

ORDINANCE NO. 9857-25

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 3. DEVELOPMENT STANDARDS, SECTION 3-914 GENERAL STANDARDS FOR LEVEL ONE AND LEVEL TWO APPROVALS; BY AMENDING ARTICLE 4. DEVELOPMENT REVIEW AND OTHER PROCEDURES, DIVISION 1. REQUIRED PERMITS AND APPROVALS, DIVISION 2. GENERAL PROCEDURES, DIVISION 3. PERMITTED USES: LEVEL ONE, DIVISION 4. PERMITTED USES: LEVEL TWO, DIVISION 5. APPEALS, AND DIVISION 6. LEVEL THREE APPROVALS; BY AMENDING ARTICLE 5. DECISIONMAKING AND ADMINISTRATIVE BODIES, DIVISION 7. COMMUNITY DEVELOPMENT COORDINATOR; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater (the "City") adopted the Community Development Code (the "Code") on January 21, 1999, which took effect on March 8, 1999; and

WHEREAS, the City has made numerous amendments to the Code to account for changing conditions within the City; and

WHEREAS, the Governor of Florida signed into law Senate Bill 1080 (2025), An Act Relating to Local Government Land Regulation, which, among other changes, revises certain procedures and timeframes municipalities must follow when processing development applications and orders;

WHEREAS, amendments to the Code are needed to comply with statutory changes and provide clarification on certain development procedure; and

WHEREAS, the City has determined that these amendments to the Code promote and support the public health, safety, morals, and welfare, of the City's residents; and

WHEREAS, the City desires for the Code to function effectively and equitably throughout the City; and

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed this amendment, conducted a public hearing, considered all public testimony and has determined that this amendment is consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt this amendment; and

WHEREAS, the City Council has fully considered the recommendation of the Community Development Board and testimony and evidence submitted at its public hearing; now therefore,

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

Section 1. That Article 3. Development Standards, Division 9. General Applicability Standards, Section 3-914. General standards for Level One and Level Two approvals, Community Development Code, be renamed and amended to read as follows:

ARTICLE 3. - DEVELOPMENT STANDARDS

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DIVISION 9. - GENERAL APPLICABILITY STANDARDS

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Section 3-914. General standards for Level One (Flexible Standard Development) and Level Two approvals.

- A. Level One (Flexible Standard Development) applications, in order to be approved by the Community Development Coordinator, and Level Two applications, in order to be approved by the Community Development Board, shall meet each and every one of the following criteria:
1. The proposed development of the land will be in harmony with the scale, bulk, coverage, density, and character of adjacent properties in which it is located.
 2. The proposed development will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof.
 3. The proposed development will not adversely affect the health or safety or persons residing or working in the neighborhood of the proposed use.
 4. The proposed development is designed to minimize traffic congestion.
 5. The proposed development is consistent with the community character of the immediate vicinity of the parcel proposed for development.
 6. The design of the proposed development minimizes adverse effects, including visual, acoustic and olfactory and hours of operation impacts, on adjacent properties.

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Section 2. That Article 4. Development Review and Other Procedures, Division 1. Required Permits and Approvals, Community Development Code, be amended to read as follows:

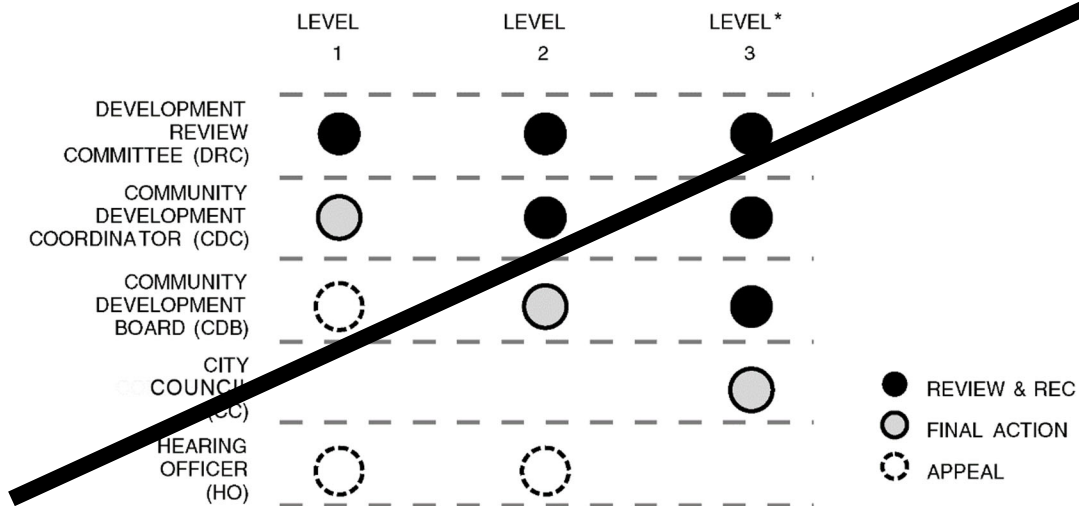
ARTICLE 4. - DEVELOPMENT REVIEW AND OTHER PROCEDURES

DIVISION 1. - REQUIRED PERMITS AND APPROVALS

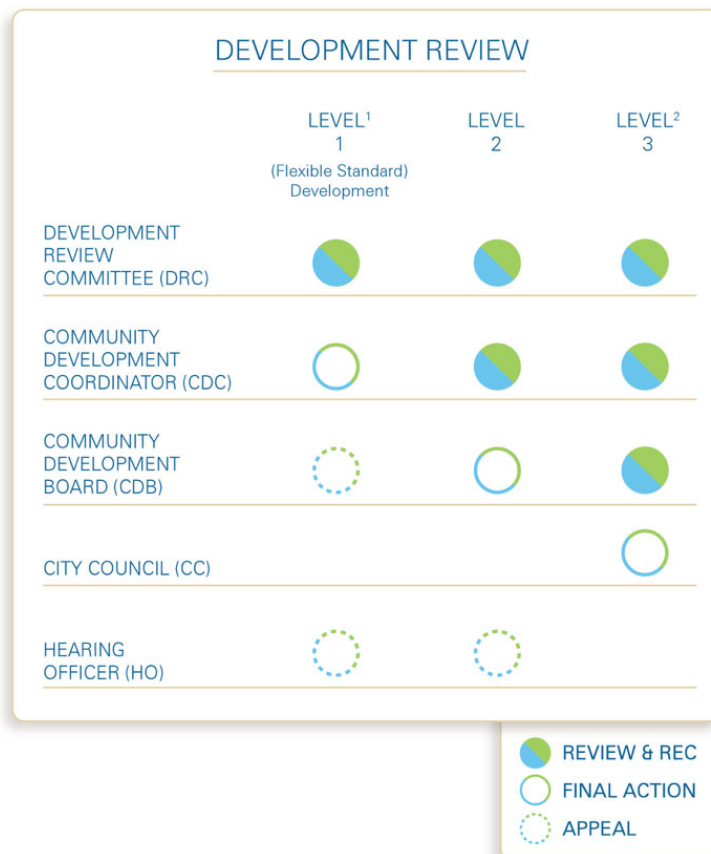
This Development Code establishes the following types of development approvals: Level One (Flexible Standard Development), Level Two, and Level Three. Level One (Flexible Standard Development) approvals involve those development proposals which are reviewed and approved by the city's professional staff. Level Two approvals are those development proposals which are more complex and involve the use of greater discretion by an appointed board accountable, through the appointment process, to the city ~~commission~~council. Level Three approvals are those approvals which state law requires action by the city council because they involve issues of public policy in the first instance. The following graphic portrays this concept of different levels of approval:

DELETE CURRENT GRAPHIC AND FOOTNOTES REPLACE WITH A NEW GRAPHIC AND FOOTNOTES

DEVELOPMENT REVIEW



* ~~Hotel Density Reserve Development Agreements are not reviewed by the Community Development Board. Both required public hearings take place before City Council.~~



1. Building permit applications that meet the requirements for Level One (Minimum Standard Development) shall not be required to complete a development application and may proceed through the building permit application review process.

