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PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: June 16, 2020

AGENDA ITEM: F.1.

CASE: TA2020-03003

ORDINANCE NO.: 9387-20

REQUEST: To amend the City of Clearwater's Community Development Code to modify the comprehensive landscaping program, parking demand study, and temporary uses sections and to amend Appendix B US 19 Zoning District and Development Standards general provisions, regulating plan, and flexibility divisions

INITIATED BY: City of Clearwater, Planning and Development Department

BACKGROUND:

Proposed Ordinance 9387-20 represents the first substantive city-initiated update to the US 19 Zoning District and Development Standards (Appendix B of the Community Development Code) since it was adopted in February 2017. To date, one minor amendment was approved to incorporate references to medical marijuana treatment centers and dispensing facilities (2017) consistent with state legislation passed that same year, and two applicant-initiated amendments were approved to allow self-storage warehouses within the US 19 Regional Center on certain parcels within the District (2018 and 2019).

Since the adoption of the US 19 District, the city has processed permits for renovations of existing buildings, changes of use, and redevelopment projects of various scales including new drive-through restaurants and several large attached dwelling projects. This has allowed staff to assess the standards and the city's goals for the US 19 District. Proposed Ordinance 9387-20 is primarily focused on sections of the US 19 District and Development Standards addressing development exemptions and flexibility. It also updates the Regulating Plan maps to depict the location of key corners and to change the designated Frontage Type for one right-of-way. Staff has identified additional modifications to the development standards pertaining to the frontage,

site design, and building design standards which will be brought forward at a later date for City Council consideration.

ANALYSIS:

The proposed amendments address Division 1. General Provisions, Division 2. Regulating Plan, and Division 7. Flexibility within Appendix B, as well as certain changes to include the US 19 District within the Temporary Uses and Comprehensive Landscape Program sections of the Community Development Code, and to Parking Demand Study methodology approvals, as described below.

Section 3-1202.G. Comprehensive Landscaping Program (Pages 2-3 of the Ordinance):

The proposed amendment allows for the use of the Comprehensive Landscaping Program in the US 19 District where currently its use is not permitted. Adding the proposed criterion provides for potential flexibility in meeting required landscaping on sites where creative solutions are helpful and appropriate, but would not allow the program to be used to reduce pedestrian and landscape improvements required along frontages in the US 19 District.

Section 3-1401.C Parking Demand Study (Page 3 of the Ordinance):

The proposed amendment establishes City Engineer approval of parking demand study methodology prior to commencement of such a study being used to support a request for flexibility.

Section 3-2103 Temporary Uses (Pages 3-4 of the Ordinance):

This section of the Community Development Code provides governance for the various temporary uses permitted in the City, and specifically outlines in which Districts they may be allowed. In 2017 when the US 19 District was established, this section of the Code was inadvertently overlooked. This proposed amendment clarifies which temporary uses would be permitted within the US 19 District – primarily those which are allowed in the Commercial (C) District as well as those which apply to residential uses such as block or neighborhood parties or garage sales.

Appendix B, Division 1. Section B-103 Organization of Standards and Section B-104 Applicability of Development Standards (as proposed to be renamed) (Pages 4-7 of the Ordinance):

Section B-103 Organization of Standards provides an overview of the various components of the US 19 Zoning District and Development Standards. Subsequent to the adoption of this District, the city developed new standards for its Downtown (D) District modeled after the US 19 District.

Certain terminology and organizational changes were made at that time based on staff's experience to date implementing the US 19 standards, and the proposed amendments bring consistency between the two Districts.

