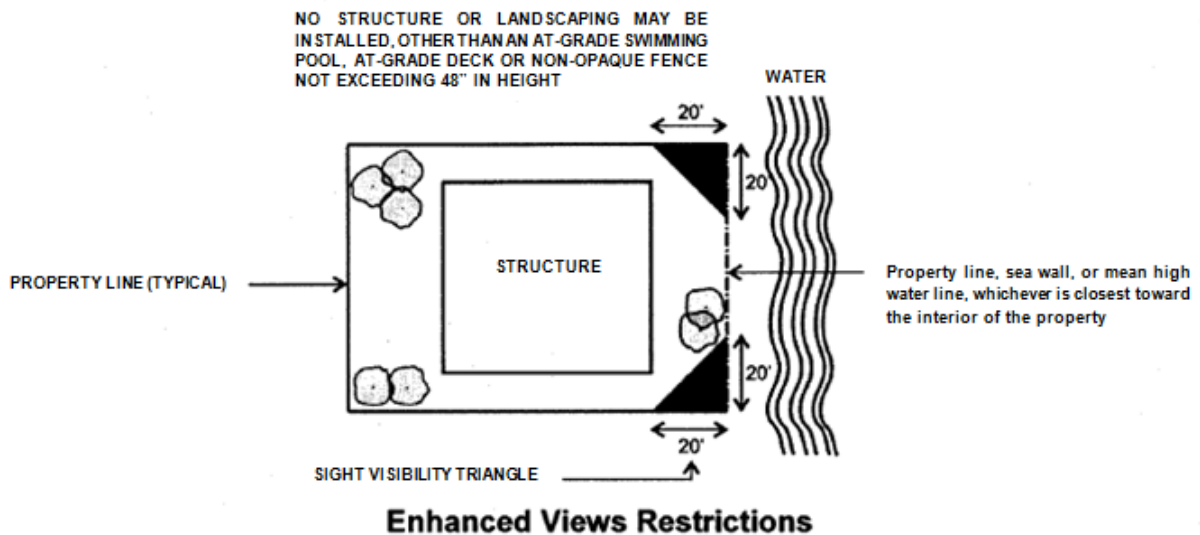
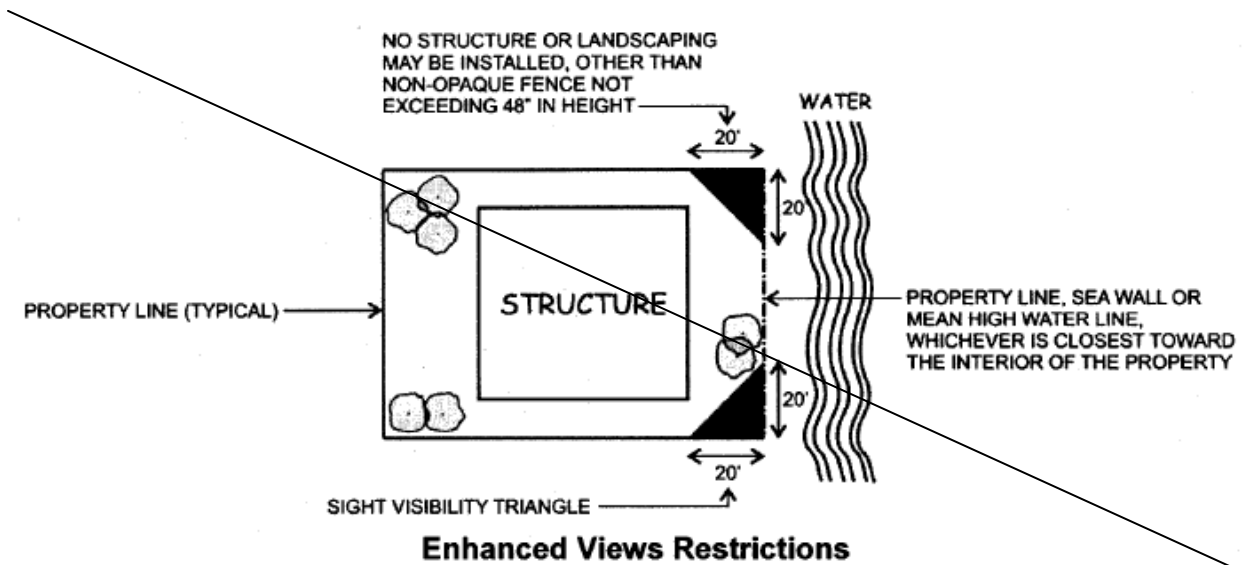
I. *Trench excavation.* The construction of underground facilities shall be accomplished in an expeditious manner, with backfill and restoration lagging no more than 400 100 feet behind excavation and installation. Where appropriate, excavated materials shall be cast onto the uphill side of any trench and shall not be cast into any channel or channel bank.