2. Hotel Density Reserve Development Agreements are not reviewed by the Community Development Board. Both required public hearings take place before City Council.

The divisions in this article establish the requirements for each type of approval beginning with general procedures which are applicable to all three levels of approval and a graphic (flow chart) describing the process for each type of approval.

Section 3. That Article 4. Development Review and Other Procedures, Division 2. General Procedures, Community Development Code, be amended to read as follows:

DIVISION 2. - GENERAL PROCEDURES

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Section 4-202. Applications for development approval.

- A. All applications for development approval shall include the following information in addition to the information that the Community Development Coordinator may generally require unless waived or modified by the Community Development Coordinator:
1. An application with plans and relevant support materials (the number to be established by the Community Development Coordinator).
 2. Data sheet.
 3. Written responses (or narrative) explaining how compliance with the general applicability criteria and applicable flexibility criteria is being achieved by the development proposal.
 4. Affidavit to authorize agent/representative.
 5. If the application would result in the removal or relocation of mobile home owners residing in a mobile home park as provided in F.S. § 723.083, the application must provide information sufficient to show that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners. Mobile home owners shall be defined as those persons who own their coach but rent a lot space within the subject property and are subject to the provisions and protections provided for in F.S. Ch. 723. The application shall include the following information:
 - a. The total number of mobile homes in the park that are owned by mobile home owners; and
 - b. Monthly rent charged for each space occupied by a mobile home owner; and
 - c. A list of the names and mailing addresses of the present mobile home owners within the subject property. This list should identify those units that are suitable for moving and for which only vacant replacement lots will be identified; and
 - d. Household profile for each owner-occupied mobile home within the park, including number of adults, number of children, and whether pets have been allowed in the park. Replacement units identified should be suitable for similar household profiles; and
 - e. A list of other mobile home parks or other suitable facilities with vacant units available at the time of application that are of a similar cost profile to which owners residing in the subject property could reasonably expect to relocate. This list will include, at a minimum, name and address of the park, park contact name and phone number, the number of vacant spaces available and the cost of those spaces, park guidelines on age and condition of acceptable units, number of rental units available and the cost of those rentals. All parks or other suitable facilities must be located within a ten-mile

radius of the subject property and serve the same age, household, and occupancy profiles as the subject property.

- f. Any other information that the applicant deems necessary to demonstrate that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.

B. *Simultaneous applications.* If more than one approval is required (for example, Level One (Flexible Standard Development) and Level Three) for a particular development proposal, with the exception of an application for a building permit, certificate of occupancy or business tax receipt, an applicant may be required to submit all applications for development approval at the same time if the Community Development Coordinator determines it would be in the best interest of development of the City.

C. *Determination of completeness.*

1. *Determination of completeness.* Within 5 business days after receiving an application, the Community Development Coordinator shall notify the applicant of receipt of the application using contact information provided by the applicant. Within ~~7 business~~ seven working days after the published application deadline, the Community Development Coordinator shall determine whether an application is complete.

- a. *Application complete.* If the Community Development Coordinator determines that the application is complete, they shall notify the applicant in writing that the application has been accepted for filing.

- b. *Notice of application to abutting property owners.* After the Community Development Coordinator has accepted a Level One (Flexible Standard Development) or Level Two (Flexible Development) application for filing, notice of the application shall be mailed to each owner of record of any land within a 200-foot radius of the perimeter boundaries of the subject property. Notice shall also be mailed to any affected registered local neighborhood association and to any citywide neighborhood association. Notice shall be mailed ~~provided~~ no less than ten calendar days prior to the review of the application before the development review committee (determination of sufficiency). All notices shall include a summary of the proposal under consideration, the procedure for consideration of the application, the address of the subject property, and contact information for both the applicant and the city.

- c. *Application not complete.* If the Community Development Coordinator determines that the application is not complete, they shall notify the applicant, specifying the deficiencies of the application, and provide 30 calendar days for the applicant to submit the required information. No further development review shall be taken ~~by the community development coordinator until the deficiencies are corrected and the application is deemed complete.~~ If the required information is not submitted within the 30-day timeframe, the application will be deemed withdrawn. Further completeness timeline procedures are as governed by Fla. Stat. § 166.033, as may be amended from time to time.

- ~~2. *Determination of legal sufficiency: Level one (minimum standard development).* Within five working days after a determination that a level one (minimum development standards) application is complete, the community development coordinator shall determine whether the application is legally sufficient, that is whether the required application materials have been prepared in a substantively competent manner. If the community development coordinator determines that any portion of the application is insufficient, the community development coordinator shall notify the applicant of the reasons that the application is~~

~~legally insufficient, that the application is deemed withdrawn and no further development review shall be conducted until the application is resubmitted. Such notification shall constitute an administrative decision which may be appealed to the community development board pursuant to Section 4-501(A)(2).~~

23. Determination of legal sufficiency: Level One (Flexible Standard Development), Level Two or Level Three approvals.

- a. Within 2548 businessworking days after the published application deadline unless an application is incompleteafter a determination that the application is complete, the members of the development review committee in the case of Level One (Flexible Standard Development), Level Two, or Level Three approvals shall determine whether atthe completed application is legally sufficient, that is whether the required application materials have been prepared in a substantively competent manner. If any member of the development review committee determines that any portion of the application is insufficient, the Ccommunity Ddevelopment Cordinator shall notify the applicant of the reasons that the application is legally insufficient, that the application is deemed withdrawn and shall either 1. inform the applicant that and no further development review shall be conducted until the application is resubmitted or 2. if the application is determined to be legally insufficient in such a way that cannot be remedied, deny such application for legal insufficiency. Such notification shall constitute an administrative decision which may be appealed to the community development board pursuant to Section 4-501(A)(2).Any denial of an application for legal insufficiency shall constitute an administrative decision which may be appealed to the Community Development Board pursuant to Section 4-501.A.2 for a determination regarding whether or not the application is legally sufficient.
- b. If a Level One (Flexible Standard Development) application remains legally insufficient for 120 days after being deemed complete, the Community Development Coordinator shall deny the application unless the applicant and the City mutually agree to an extension of time.
- c. If a Level Two or Level Three (Zoning Atlas Amendment only) application remains legally insufficient for 180 days after being deemed complete, the Community Development Coordinator shall deny the application unless the applicant and the City mutually agree to an extension of time.
- d. The applicant may request to withdraw a Level One (Flexible Standard Development), Level Two, or Level Three application at any time during the development review process up until a final decision is rendered on the application.

D. *Review by development review committee.* After an application for development approval is determined to be complete and legally sufficient, the development review committee shall review the application in accordance with Division 3 of this Article if a Level One (Flexible Standard Development) approval, Division 4 if a Level Two approval and Division 6 if a Level Three approval.

E. *Issuance of development order.*

1. The Ccommunity Ddevelopment Cordinator shall issue a development order for a Level One (Flexible Standard Development) approval or denial.
2. The Community Development Coordinator shall issue a development order for a Level Two approval or denial after a decision is rendered on a Level Two application by the Community Development Board which shall contain all findings and conditions required by the Board.