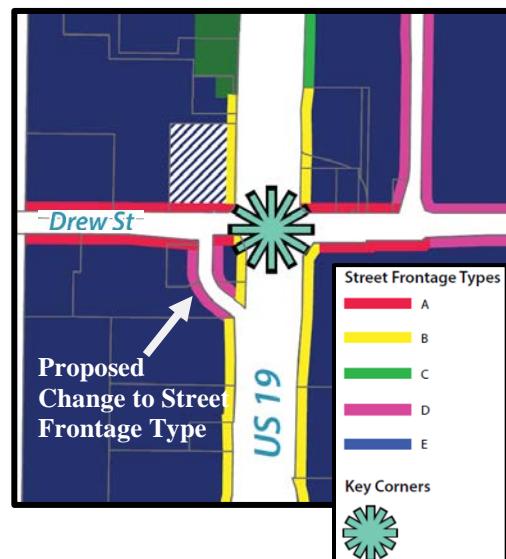
Section B-104 Applicability of Development Standards establishes certain situations in which development projects may be exempt from all or portions of the District's standards. Many of the proposed amendments in this section incorporate descriptions of referenced Code sections and other minor modifications for consistency between Districts as previously stated. Additionally, state statutes governing mobile home parks allow for the application of those standards which were in place at the time of park approval to continue to apply; therefore, this reference is proposed to be added.

Several of the development applications and permits approved thus far within the US 19 District utilized the provisions for Improvement, Remodel or Reconstruction projects (B-104.C.6), generally referred to as the "25% rule". Such projects that do not exceed 25% of the total assessed building value as reflected in the Property Appraiser's current records at the time of application are exempt from the US 19 District and Development Standards; however, the proposed Ordinance would establish that any new floor area must comply with the setbacks established in Division 4 "... to the greatest extent practicable as determined by the Community Development Coordinator" (i.e., the Director of Planning and Development). This allows for continued reinvestment in existing structures while furthering the transition over time towards compliance with the setbacks which apply to new construction in the District. This same language is proposed for projects which exceed 25% of the total assessed value, and to new floor area for internal buildings and additions 200+ feet back from US 19.

Appendix B, Division 2. Regulating Plan (Pages 7-13 of the Ordinance):

Development within the US 19 District is regulated by subdistrict and street frontage type, both of which are depicted on a series of maps called the Regulating Plan (Figure 1). Additionally, several "key corners" are established which are required to have active uses and meet minimum height requirements. These key corners are not currently depicted on the Regulating Plan, but are listed within Appendix B, Division 3. Proposed Ordinance 9387-20 updates Figure 1. Regulating Plan to depict the key corners on the maps.

Additionally, this ordinance proposes to amend the designated Street Frontage Type from B to D for



properties on the east and west side of an unnamed right-of-way located on the south side of Drew Street, approximately 140 feet west of US 19 (see inset map). The proposed change would apply to the eastern side of the Campus Walk retail plaza located at 2551 and 2571 Drew Street and the western side of the FDOT stormwater pond located at the southwest corner of Drew Street and US 19. Parcel boundaries show this right-of-way connects Drew Street to US 19; however, access was removed years ago when FDOT installed the stormwater pond located on the southwest corner of US 19 and Drew Street (east side of this right-of-way). Street Frontage Type B applies to parcels with frontage on US 19 and Street Frontage Type D is applied to areas not directly abutting US 19 or the major cross streets. Therefore, Street Frontage Type D is an appropriate designation for these parcels.

Appendix B, Division 7. Flexibility (Pages 14-16 of the Ordinance)

Where flexibility to US 19 District standards is permitted, it is defined within Appendix B, Division 7. The establishment of flexibility was deliberate and limited because this is a form-based code designed to create a predictable and consistent pattern of development as properties redevelop. In addition to some minor organizational changes and additional descriptions, similar to what is proposed in the previously discussed divisions, this ordinance proposes the following:

- Establish new flexibility provision for parking to allow additional reductions to required parking beyond those possible through the parking reduction factors outlined in Table 3 based on the provision of a parking demand study
- Modify flexibility for building setbacks, as established in Division 4. Street Frontage Standards, to allow for front setbacks less than the minimum required in Division 4 for lots that have various constraints such as irregular shapes or natural features which make it difficult to meet the required setbacks; limits size reductions to walkways to 20% and requires a Comprehensive Landscape Program application to reduce any required landscape areas
- Modify flexibility for Special Project Types with “employment intensive land uses” to reduce the acreage threshold from 10 acres to 5 acres

CRITERIA FOR TEXT AMENDMENTS:

CDC Section 4-601 sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.

A review of the Clearwater Comprehensive Plan identified the following goals, objectives and policies which will be furthered by the proposed Code amendments:

Objective A.5.5 Promote high quality design standards that support Clearwater's image and contribute to its identity.

