

**ORDINANCE NO. 9063-17**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, CALLING FOR A SPECIAL ELECTION; SUBMITTING TO THE CITY ELECTORS A PROPOSED AMENDMENT TO SECTION 2.01(d) 6 OF THE CITY CHARTER TO ALLOW THE CONSTRUCTION OF CERTAIN IMPROVEMENTS AND THE USE OF THE PROPERTY FOR OTHER THAN OPEN SPACE IN THAT AREA WEST OF OSCEOLA AVENUE BETWEEN DREW STREET AND PIERCE STREET LYING BELOW THE 28-FOOT MEAN SEA LEVEL ELEVATION, KNOWN AS THE DOWNTOWN CLEARWATER WATERFRONT; PROVIDING FOR A REFERENDUM ELECTION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in an effort to further existing initiatives, the City of Clearwater contracted with the Urban Land Institute (ULI) to evaluate the city's vision and strategies for the development of the downtown. The Urban Land Institute is the nation's premier nonprofit urban planning and real estate education and research institution representing the entire spectrum of land use and development disciplines; and

WHEREAS, Clearwater's downtown waterfront is a beloved civic asset; and

WHEREAS, the creation of a master plan for the downtown waterfront area was identified as a priority project by the Urban Land Institute (ULI) Advisory Services Panel during their study of Downtown Clearwater in June, 2014; and

WHEREAS, the City issued RFP #04-16 for consulting services to prepare a master plan for the Downtown waterfront/bluff area; and

WHEREAS, on April 21, 2016 the Clearwater City Council awarded a contract for professional services pursuant to RFP #04-16 to hire HR & A Advisors, Inc. for the Downtown waterfront master plan(*Imagine Clearwater*); and

WHEREAS, over the course of six months, the City engaged hundreds of Clearwater residents, business owners and other stakeholders who shared their broad visions and specific design and programming ideas for their future waterfront; and

WHEREAS, the City's consultant team conducted over 40 interviews with local stakeholders, including developers, real estate brokers, small business owners, and Downtown property owners; and

WHEREAS, the City hosted seven interactive community workshops in various Clearwater neighborhoods to share progress on *Imagine Clearwater* and allow members of the

community to engage directly with the planning and design team on specific elements of the plan including: a vision for the waterfront and bluff; the character of various places throughout the study area; the role of waterfront recreation, parks and open space, and economic development opportunity within the overall vision; and

WHEREAS, the City convened a group of 18 Clearwater residents active in resident affairs, the local business community, local institutions and community organizations to play a supporting role in the City's robust outreach process; and

WHEREAS, materials related to *Imagine Clearwater* were posted on a dedicated website and the City's Facebook page; and

WHEREAS, community members were invited to call and email the City to provide direct verbal feedback and engage with elements of the plan as it was formed; and

WHEREAS, the goal of the plan is to draw residents and visitors to the Downtown waterfront, catalyze greater Downtown activity and attract investment, and better connect the waterfront to the rest of Clearwater; and

WHEREAS, four key strategies underpin the recommendation of *Imagine Clearwater*: the waterfront must be anchored by a dynamic new open space; Coachman Park needs an active edge; an improved Osceola should complement Cleveland Street; and access to the site should incorporate all modes; and

WHEREAS, in order to realize the community's vision for *Imagine Clearwater*, an Action Plan provides a series of strategic implementation recommendations to serve as a starting point for the City and its partners to refine and advance; and

WHEREAS, City Council held a special meeting on February 21, 2017 to discuss *Imagine Clearwater*; and

WHEREAS, City Council received significant public support for the adoption and implementation of *Imagine Clearwater* at the February 21, 2017 special meeting; and

WHEREAS, Clearwater has a once in a lifetime opportunity to develop a transformative vision for its downtown waterfront; and

WHEREAS, City Council unanimously voted to adopt *Imagine Clearwater* by Resolution 17-13; and

WHEREAS, the Clearwater City Charter Section 2.01(d), Limitations, contains certain limitations on the legislative power of the City Council; and

WHEREAS, the Clearwater City Charter Section 2.01(d)(6) prohibits the development or maintenance for other than as open space and public utilities of certain property lying below the 28-foot mean sea level elevation of Osceola Avenue on the east, Clearwater Harbor on the west, Drew Street on the north and Chestnut Street on the south, and the Memorial Causeway without a referendum; and

WHEREAS, the Clearwater City Charter Section 2.01(d)(7) regulates property bounded by Drew Street on the north, Osceola Avenue on the east, Pierce Street on the south, and Clearwater Harbor on the west, and prohibits the lease, sale, donation or use of the property for other than City facilities without a referendum; and

WHEREAS, the City Council of the City of Clearwater having held a duly noticed public hearing, hereby finds that it is necessary in the interest of the public health, safety and welfare of the citizens of the City amend the Charter to provide for the implementation of Imagine Clearwater; now therefore:

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

Section 1. The foregoing prefatory clauses are hereby fully incorporated herein as findings of the City Council.