- F. *Fees.* Except for those applications submitted on behalf of governmental agencies, all applications for development approval shall be accompanied by the payment of a fee established from time-to-time by the city ~~council~~commission and maintained as Appendix A to the City Code.
- G. *Resubmission of application affecting same property.*
1. No application shall be accepted during the following time periods after the denial of a substantially similar application affecting the same property or any portion thereof:
 - a. Nine months for Level Two approvals, except in the case of Level Two applications denied for legal insufficiency not appealed to the Community Development Board.
 - b. Twelve months for Level Three approvals, except in the case of Level Three applications denied for legal insufficiency not appealed to the Community Development Board.
 2. The time periods specified in this subsection shall be deemed to have commenced only after the completion of any administrative or judicial review which may have been sought.

Section 4-203. Building permit.

- A. *Permit required.*
1. No person shall commence any construction, demolition, modification or renovation of a building or structure without first obtaining a building permit.
 2. No seawall, bulkhead, groin, marine improvement, bridge or other similar marine structure shall be built within the city until the building official has issued a building permit for such work.
 3. A building permit shall authorize only the use, arrangement and/or construction permitted under Level One (Minimum Standard Development), described in a Level One (Flexible Standard Development) approval, and a Level Two approvals and no other use, arrangement or construction.
 4. Complete engineering and architectural plans for each component of a development project shall be required to be submitted prior to the issuance of a building permit. For any phased project, such plans shall be required for each phase of the development.
- B. *Procedure:* All applications for building permits shall be submitted in a form required by this Development Code and the building official. Upon receipt of an application, including a declaration of unity of title, in accordance with Article 4 Division 16, the building official shall forward a copy to the Community Development Coordinator in order to determine whether the application conforms to the Level One (Minimum Standard Development) requirements of this Community Development Code or conforms with a Level One (Flexible Standard Development) conforms to an approved Level One or Level Two approval. Upon receipt of the determination of the Community Development Coordinator, the building official shall determine whether the application conforms to all applicable requirements contained in the building code. If the building official and the Community Development Coordinator determines that the application does conform to all applicable standards, the building permit shall be issued. If the building official determines that the application does not conform to applicable building code provisions, or the Community Development Coordinator determines that the application does not conform to the applicable provisions of this Development Code or applicable development approval, they shall identify the application's deficiencies and deny the application.
- C. *Appeal:* A denial of a building permit may be appealed in the manner provided in Article 4 Division 5.

Section 4-207. Time frames for review of applications.

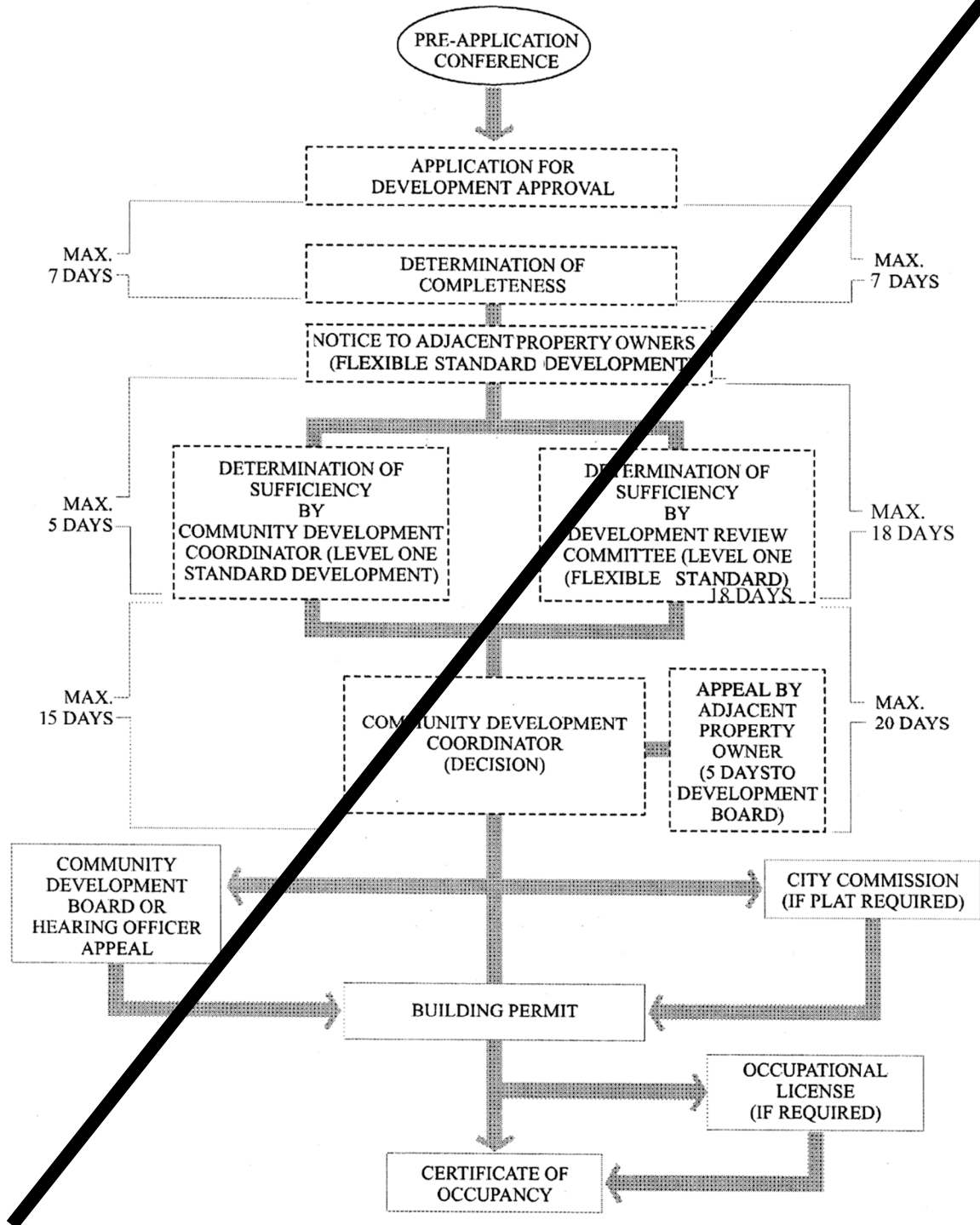
- A. *Level One (Flexible Standard Development), Level Two, and Level Three Approvals.* Consistent with the time limits and other requirements established in this Community Development Code, the Community Development Coordinator shall prepare an annual schedule based upon those requirements that specify the time frames for review of applications submitted for Level One (Flexible Standard Development), Level Two, and Level Three Approvals. The schedule shall utilize the calendar for the year and shall reflect the regular schedule of meetings of the development review committee, the Community Development Board, and the city council commission.
- B. *Extensions of time frames.* ~~After an application has been determined to be complete and legally sufficient, An applicant and the City may mutually agree to extend the established time frames for review especially in the case of extraordinary circumstances such as force majeure events. Substantive changes to an application made by the applicant shall restart the timeframes provided in this Development Code. A "substantive change" is defined as an applicant-initiated change of 15% or more in the proposed density, intensity, or square footage of a parcel, and decision for the purpose of evaluating information and/or collecting additional information necessary to make a decision.~~
- C. *Denial of Applications.* ~~Failure to act within established time limits. After an application has been determined to be both complete and legally sufficient for the purposes of further review, the application shall be deemed denied if the community development coordinator, the community development board, or any other administrative official or body, other than the city commission, fail to act as required within the time limits established by this Community Development Code or any mutually agreed extension of applicable time frame, or within the time limits provided by any other applicable law, rule, policy, or regulation then in effect. Any denial of an application shall be evidenced by a written order or notice to the applicant that includes citation to the applicable portions of the ordinance, rule, statute, or other legal authority for the denial of the application. Such a denial may be appealed as set forth in the provisions of Section 4-501, except denials by the city council commission shall be appealed by writ of certiorari to circuit court in accordance with applicable Florida law.~~