Policy A.5.5.6 Implement design standards for US Highway 19, which has transitioned from a roadway providing land access to a controlled access highway with ramps that are located less than two miles apart. Such standards should allow for higher intensities and a mix of land uses to allow for greater employment opportunities along the corridor, while improving accessibility and safety for cars, people and bicycles.

Policy A.6.1.6 Land use decisions in Clearwater shall support the expansion of economic opportunity, the creation of jobs and training opportunities as well as the maintenance of existing industries through establishment of enterprise zones, activity centers and redevelopment areas and by coordination with the Chamber of Commerce, Tourist Development Council and other economic development organizations and agencies.

Policy A.6.1.11 US Highway 19 is recognized on the Countywide Plan Map as a Multimodal Corridor (MMC), with major intersections designated as Activity Center (AC). The applicable Multimodal Corridor and Activity Center subcategories are shown on the Transit-Oriented Land Use Vision Map within the Countywide Plan Strategies.

Policy A.6.1.12 Redevelopment of US Highway 19 shall be encouraged through the establishment of development standards which implement the Planning and Urban Design Principles within the Countywide Plan Strategies by allowing for more intense development while also promoting more employment-intensive, transit- and pedestrian-supportive development, establish mixed-use destinations and providing safe and attractive settings for working, living and shopping. These standards should:

- a. Concentrate office and other employment-intensive uses in places with easy access to US 19;
- b. Provide for retail, entertainment and other uses that serve the needs of surrounding neighborhoods;
- c. Promote high-intensity uses in close proximity to potential or planned transit routes;
- d. Lessen demands on local and regional street network by maximizing opportunities for the localization of work, shopping and leisure trips;
- e. Support shared parking and “park once” trips;

- f. Promote active lifestyles by encouraging walking and biking as convenient alternatives to automobile travel; and
- g. Contribute to street-level pedestrian activity and the informal surveillance of public spaces.

Objective A.6.2 The City of Clearwater shall continue to support innovative planned development and mixed land use development techniques in order to promote infill development that is consistent and compatible with the surrounding environment.

The City's Comprehensive Plan has always incorporated policies related to the need for redevelopment and expansion of economic opportunities within the city. The establishment of the US 19 Zoning District and Development Standards in 2017 was a critical step in supporting these economic goals while creating a corridor that has a cohesive design and form as it redevelops. Many of the proposed changes are minor and intended to provide clarity for those using the US 19 Code. The proposed allowance of the use of the Comprehensive Landscape Program within the US 19 District further supports Objective A.6.2 by continuing to support development while ensuring high quality landscape designs and solutions. The proposed addition of flexibility to further reduce required parking and the reduced threshold for parcel size for special project types with employment-intensive land uses further the District's goals of creating "more employment-intensive, transit- and pedestrian-supportive development, establish mixed-use destinations and providing safe and attractive settings for working, living and shopping." Overall, the goals, objectives and policies of the Comprehensive Plan will be furthered by Ordinance 9387-20.

2. The proposed amendment furthers the purposes of the Community Development Code and other City ordinances and actions designed to implement the Plan.

The proposed text amendment will further the purposes of the CDC in that it will be consistent with the following purposes set forth in CDC Section 1-103:

Sec. 1-103.A. It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city.

Sec. 1-103.B.1. Allowing property owners to enhance the value of their property through innovative and creative redevelopment.

Sec. 1-103.E.2. Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city.

The amendments proposed by this ordinance will further the above referenced purposes of the Community Development Code by implementing the aforementioned goals, objectives and policies of the Comprehensive Plan; by providing additional flexibility and clarity for property owners wanting to enhance their values through redevelopment; and by clarifying and establishing reasonable standards which encourage orderly development. As such, proposed Ordinance 9387-20 furthers the purposes in the CDC.

SUMMARY AND RECOMMENDATION:

The proposed amendment to the Community Development Code is consistent with and will further the goals of the Clearwater Comprehensive Plan and the purposes of the Community Development Code. Based upon the above, the Planning and Development Department recommends **APPROVAL** of Ordinance No. 9387-20 that amends the Community Development Code.

Prepared by Planning and Development Department Staff:


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ATTACHMENTS: Ordinance No. 9387-20
Resume