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Section 13. That Article 3, Development Standards, Division 9, General Applicability Standards, Section 3-904, Community Development Code be amended to read as follows:

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B. To enhance views of the water from waterfront property, no structure or landscaping may be installed, ~~other than a fence around a swimming pool or any non-opaque fences not exceeding 48 inches,~~ within the sight visibility triangle described in the following figure, ~~except as otherwise allowed in Article 3, Division 8~~ with the exception of an at-grade swimming pool, at-grade deck, and a non-opaque fence not to exceed 48 inches in height.



Section 14. That Article 3, Development Standards, Division 9, General Applicability Standards, Section 3-909, Outdoor Cafés Located Within Public Right(s)-of-Way, Community Development Code be amended to read as follows:

- A. *Applicability.* A bar, brewpub, indoor recreation/entertainment facility, microbrewery, museum, nightclub, restaurant, take-out food establishment with no indoor seating, or other use which includes the sale and or consumption of food or drink as determined by the Community Development Coordinator, may establish an outdoor café. Outdoor cafés shall be exempt from parking requirements.

Section 15. That Article 3, Development Standards, Division 12, Landscaping/Tree Protection, Section 3-1202, Community Development Code be amended to read as follows:

Section 3-1202. - General landscaping standards.

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D. *Perimeter buffers.* Except in the downtown or tourist districts, excluding the Old Florida District where landscaping requirements are defined in Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines, or in designated scenic corridors with approved special plans, landscaping shall be installed in a perimeter buffer in accordance with the standards in this division and the following table:

* * * * *

3. Front slopes of stormwater retention areas may comprise up to 50 percent of any required landscape buffer width, provided that the slope is 4:1 or flatter ~~and all required shrub plantings are not more than six inches below the top of the bank and provided that the buffer width is at least five feet in width.~~ Shade or accent trees may be planted along the top of bank down to the seasonal high water line, provided that they are a minimum of 12 feet apart on center and at least 5 feet away from pipes and control structures. Groundcover and ornamental grasses may be planted in swales.

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E. *Interior landscaping.*

~~1. Minimum interior landscaping standards - parking lots: Landscaping for the interior of parking lots shall provided in accordance with the following:~~

~~a. *Required interior islands.*~~

~~1. 10% of gross vehicular use area or 12% of gross vehicular area if parking spaces are greater than or equal to 110% of required parking shall be provided in an island.~~

~~2. Interior islands shall be incorporated into parking lot designs so that no more than 20 parking spaces are provided in a row.~~

~~b. *Depth of interior islands.* All interior landscape islands shall have a minimum depth that is consistent with the depth of the adjacent off-street parking space.~~

~~c. *Width of interior islands.* All interior landscape islands shall have a minimum width of 17 feet as measured from back of curb to back of curb.~~

~~d. *Required tr/plants in interior islands.*~~

~~1. One shade tree, or accent/palm equivalent, shall be provided in each interior landscape island.~~

~~2. One shade tree, or accent/palm equivalent, shall be provided per 150 square feet of required greenspace.~~