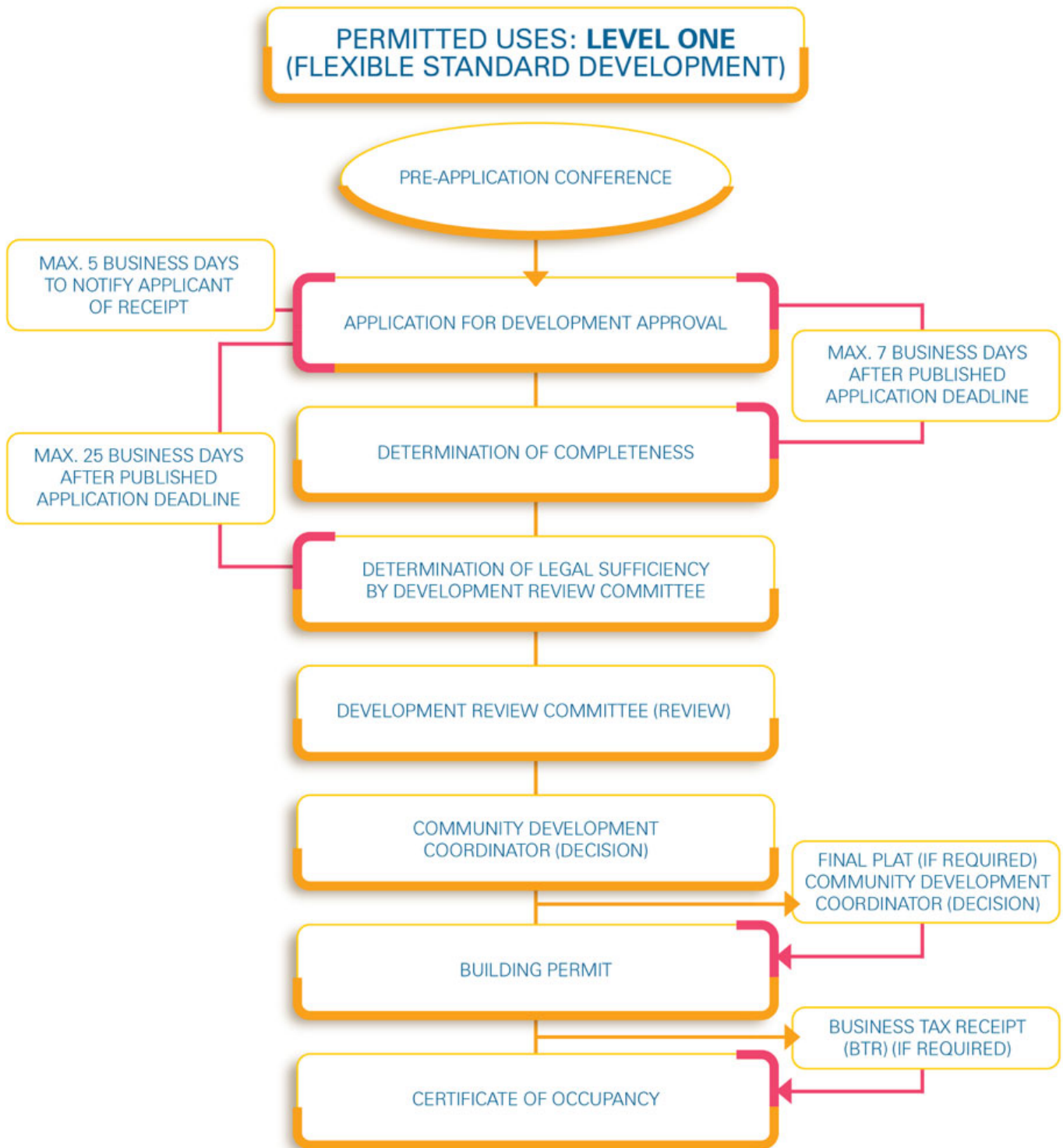
Section 4. That Article 4. Development Review and Other Procedures, Division 3. Permitted Uses: Level One, Community Development Code, be amended to read as follows:

DIVISION 3. - PERMITTED USES: LEVEL ONE

DELETE CURRENT GRAPHIC AND REPLACE WITH A NEW GRAPHIC

PERMITTED USES: LEVEL ONE





Section 4-301. - Purpose and applicability.

This division establishes the approval process for Level One approvals and affordable housing developments pursuant to Section 3-920. Depending on the proposed use and the zoning district in which the parcel proposed for development is located, the Level One approval submittal requirements and the scope of administrative review may vary. Depending on the nature and character of the use, the development project application may require a site plan, plat approval, transportation management plan and/or a traffic impact study, and/or a certificate of concurrency capacity, as part of its application for approval. After a Level One approval is obtained, a building and an occupancy permit are required, as well as any required licenses.

Section 4-302. Application/approval by Community Ddevelopment Coordinator.

A. Level One approval (M~~minimum development~~ S~~standards~~ Development).

1. Building permit applications that meet the requirements for Level One (Minimum Standard Development) shall not be required to complete a development application and may proceed through the building permit application review process. Building permit applications not satisfying Level One (Minimum Standard Development) shall require approval of a requisite development application as provided under CDC Section 4-202 before further processing. The determination that a development application is required shall constitute an administrative decision which may be appealed to the Community Development Board pursuant to Section 4-501.A.2. An applicant for a Level One approval (minimum development standards) shall submit an application in accordance with the requirements of Sections 4-202.A and F to the community development coordinator who shall review the application in accordance with the requirements of Sections 4-202.C and D and determine whether the application demonstrates compliance with the requirements of this Development Code. Within 15 working days of a determination of sufficiency, the community development coordinator shall approve the application, deny the application or approve with conditions necessary to make the proposed development conforming with the applicable general and specific requirements set out in Articles 2 and 3 including the provisions of Section 3-914 in regard to general standards for approval conditions.
2. It is acknowledged that changes of use may be proposed whereby conformance with all of the applicable general and specific requirements set out in Article 2 may not be possible or practicable. In those situations, the following provisions shall apply:
 - a. If there is no difference in the established development standards between an existing use and a proposed use that is permissible as a Level One (M~~minimum S~~standard Development) use in the zoning district of the subject property, then the change of use may be processed without need for a development approval~~as a Level One (minimum standard) approval~~ even if the structures and/or properties involved are nonconforming with regard to said development standards, provided that the site is brought into compliance to the greatest extent practicable with the parking and landscaping standards set out in Article 3 as determined by the Community Development Coordinator.
 - b. If there is a difference in the established development standards between an existing use and a proposed use that is permissible as a Level One (M~~minimum S~~standard Development) use in the zoning district of the subject property, but the proposed use would have a lesser impact, then the change of use may be processed without need for a development approval~~as a Level One (minimum standard) approval~~ even if the structures and/or properties involved are nonconforming with regard to said

development standards, provided that the site is brought into compliance to the greatest extent practicable with the parking and landscaping standards set out in Article 3.

- c. If there is a difference in the established development standards between an existing use and a proposed use that is permissible as a Level One (Minimum Standard Development) use in the zoning district of the subject property and the proposed use would have a greater impact, but still meet the parameters established below, then the change of use may be processed without need for a development approval as a Level One (minimum standard) approval even if the structures and/or properties involved are nonconforming with regard to said development standards, provided the site is brought into compliance to the greatest extent practicable with the parking and landscape standards set forth in Article 3.
 - 1. The building or tenant space, as applicable, is less than 5,000 square feet; and
 - 2. The change of use cannot create a nonconforming situation with regard to the provision of off-street parking. In the instance where the existing use is currently nonconforming with regard to the provision of off-street parking, the resulting change of use cannot exacerbate this nonconformity by more than ten percent; and
 - 3. Eligible uses include only offices, retail sales and services, and mixed-use (the commercial component of which may only include office or retail sales and services); and
 - 4. If the existing development was part of a Level Two (~~Flexible Development~~) development approval, then the proposed change of use must comply with the provisions of Section 4-406.
- d. With regard to the above provisions, "lesser impact" and "greater impact" shall be based upon the difference in development standards between the two uses.