Section 2. In furtherance of the implementation of *Imagine Clearwater* as adopted by Resolution 17-13-it is hereby proposed that Section 2.01(d)(6) of the City Charter be amended as follows:

(d) Limitations. The legislative power provided herein shall have the following limitations:

\* \* \* \* \*

(6)

No municipal or other public real property lying west of Osceola Avenue, east of Clearwater Harbor between Drew and Chestnut Streets, being further described in Appendix A, and no municipal or other public real property constituting the Memorial Causeway or lands immediately contiguous thereto, more particularly described as:

That portion of Memorial Causeway (S.R. 60) a 1,200-foot-wide right-of-way, lying between the east abutment of the west bridge and the east line of Clearwater Harbor, and the submerged portions of Board of Trustees of the Internal Improvement Trust Fund Deed Numbers 17,500 and 17,502, shall be developed or maintained other than as open space and public utilities together with associated appurtenances, except upon a finding by the council at a duly advertised public hearing that such development is necessary in the interest of the public health, safety and welfare of the citizens of the city and approval of such finding at referendum, conducted subsequent to the public hearing.

For the purpose of this section "open space" shall include plazas, sidewalks, boardwalks, elevated walkways, paths, trails, roadways, stairs, benches, tables, water fountains, litter receptacles, lighting, wayfinding and similar amenities and surface parking. Except As an exception to the open space limitation contained herein, the following uses and facilities are allowed to be

constructed and maintained on that portion of the City owned property lying west of Osceola Avenue, east of Clearwater Harbor between Drew and Pierce Streets; ~~that~~ a city owned bandshell and associated facilities including removable seating; ~~may be constructed and maintained.~~; City-owned tennis courts and associated appurtenances; playground, splash pad, water features, artwork and similar amenities, may be constructed and maintained; public restrooms and park storage. Additionally, licensing of events, temporary booths for vending, and mobile concessions may be permitted.

Notwithstanding any provision of this section to the contrary, city owned public docks, promenade, side tie moorings and not more than 140 dedicated boat slips for recreational non-commercial vessels, together with public restrooms and dock master offices which shall not exceed 1,200 square feet and associated surface parking, may be constructed, operated and maintained in and on that portion of Clearwater Harbor and abutting uplands generally located south of Drew Street, north of Smith's Finger, east of the Intracoastal Waterway Channel and west of the Bluff as more particularly described in Appendix B. Potable water, shore power, sewage pump out and restroom facilities may be provided to and located on the slips, docks and moorings. The dockmaster's office may include coin-operated washers and dryers and sale of ice. The parking for the facility, which may be designated for use by slip tenants, shall be existing surface parking which shall be brought up to code and shall not result in any net loss of green space. City may permit ferries, water taxis, excursion boats and similar uses to access the docks for drop off and pick up of passengers, booths for ticket sales, and directional signage. The promenade shall be constructed on a portion of the footprint of the prior bridge. City council shall adopt by resolution regulations that provide city residents first priority for the dedicated boat slips and which ensure public access to the docks, boardwalks and promenade, however nothing herein shall prohibit fencing and gates for security. Concessions for rental of non-motorized recreational equipment, including but not limited to canoes, kayaks, paddleboards, and paddleboats may be permitted and a restroom and boathouse structure not to exceed 2,000 square feet for storage of said equipment may be permitted. Except for a ramp for launching of non-motorized recreational equipment, including but not limited to canoes, kayaks, paddleboards, and paddleboats, no boat launching ramps, fueling facilities or parking garage shall be permitted.

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Section 3. A referendum election is hereby called and will be held on November 7, 2017, at a special city election for the consideration of the voters of the City of Clearwater for the proposed question. The question to appear on the referendum ballot shall be as follows:

Improvements to and use of Downtown Clearwater Waterfront

Shall City Charter Section 2.01(d)(6) be amended as provided in Ordinance 9063-17 to allow construction and maintenance of certain improvements including playgrounds, water features, artwork, a boathouse, Marina office, restrooms, surface parking, roadways, plazas, sidewalks, trails, elevated walkways, boardwalks, benches, picnic tables, water fountains, litter receptacles and similar amenities, to support active and passive uses of the city owned Downtown Waterfront, generally bounded by Pierce St., Drew St., the Bluff and the water.

Yes \_\_\_\_\_ For amendment to City Charter

No \_\_\_\_\_ Against amendment to City Charter

Section 4. The City Clerk is directed to notify the Pinellas County Supervisor of Elections that the referendum item provided above shall be considered at the special election to be held on November 7, 2017.

Section 5. This ordinance shall take effect immediately upon adoption. The amendments to the City Charter provided for herein shall take effect only upon approval of a majority of the City electors voting at the referendum election on these issues and upon the filing of the Amended Charter with the Secretary of State.

PASSED ON FIRST READING  
AS AMENDED

\_\_\_\_\_

PASSED ON SECOND AND FINAL  
READING AND ADOPTED

\_\_\_\_\_

\_\_\_\_\_  
George N. Cretekos  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Pamela K. Akin  
City Attorney

\_\_\_\_\_  
Rosemarie Call  
City Clerk

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