~~3. Shrubs shall be provided in an amount to equal or exceed 50% of the required greenspace.~~

~~4. Groundcover shall be utilized for required greenspace in lieu of turf.~~

- e. ~~Plantings associated with community gardens cannot be counted toward meeting the interior landscaping requirements.~~
 - f. ~~Exemption. If the paved vehicular use area has a square footage of less than 4,000, then it shall be exempt from the above requirements.~~
2. ~~Foundation plantings shall be provided for 100 percent of a building façade with frontage along a street right-of-way, excluding space necessary for building ingress and egress, within a minimum five-foot wide landscaped area composed of at least two accent trees (or palm equivalents) or three palms for every 40 linear feet of building façade and one shrub for every 20 square feet of required landscaped area. A minimum of 50 percent of the area shall contain shrubs with the remainder to be ground cover. Plantings associated with community gardens cannot be counted toward meeting a foundation planting requirement.~~
1. Foundation plantings.
- a. Foundation plantings shall be provided for 100 percent of a building façade with frontage along a street right-of-way, excluding space necessary for building ingress and egress, within a minimum five-foot wide landscaped area. A minimum of 50 percent of the area shall contain shrubs with the remainder to be ground cover.
 - b. Landscape materials required by Section 3-1202.E.2., below, cannot be counted toward meeting these foundation planting requirements.
 - c. Plantings associated with community gardens cannot be counted toward meeting a foundation planting requirement.
2. Parking lots. If the paved vehicular use area is greater than 4,000 square feet, then landscaping for the interior of parking lots shall be provided in accordance with the following:
- a. Required interior islands.
 - 1. 10 percent of gross vehicular use area or 12 percent of gross vehicular area if parking spaces are greater than or equal to 110 percent of required parking shall be provided in an island.
 - 2. Interior islands shall be incorporated into parking lot designs so that no more than 20 parking spaces are provided in a row.
 - 3. Interior islands incorporating bioswales shall not be required to provide curbing; however:
 - i. If curbing is provided, then breaks shall be incorporated that would allow water to enter the bioswales within the interior islands.
 - ii. If curbing is not provided, then a two-foot wide gravel buffer shall be constructed between the edge of the pavement and the bioswale.
 - 4. Depth of interior islands. All interior landscape islands shall have a minimum depth that is consistent with the depth of the adjacent off-street parking space.

5. Width of interior islands. All interior landscape islands shall have a minimum width of 17 feet as measured from back of curb to back of curb.

6. Required trees/plants.

- i. A minimum of one shade tree, or accent/palm equivalent, shall be provided in each interior landscape island.
- ii. One shade tree, or accent/palm equivalent, shall be provided per 300 square feet of required greenspace.
- iii. Shrubs shall be provided in an amount to equal or exceed 50 percent of the required greenspace.
- iv. Groundcover shall be utilized for required greenspace in-lieu of turf.

7. Plantings associated with community gardens cannot be counted toward meeting the interior island requirements.

b. Central landscape island.

1. Where a central landscape island is provided to allow for low impact development techniques, the width of the central landscape island shall be as follows:

- i. A minimum of 7.5 feet when no pedestrian path is provided; or
- ii. A minimum of 12.5 feet when a pedestrian path is provided. The pedestrian path shall be a minimum of five feet in width.

2. Central landscape islands incorporating bioswales shall not be required to provide curbing; however:

- i. If curbing is provided, then breaks shall be incorporated that would allow water to enter the bioswale within the central landscape island.
- ii. If curbing is not provided, then a two-foot wide gravel buffer shall be constructed between the edge of the pavement and the bioswale.

3. Required trees/plants.

- i. One shade tree, or accent/palm equivalent, shall be provided per 300 square feet of island area.
- ii. Shrubs shall be provided in an amount to equal or exceed 50 percent of the required greenspace.
- iii. Groundcover shall be utilized for required greenspace in-lieu of turf.