B. ~~Level One approval (Flexible Standard Development) approval.~~ An applicant for Level One ~~approval (Flexible Standard Development) approval~~ shall submit an application in accordance with the requirements of Section 4-202, ~~{A}~~ and ~~{F}~~ to the ~~C~~community ~~D~~development ~~C~~oordinator who shall review the application with the development review committee in accordance with the requirements of Section 4-202, ~~{C}~~ and ~~{D}~~ and determine whether the application demonstrates compliance with this Development Code. Within 20 ~~business~~working days of a determination of legal sufficiency, the ~~C~~community ~~D~~development ~~C~~oordinator shall approve the application, ~~or~~ approve with conditions necessary to make the proposed development conforming with the applicable general and specific requirements set out in Articles 2 and 3, including the provisions of Section 3-913 in regard to general standards for approval conditions, or deny the application for failure to meet the applicable requirements and standards. Notwithstanding the foregoing, a Level One (Flexible Standard Development) application shall be approved, approved with conditions, or denied by the Community Development Coordinator within 120 days after being deemed complete unless the City and the applicant agree to an extension of time.

Section 4-303. Effect of Level One (~~Flexible Standard Development~~) approval.

A Level One (~~Flexible Standard Development~~) ~~A~~approval authorizes only the particular use approved and entitles the recipient to apply for a building permit or any other permit required by this Development Code, the city or regional, state or federal agencies. Such approval shall be evidenced by a written development order issued by the ~~C~~community ~~D~~development ~~C~~oordinator

and shall be effective upon the date the development order is issued. Unless otherwise specified in the Level One (~~F~~lexible ~~S~~tandard ~~D~~evelopment) approval, an application for a building permit shall be made within ~~1~~~~one~~ year of the date of the Level One (~~F~~lexible ~~S~~tandard ~~D~~evelopment) approval or such approval shall expire. Upon application for a building permit within the timeframe provided in this section, the Level One (Flexible Standard Development) approval shall remain valid unless the building permit is denied or revoked. In the event a building permit is denied or revoked within 6 months of the submittal of the initial building permit application, the Level One (Flexible Standard Development) approval shall expire at the end of the 6-month period unless a subsequent building permit application is filed before the expiration of this period. Otherwise, a Level One approval shall expire with denial or revocation of a building permit., and all required certificates of occupancy shall be obtained within two years of the date of issuance of the initial building permit. The permit must be obtained within six months of the initial permit application. This timeframe may be extended for an additional six months for cause by the community development coordinator.

Permitted time frames do not change with successive owners and an extension of time to initiate a building permit may be granted by the ~~C~~ommunity ~~D~~evelopment ~~C~~oordinator for a period not to exceed one year and only within the original period of validity. The ~~C~~ommunity ~~D~~evelopment ~~C~~oordinator may approve an additional extension of time not to exceed one year for good cause shown and documented in writing. The coordinator must receive the request for this extension within the one-year period of validity after the original time extension.

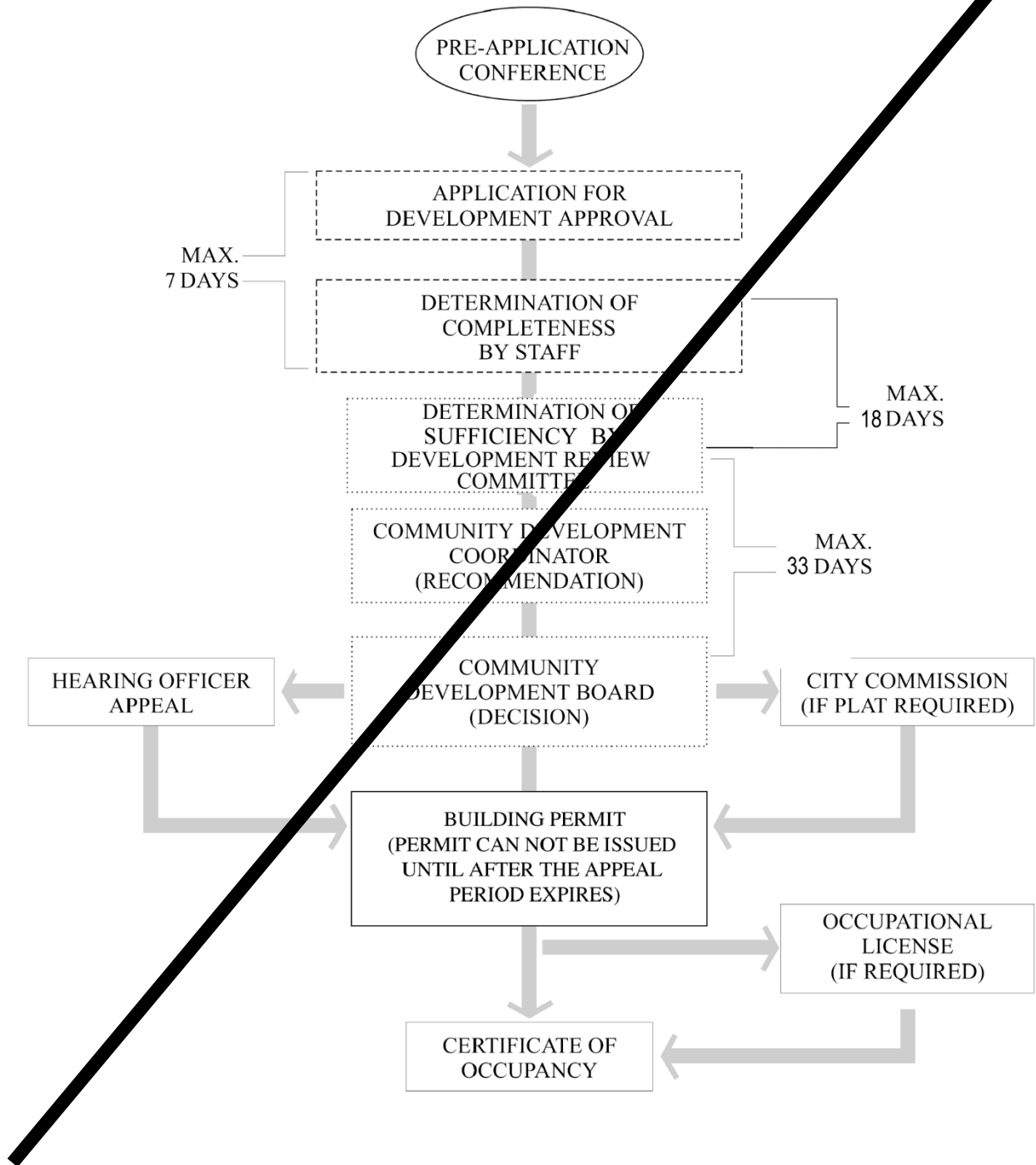
Good causes may include, but are not limited to, an unexpected national crisis (acts of war, significant downturn in the national economy, etc.), excessive weather-related delays, and the like. The ~~C~~ommunity ~~D~~evelopment ~~C~~oordinator may also consider whether significant progress on the project is being made and whether or not there are pending or approved Code amendments which would significantly affect the project. In the event a project is governed by a development agreement, the timeframes established in the agreement shall supersede ~~supercede~~ these requirements.

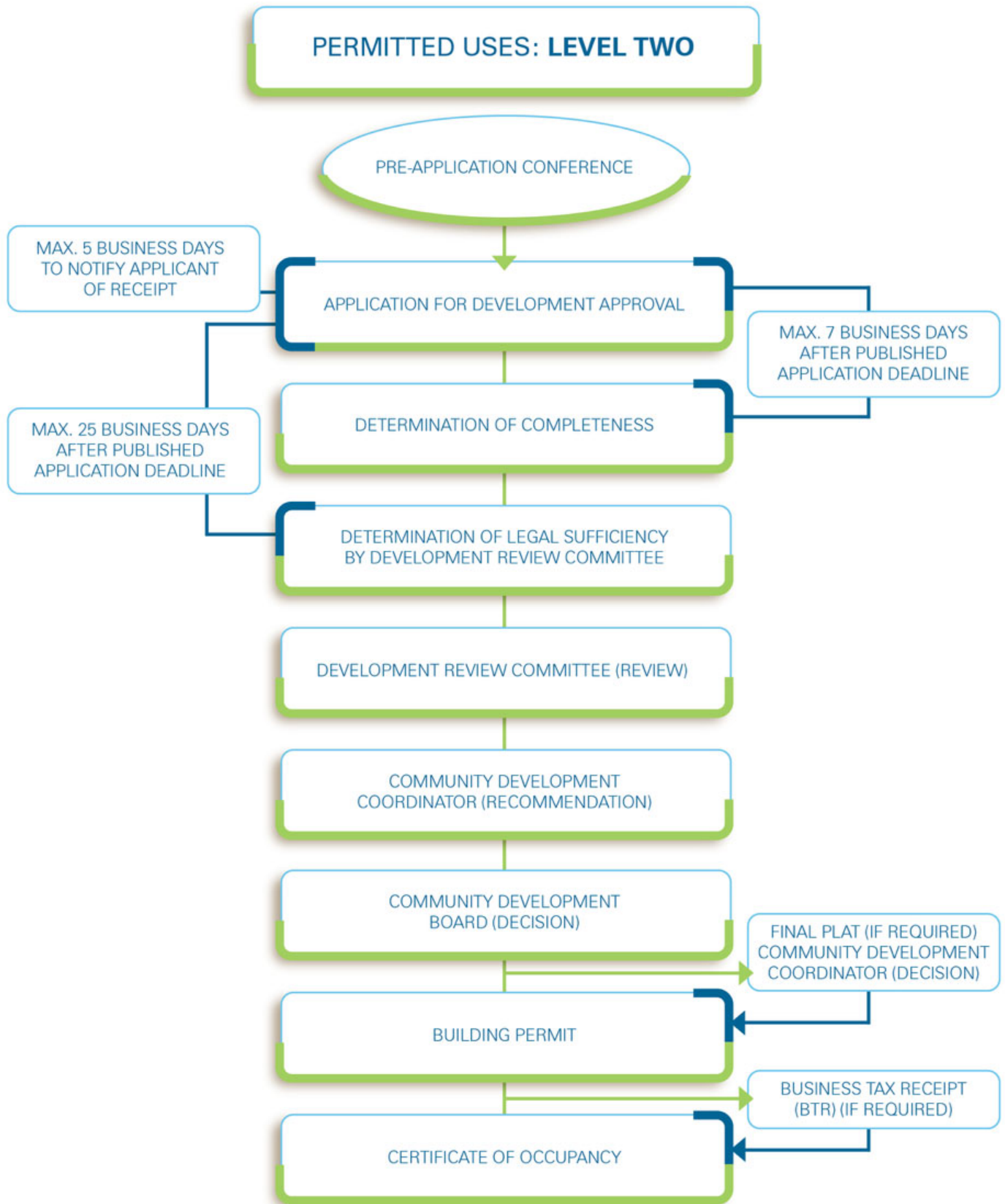
Section 5. That Article 4. Development Review and Other Procedures, Division 4. Permitted Uses: Level Two, Community Development Code, be amended to read as follows:

DIVISION 4. - PERMITTED USES: LEVEL TWO

DELETE CURRENT GRAPHIC AND REPLACE WITH A NEW GRAPHIC

PERMITTED USES: LEVEL TWO





Section 4-401. - Purpose and applicability.

This division establishes the approval required to commence development of a use in a zoning district which is identified in that district as requiring a Level Two approval ~~and affordable housing developments pursuant to Section 3-920~~. A Level Two approval is granted by the Community Development Board, based on a recommendation of the Community Development Coordinator. As with Level One approvals, depending on the nature and character of the use, the application may require a site plan, plat approval, transportation management plan and/or a traffic impact study, ~~and/or a certificate of concurrency capacity~~, as part of its application for approval. After a Level Two approval is obtained, a building and an occupancy permit are required, as well as any required licenses.

Section 4-402. Application.

An applicant for a Level Two approval shall submit an application in accordance with the requirements of Section 4-202, ~~(A) and (E)~~ to the Community Development Coordinator who shall review the application in accordance with the requirements of Section 4-202, ~~(C) and (D)~~.

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Section 4-404. Community development board decision.

- A. Upon receipt of the recommendation of the Community Development Coordinator, the Community Development Board shall review the application, the recommendation of the Community Development Coordinator, conduct a quasi-judicial public hearing on the application in accordance with the requirements of Section 4-206, ~~shall make findings of fact~~, and may grant the approval, grant the approval subject to specified conditions, or deny the application for development approval. Level Two approvals shall not be considered or construed as special exceptions or variances. The burden of proof in a Level Two case shall be upon the applicant to demonstrate to the Community Development Board that all required criteria for approval are met. The review and public hearing shall be held within ~~3833~~ business~~working~~ days after determination of legal sufficiency, unless the time frame is extended by mutual consent of the applicant and the city. The Community Development Board shall render a decision not later than 70 days after the initial hearing unless the time frame is extended by mutual consent of the applicant and the city. The Community Development Board shall attach such conditions to the approval which are necessary to ensure compliance with the applicable general and specific flexibility requirements and standards set out in Articles 2 and 3.
- B. Notwithstanding Subsection A., a legally sufficient Level Two application shall be approved, approved with conditions, or denied by the Community Development Board within 180 days after being deemed complete unless an extension of time is agreed to by the City and the applicant.

Section 4-406. - Changes to Level Two development approvals.

- A. *Minor revisions.* The Community Development Coordinator is authorized to allow minor revisions to an approved Level Two application~~approved~~ after receipt of comments from the development review committee. A minor revision is one which:

1. Does not result in conflicts in on-site circulation and/or negative impacts with ingress/egress.
2. Does not change the use unless such change is of a similar or less intensity, as determined by the community development coordinator.
3. Does not increase the density or intensity of the development
4. Does not result in a reduction of setback or previously required landscape area except in the case of the Downtown or US 19 Districts where a reduction in setback is permissible as a minor revision but an increase in setback will not be considered a minor revision.
5. Does not result in a substantial change to the location of a structure previously approved.
6. Does not result in a substantial modification or the cancellation of any condition placed upon the application as originally approved.
7. Does not add property to the parcel proposed for development.
8. Does not increase the height of the buildings in a manner that will change the overall height of the project, will not alter the scale of the project, does not exceed the maximum height permitted in by the applicable special area plan and zoning district.
9. Any other minor revision that does not substantially alter the character and design of the project.

B. *Other revisions.* Any other adjustments or changes not specified as "minor" shall be granted only in accordance with the procedures for original approval.

Section 4-407. Expiration of a Level Two approval.