4. Plantings associated with community gardens cannot be counted toward meeting the central landscape island requirements.

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Section 16. That Article 3, Development Standards, Division 12, Landscaping/Tree Protection, Section 3-1204, Community Development Code be amended to read as follows:

Section 3-1204. - Installation and maintenance.

* * * * *

D. All Except as provided for in Section 3-1202, all landscaping required by this division must be protected from vehicular and pedestrian traffic by the installation of curbing and wheel stops, or other protective devices along the perimeter of any landscaping which adjoins vehicular use areas or sidewalks. These protective devices shall have a minimum height of six inches above grade.

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Section 17. That Article 3, Development Standards, Division 14, Parking and Loading, Section 3-1403, Community Development Code be amended to read as follows:

Section 3-1403. - Parking lot surfaces.

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B. *Grass surface.*

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4. All surface parking spaces provided in excess of the minimum required pursuant to Article 2 may be surfaced with reinforced grass or other permeable surface as approved by the City Engineer. However, all vehicular accessways and driveways for these excess parking spaces shall be improved in a manner consistent with Section 3-1403.A.

45. The city manager or the community development coordinator may permit parking on the grass or other permeable surface for public purpose needs, including reducing stormwater impacts.

56. Any grass parking areas must be a minimum of ten feet from any tree.

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Section 18. That Article 3, Development Standards, Division 15, Property Maintenance Standards, Section 3-1502, Community Development Code be amended to read as follows:

Section 3-1502. - Property maintenance requirements.

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J. *Vacant parcels.*

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2. Erosion and ~~siltation~~ sedimentation mitigation measures may be required if it is determined that runoff from a vacant parcel causes harm to adjacent property, city drainage systems or navigable waters which receive the runoff.

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Section 19. That Article 3, Development Standards, Division 19, Subdivision Design Standards, Section 3-1904.N., Community Development Code be deleted with subsections re-lettered as appropriate:

Section 3-1904. - Streets—Generally.

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~~N. When a local street is to give access to a platted property on one side but abuts unplatted property on the other side, a half-street with not less than a 30-foot right-of-way and 24-foot pavement width and with curb and gutter installed on one side only may be permitted by the city, provided that in its judgment the potential is high for future subdivision of the abutting unsubdivided property in a manner required the completion of the balance of the street by that subdivider in accordance with all other applicable standards and provisions of this development code.~~

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Section 20. That Article 3, Development Standards, Division 19, Subdivision Design Standards, Section 3-1906, Community Development Code be amended to read as follows:

Section 3-1906. - Dead-ends and culs-de-sac.

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B. Cul-de-sac or hammerhead turnarounds shall be provided at the end of all permanent dead-end streets with a 60-foot right-of-way approach. Cul-de-sac turnarounds shall have a right-of-way diameter of 400-140 feet and a pavement width diameter of 80-100 feet. Hammerhead turnarounds shall be 48 feet long on each side of the roadway terminus.

* * * * *

Section 21. That Article 3, Development Standards, Division 19, Subdivision Design Standards, Section 3-1912, Community Development Code be amended to read as follows:

Section 3-1912. - Stormwater drainage and retention.

A. An adequate stormwater drainage system, designed by a state registered professional engineer and subject to approval by the city engineer, including necessary open ditches, retention/detention areas, pipes, culverts, bridges, swales, bioswales, intersectional drains and drop inlets, shall be provided for the proper drainage of all surface water. Submission of design calculations shall be submitted in accordance with the city's stormwater drainage criteria manual.

* * * * *

D. Lots may be laid out so as to allow for the onsite retention of stormwater through the use of swales, bioswales, vegetative areas, or other techniques utilizing low impact development.

Section 22. That Article 4, Development Review and Other Procedures, Section 4-505, Hearing Officer Appeals, Community Development Code, be amended to read as follows:

Section 4-505. - Hearing officer appeals.