Unless otherwise specified in the approval, an application for a building permit shall be made within ~~one~~ year of the date of the Level Two approval or such approval shall expire. Upon application for a building permit within the timeframe provided in this section, the Level Two approval shall remain valid unless the building permit is denied or revoked. In the event a building permit is denied or revoked within 6 months of the submittal of the initial building permit application, the Level Two approval shall expire at the end of the 6-month period unless a subsequent building permit application is filed before the expiration of this period. Otherwise, a Level Two approval shall expire with denial or revocation of a building permit. ~~and all required certificates of occupancy shall be obtained within two years of the date of issuance of the initial building permit. The permit must be obtained within six months of the initial permit application. This timeframe may be extended for an additional six months for cause by the community development coordinator.~~ Permitted time frames do not change with successive owners.

An extension of time to initiate a building permit may be granted by the Community Development Coordinator provided it is for a period not to exceed one year, is for the project originally approved and provided good cause is shown and documented in writing within the original period of validity. The Community Development Coordinator may also consider whether significant progress on the project is being made and whether or not there are pending or approved Code amendments which would significantly affect the project.

The Community Development Board may approve one additional extension of time after the Community Development Coordinator's extension to initiate a building permit application. Such extension shall not exceed one year, shall be for the project originally approved and shall be for good cause shown and documented in writing. The Community Development Board must receive the request for this extension within the one-year period of validity after the original extension approved by the Community Development Coordinator.

Good causes may include but are not limited to an unexpected national crisis (acts of war, significant downturn in the national economy, etc.), excessive weather-related delays, and the like. In the event a project is governed by a development agreement, the timeframes established in the agreement shall ~~supercede~~supersede these requirements. ~~The community development board may also consider whether significant progress on the project is being made and whether or not there are pending or approved Code amendments which would significantly affect the project. Amendments which will require no or minor amendments (as provided by [Section 4-406\(A\)](#)) may be approved. Amendments which will require a major revision to the subject project shall be required to be approved as part of a new Level Two application. Transfer of development rights are exempt from this provision.~~

Section 6. That Article 4. Development Review and Other Procedures, Division 5. Appeals, Community Development Code, be amended to read as follows:

DIVISION 5. – APPEALS

* * * * *

Section 4-502. - Application/notice of appeal.

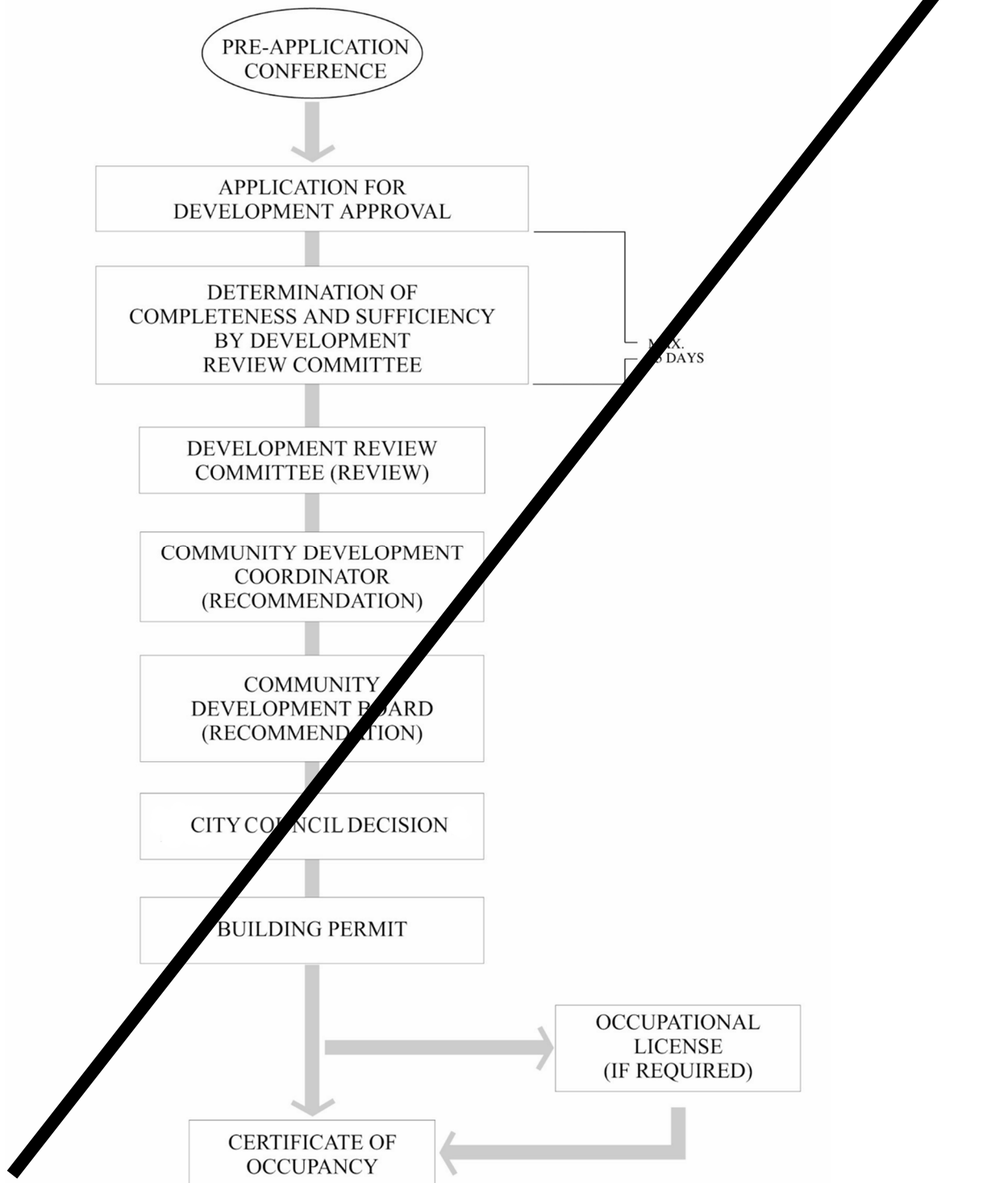
- A. An appeal of a Level One ~~(Flexible Standard Development) decision approval flexible standard~~ may be initiated by an applicant or property owners within the required notice area and who presented competent substantial evidence in the Level ~~4~~One review, which is the subject of the ~~decision approval~~ within seven days of the date the development order is issued. The filing of an application/notice of appeal shall stay the effect of the decision pending the final determination of the case.
- B. Appeal of all other applications other than a Level One (Flexible Standard Development) decision approval flexible standard may be initiated by the applicant, or by any person granted party status within 14 days of the decision. Such application shall be filed with the city clerk in a form specified by the Community Development Coordinator identifying with specificity the basis for the appeal and accompanied by a fee as required by Section 4-202.F(~~E~~). The filing of an application/notice of appeal shall stay the effect of the decision pending the final determination of the case.
- C. No building permit shall be issued for a Level Two or Level Three approval prior to the expiration of the appeal period.