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B. At the hearing, the record before the community development board shall be received by the hearing officer. Additionally, oral argument may be presented by the appellant, applicant, city, the community development board, and any person granted party status by the community development board.

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Section 23. That Article 4, Development Review and Other Procedures, Section 4-1008, Comprehensive Sign Program, Community Development Code, be amended to read as follows:

In accordance with Article 3, Division 18, Section ~~3-1807~~ 3-1808 Comprehensive Sign Program, the procedures for review and approval follow here.

A. Information required for all applications. All applications for Comprehensive Sign Program approval shall include the following information:

* * * * *

9. Completed written responses to the Comprehensive Sign Program criteria, set forth in Section ~~3-1807~~ 3-1808.

* * * * *

D. Application and design review. Upon determination that a Comprehensive Sign Program application is complete, the community development coordinator shall review the application and determine whether the application demonstrates compliance with the requirements of the comprehensive sign program set forth in Section ~~3-1807~~ 3-1808. Within ten working days of completeness, the community development coordinator may grant approval, grant the approval subject to specified conditions or deny the application for comprehensive sign program. The review period of ten days may be extended by mutual consent of the applicant and the community development coordinator to allow revised materials to be submitted and reviewed for compliance with the requirements of the comprehensive sign program. Revised materials shall be submitted within the timeframe established by the community development coordinator but no more than 30 working days based on the extent of the deficiencies identified. If materials are not received within that timeframe, the application shall be deemed denied. If the resubmission material is submitted within the timeframe specified, the community development coordinator shall determine whether the resubmission materials

demonstrate compliance with the comprehensive sign program and shall either grant the approval, approve with conditions or deny the application.

* * * * *

Section 24. That Article 8, Definitions and Rules of Construction, Section 8-102, Definitions, Community Development Code be amended to read as follows:

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Bioswale means a shallow planted depression used to partially treat water quality, attenuate flooding potential and convey stormwater away from critical infrastructure (e.g. rain garden, vegetated swale).

* * * * *

Garden center means the outdoor retail sales and display of plant materials not grown on-site, garden tools, fertilizers, potting soil, mulch, rock and other garden supplies, including power equipment, such as garden tractors, lawnmowers, etc.

* * * * *

Low impact development means a stormwater management and land development strategy that emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

* * * * *

Museums means a building or buildings intended for the preservation and exhibition of artistic, cultural, historical, or scientific objects.

* * * * *

Problematic uses means commercial retail and service uses, including but not limited to, day labor, ~~tattoo parlors, body piercing,~~ pawn shops, check cashing centers and blood plasma centers which are typically characterized by poorly maintained facilities, loitering and other indices of neighborhood deterioration or urban blight.

* * * * *

Retail sales and services means a building, property, or activity the principle use or purpose of which is the sale or lease of goods, products, materials, or services directly to the consumer, including grocery stores, bicycle stores (sales, rentals and/or repair), adult day care, child care, personal services, tattoo parlor, animal grooming, art galleries, artisans, farmer markets, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and display of alcoholic beverages occupies less than 25 percent of the floor area of the use. Not including problematic uses, street vendors or the on-premise consumption of alcoholic beverages.

* * * * *

Tattoo parlor means an establishment practicing physical body adornment using, but not limited to, any of the following techniques: body piercing, branding, cosmetic tattooing, scarification, and tattooing. This definition does not include practices that are considered medical procedures by a state medical board, such as implants under the skin, which shall not be performed in a tattoo parlor.

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Section 25. That Appendix A – Schedule of Fees, Rates and Charges, VIII. Land Development, Community Development Code be amended to read as follows:

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(3) *Level Three.*

* * * * *

(f) Final plat~~300.00~~ 600.00

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Section 26. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 27. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City’s Comprehensive Plan.

Section 28. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 29. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 30. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos
Mayor

Approved as to form:

Attest:

Camilo A. Soto
Assistant City Attorney

Rosemarie Call
City Clerk