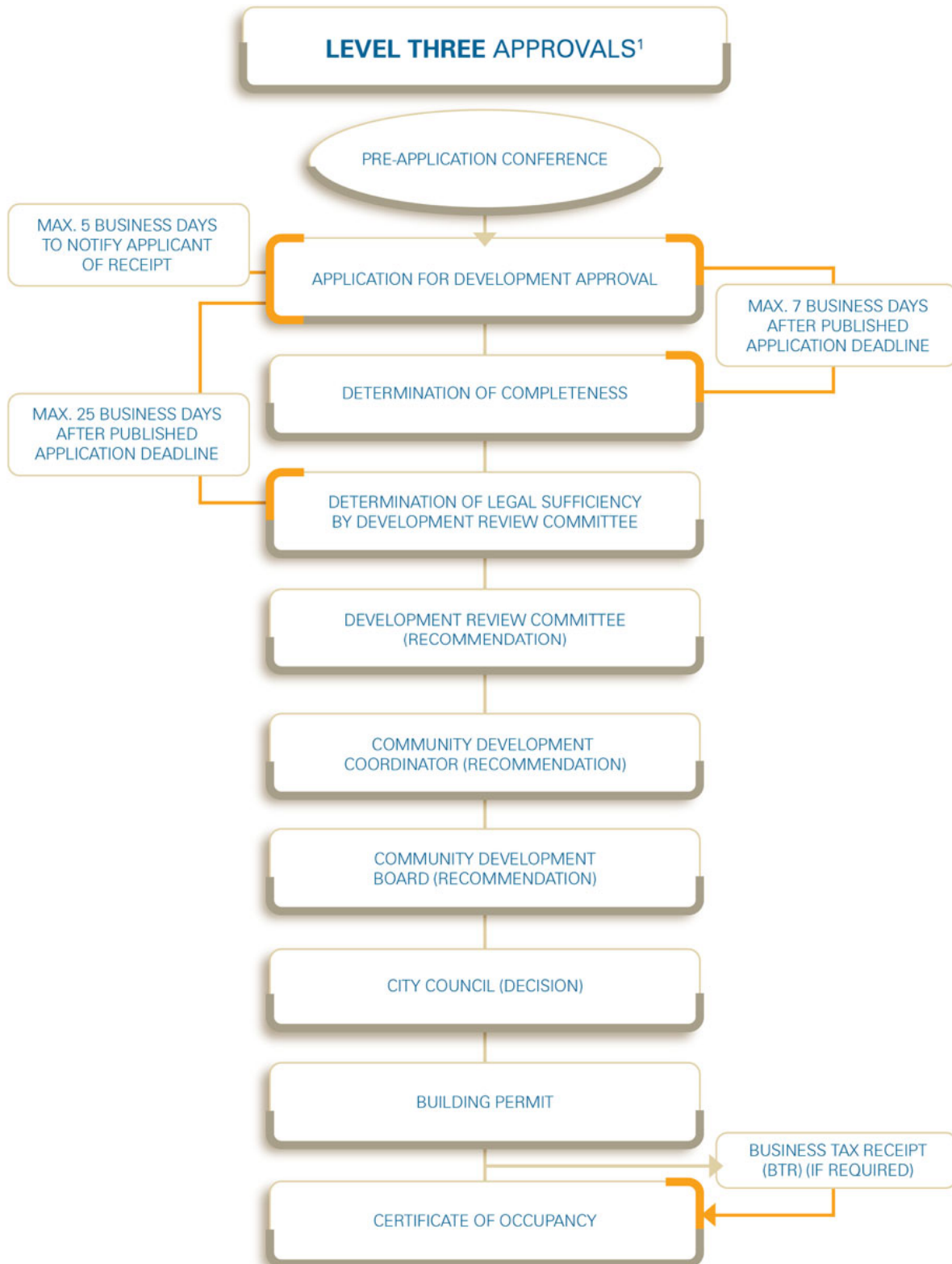
Section 7. That Article 4. Development Review and Other Procedures, Division 6. Level Three Approvals, Community Development Code, be amended to read as follows:

DIVISION 6. - LEVEL THREE APPROVALS

DELETE CURRENT GRAPHIC AND REPLACE WITH A NEW GRAPHIC

LEVEL THREE APPROVALS¹





1. Hotel Density Reserve Development Agreements follow a slightly different process and have both public hearings at City Council instead of one at the Community Development Board and one at City Council.

Section 4-602. Zoning Atlas amendments.

- A. *Purpose and applicability.* It is the purpose of this section to establish a procedure for amending the Zoning Atlas of the city in accordance with Florida Statutes.
- B. *Application/initiation requirements.* An application for an amendment of the Zoning Atlas of the city may be initiated by the Ccity Council, the Community Development Coordinator, the Community Development Board or by the owner of the property or his representative which is the subject of the amendment. Proposed Zoning Atlas amendment applications shall include such information as is applicable in Section 4-202.A and the fee required by Section 4-202.F.
- C. *Staff review and recommendation.* After the Community Development Coordinator has reviewed the application with the development review committee in accordance with the provisions of Section 4-202(C) and (D), ~~they~~he shall send a written report and recommendation to the Community Development Board, with a copy to the applicant, if any, setting forth whether the application should be approved, approved with conditions or denied and the grounds for such recommendation.
- D. *Community development board review/recommendation.* Upon receipt of the recommendation of the Community Development Coordinator, the Community Development Board shall conduct a public hearing on the application in accordance with the requirements of Section 4-206 and issue a recommended order to the city council setting forth the Board's findings in regard to whether the proposed amendment will satisfy the standards set forth in Section 4-602_{F} and may include any proposed modifications or conditions to the proposed amendment.
- E. *City council review/decision.* Upon receipt of the recommended order of the Community Development Board, the City Council shall conduct a public hearing in accordance with the provisions of Section 4-206 and shall approve, approve with conditions, or deny the amendment. Upon adoption of an ordinance amending the Zoning Atlas, the Zoning Atlas shall be deemed amended as of the effective date of the ordinance. The Community Development Coordinator shall revise and may republish from time to time the Zoning Atlas or portions thereof as amended, but a failure to revise or republish shall not affect the validity of any ordinance amending the Zoning Atlas. A legally sufficient Zoning Atlas Amendment application shall be approved, approved with conditions, or denied by the City Council within 180 days after being deemed complete unless an extension of time is agreed to by the City and the applicant.
- F. *Standards for review.* No amendment to the Zoning Atlas shall be approved unless the City Council finds that such amendment complies with the following standards:
 - 1. The proposed amendment is consistent with and furthers the goals, policies and objectives of the comprehensive plan and furthers the purposes of this Development Code and other city ordinances and actions designed to implement the plan.
 - 2. The available uses to which the property may be put are appropriate to the property which is subject to the proposed amendment and compatible with existing and planned uses in the area.
 - 3. The amendment does not conflict with the needs and character of the neighborhood and the city.
 - 4. The amendment will not adversely or unreasonably affect the use of other property in the area.

5. The amendment will not adversely burden public facilities in an ~~unreasonably~~unreasonable or disproportionate manner.
6. The district boundaries are appropriately drawn with due regard to locations and classifications of streets, ownership lines, existing improvements and the natural environment.

* * * * *

Section 8. That Article 5. Decisionmaking and Administrative Bodies, Division 7. Community Development Coordinator, Community Development Code, be amended to read as follows:

ARTICLE 5. - DECISIONMAKING AND ADMINISTRATIVE BODIES

* * * * *

DIVISION 7. - COMMUNITY DEVELOPMENT COORDINATOR

The Community Development Coordinator shall be the director of the community development department and is the official charged with the overall administration of this development code and shall have the following powers and duties:

POWERS & DUTIES	APPLICABLE PROCEDURES
Administer the provisions of this Development Code	
Delegate authority to appropriate City staff	
Interpret this Development Code	
Review and determine compliance of applications for development approval with this Development Code and <u>deny such applications for legal insufficiency when necessary</u>	
Coordinate the meetings and recommendations of the Development Review Committee	Section 4-202; Section 5-302
Approve applications for Level One Approval	Article 4, Division 3
Recommend approval of applications for Level Two and Level Three Approvals	Section 4-403 (Level Two); Article 4, Division 6 (Level Three)
Act as liaison between City departments and Boards	
Periodically review this Development Code and recommend adoption of changes as are appropriate	
Report to City Manager and City Attorney regarding administrative and enforcement issues	
Require inspections of property as needed to determine that the building, structure or use is in accordance with the terms of all approvals	

Section 9. 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 10. 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 11. 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 12. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 13. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Senior Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk