



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE:	January 21, 2025
AGENDA ITEM:	ID#24-1601
CASE:	TA2024-07002
ORDINANCE NO.:	9805-25
REQUEST:	Amendments to the Community Development Code to establish standards for artificial turf, require landscaped areas in front yards for residentially zoned properties, and make other associated updates.
INITIATED BY:	City of Clearwater, Planning and Development Department

UPDATE FOR CITY COUNCIL

The Community Development Board, in its capacity as the Local Planning Agency (LPA), reviewed the proposed amendments to the Community Development Code at its meeting on January 21, 2025, and recommended approval with certain modifications and considerations as follows:

1. Clarify that the requirement to bring existing lots into compliance with the landscaping standards to the greatest extent practicable if the existing use is improved or remodeled in a value of 25 percent or more, as established by Section 3-1202.A.3.a, is applicable to properties other than single-family detached dwelling and two-family attached dwelling properties.
2. Consider modifying proposed Sections 3-1202.E.2.a.6.v and 3-1202.E.2.b.3.iv to permit the use of artificial turf in required interior and central landscape islands.
3. Consider incorporating licensure requirements into proposed Section 3-1203.E.12 to provide clarity regarding who would qualify as a “professional with experience in installation of artificial turf”.

Additionally, while not incorporated into the Board’s motion for approval, the Board discussed the desire to allow for an independent appraisal to be used for the determination of 25 percent of the value of the principal structure, in addition to the value reflected in the property appraiser’s records, as established in Section 3-1202.A.3.a.

Proposed Ordinance No. 9805-25 addresses the Board's recommended clarification detailed in number 1., above. Additionally, staff has incorporated, for the City Council's consideration, changes to Sections 3-1202.A.3.a. and 3-1401.B.3.a to provide that an independent appraisal may also be used to determine 25 percent of the value of the primary structure which, if exceeded, would require improvements to landscaping and parking. While the Board's discussion was focused on the provisions in the landscape code, this same language is utilized for parking. The proposed language is consistent with comparable provisions in the US 19 and Downtown Districts.

No further modifications are recommended to address the Community Development Board's suggestions detailed in numbers 2. and 3., above, for the following reasons. The proposed ordinance includes provisions to address any properties that have installed artificial turf prior to the enactment of the ordinance, permitting such artificial turf to remain, if maintained. Existing properties that may have installed artificial turf in required landscape islands would not be impacted by the proposed prohibition. Section 1-103 details the general purposes of the Community Development Code, adopted in 1999, which recognizes the different factors the City of Clearwater faces as a redevelopment community compared to other cities that have more vacant land for new development. Beautification of the city is a high priority, as is the preservation of natural resources and the aesthetic character of the community for both the resident and tourist populations. The transformation of the city aesthetically is noticeable and has been possible through both full redevelopment of properties and the incremental improvements to parking and landscaping required through the Sections referenced above. Landscape islands provide opportunities for shade and live plant materials within parking areas, and the standards have been amended in the past to address past deficiencies (i.e., larger islands spaced further apart to allow more room for trees to grow). The prohibition of the use of artificial turf is proposed to be stated for clarity to property owners but is not otherwise a change to current landscape standards.

Staff explored additional options to address the Board's suggestion regarding additional licensure requirements for professional installers, including conversations with representatives from additional companies that currently install artificial turf. To allow flexibility in the implementation of this provision, staff is recommending that no additional changes be incorporated, rather this be addressed through required documentation at the time of permit application. Section 4-202 provides a minimum list of information required for applications for development approval, and states that additional information may be required unless waived or modified by the Community Development Coordinator. This section permits the city to establish a permit application for artificial turf installation and, as previously presented to City Council, many of the details are appropriately located in an application and not directly codified. This will also provide flexibility in the implementation of the new standards, including how to best verify an installer's credentials and experience, while keeping consistent with codified requirements.

Minor modifications were made to the Ordinance between the Community Development Board hearing and the City Council first reading. These include correction of typos, moving of tables to be placed consistent with the codified code, and revising the phrasing of Proposed Section 3-1202.A.3.d to use consistent terminology as defined or used elsewhere in the Code.

BACKGROUND

The Community Development Code (CDC) prescribes the use of live landscaping materials for areas not occupied by buildings, structures, or pavement. Artificial turf is man-made and is not in a living condition; therefore, would not currently be permitted for use within the city, except for limited use in parks and athletic fields.

In May of 2023, the city's Code Compliance Division began issuing citations for properties where artificial turf had been installed illegally. After receiving these citations, property owners brought concerns to the attention of City Council. At the request of City Council, staff prepared a presentation on the current Code requirements and regulation of artificial turf within the city as well as information related to the impacts of the use of artificial turf. Staff presented the information to City Council in December of 2023 where the public was also permitted to voice their opinions, both in favor of or and against the use of artificial turf. Subsequent to this meeting, City Council directed staff to draft regulations to allow the use of artificial turf within the City of Clearwater.

Staff reviewed existing regulations or policies regarding the use of artificial turf in other municipalities in Florida. While places like Surfside, Orlando, Winter Park, West Palm Beach, Lighthouse Point, Ocean Ridge, and Lantana have specific regulations adopted in an ordinance, most local jurisdictions either have no regulations or have an interpretation or policy on how artificial turf is handled. For those municipalities that have ordinances, regulations cover whether artificial turf is pervious or impervious, design, installation, and maintenance standards, the permitting process, and any restrictions on where artificial turf may be permitted. The City of Tampa has the most recent experience with regulating artificial turf. In the process of creating regulations for artificial turf, Tampa found limited adopted regulations and therefore opted to regulate the use of artificial turf through guidelines and a permit application process. Staff used adopted ordinances and policies as a guide to begin the creation of regulations to permit artificial turf.

Staff performed additional research on artificial turf to ensure the most recent information, materials, installation techniques, and any emerging advancements in the artificial turf industry were captured in the city's regulations. In addition, staff met with a local industry expert to discuss installation techniques and get a better understanding of how regulations and permitting may impact the artificial turf installation process. This research also provided a better understanding of artificial turf and the many complexities to this topic.

Based on information gathered, staff drafted an outline of the proposed amendments and began discussions with other departments and divisions within the city including Public Works, Parks and Recreation, Code Compliance, and Land Resources. This comprehensive review of the proposed regulations ensured that all city staff that would be involved in the review and permitting of artificial turf were involved in the drafting of the ordinance and defining the process for approving an artificial turf permit.

Additionally, staff conducted community engagement to share the draft ordinance and gather feedback from the community. Staff attended a Clearwater Neighborhoods Coalition meeting on August 5, 2024, and held

a community meeting at the Countryside Library on September 12, 2024. In addition, staff conducted a live webinar on September 11, 2024, that was recorded and posted to the city's YouTube page. Attendees were interested to learn how artificial turf would be permitted, to learn how existing artificial turf installations would be treated, and in sharing concerns related to the environmental impacts of allowing artificial turf.

Staff met with the Environmental Advisory Board (EAB) on September 18, 2024, to discuss the proposed amendments to the Community Development Code. Rather than allow artificial turf, the EAB recommends City Council promote Florida Friendly Landscaping practices which aim to conserve water, preserve natural resources, and reduce water pollution. However, the EAB understands the City Council has an interest in regulating artificial turf, while the product does not meet Greenprint 2.0 standards, Florida Friendly Landscaping criteria, and its environmental risks far outweigh the potential benefits, the EAB recommends City Council demand the highest possible standards including ensuring any artificial turf is PFAS free and recyclable should an ordinance be adopted.

Staff collected input throughout the process of drafting this Ordinance resulting in the continued evolution of the approach based on feedback from the various stakeholders.

AMENDMENT PROPOSAL

Proposed Ordinance 9805-25 contains numerous amendments throughout the Community Development Code, which can be generally broken down into the following categories:

1. Artificial turf, including general standards, location standards, minimum design standards, permitting, installation, inspection, maintenance, and existing artificial turf.
2. "Clean up" amendments consisting of correcting typographical errors, reordering sections, providing clarification, adding a provision for existing developed lots, creating a front yard residential landscaped area requirement, and adding, deleting, or amending definitions as needed.

The proposed amendments are detailed further within the analysis section.

ANALYSIS

Artificial Turf [Pages 3, 6-7, 9-13, 15-17, and 18-19 of Ordinance]

Ordinance 9805-25 proposes to create regulations to permit the use of artificial turf citywide including general, location, and minimum design standards, permitting, installation, inspection, maintenance, and existing artificial turf. A new Section 3-1203 is proposed that would govern all artificial turf installations resulting in the relocation of the existing 3-1203. Scenic Corridors to a new Section 3-1206.

Section 3-1203.A - General Standards

This Section proposes regulations to allow the use of artificial turf citywide with approval of a permit and compliance with all provisions of Section 3-1203. Artificial turf is not a living plant material; therefore, it would not count toward any required landscaped areas. In addition, the proposed regulations prohibit the use of indoor/outdoor plastic or nylon carpeting as a replacement for artificial or natural turf. Lastly, an

existing provision that allows Parks and Recreation Facilities and athletic fields to use artificial turf in lieu of plant materials was carried over and relocated to this Section.

Section 3-1203.B - Location Standards

This Section proposes to limit where artificial turf may be installed. Artificial turf may be installed on approved concrete patios, porches, and rooftop patios or decks without a permit as these surfaces may already be in place and would be considered part of the properties impervious surface ratio (ISR). Artificial turf may not be installed in a right-of-way or permanent drainage feature without approval of the City Engineer. These areas may contain infrastructure that could be impacted by the excavation and compacting required for artificial turf installation. If artificial turf is proposed within a right-of-way, a city right-of-way permit would be required. Artificial turf is prohibited from being installed in required perimeter or vegetative buffers, interior or central parking islands, or areas used for parking or driving of motor vehicles. As previously noted, artificial turf is not a live plant material and buffers and islands are intended to contain live plant materials. In addition, artificial turf is not considered an all-weather driving surface; therefore, it cannot be used as a parking or driving surface.

Section 3-1203.C - Minimum Design Standards

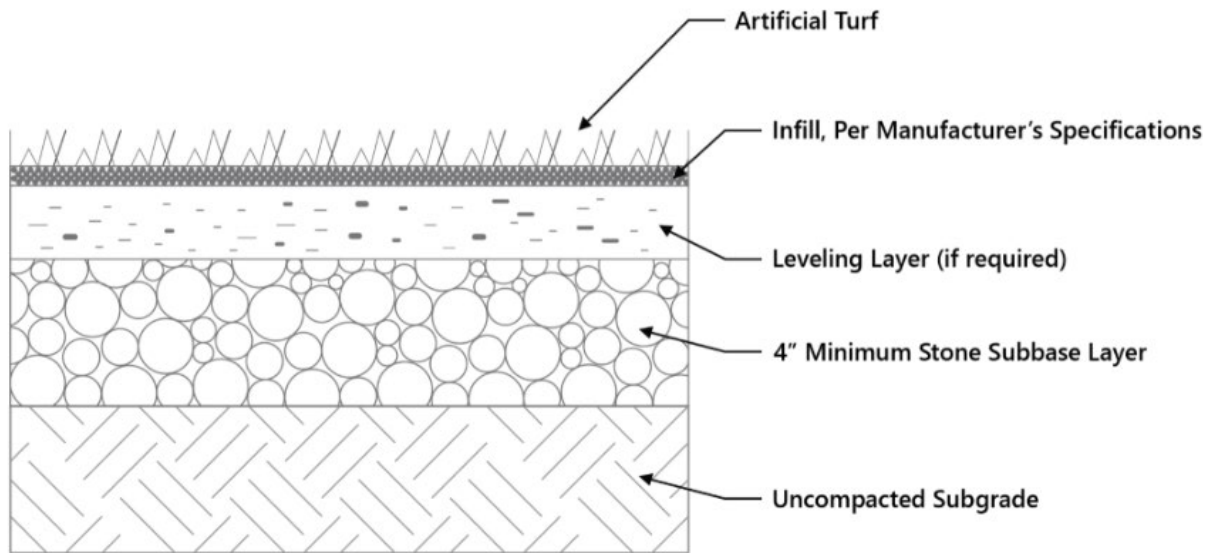
This Section proposes regulations establishing quality and design standards for artificial turf. With the exception for Parks and Recreation Facilities and athletic fields, artificial turf must be green lifelike blades that look like natural turf. The minimum pile height is required to be 1.5 inches for residential installations and 0.5 inches for nonresidential installations. Pile height is the height of the blades of grass. Longer blades of grass are for low traffic areas like residential yards and are softer, more flexible, and more natural looking. Shorter blades of grass are meant for high traffic areas like playgrounds or athletic fields and are firmer, more durable, and easier to clean. The minimum pile height for residential uses is proposed to be 1.5 inches except for specialty artificial turf installations such as K-9 grass or putting greens located in the side or rear yards, which may be approved with a shorter pile height as determined to be deemed practicable by the Community Development Coordinator. The minimum pile height for nonresidential uses is proposed to be 0.5 inches. The minimum face weight for all artificial turf is required to be 60 ounces per square yard. The face weight is the weight of the grass fiber materials per square yard where higher weight result in a better quality and more durable artificial turf. The average face weight for residential uses is between 50 and 80 ounces per square yard with higher number giving a higher quality and a denser and sturdier artificial turf. The average face weight for an athletic field would be between 40 and 90 ounces per square yard with 60 ounces being recommended for sports fields or areas of intense activity. For safety and longevity, all artificial turf must flame retardant, free of lead and PFAS, and provide a minimum 8-year manufacturer's warranty.

Section 3-1203.D - Permitting

This Section proposes to require a permit for installation of artificial turf. This permit would be reviewed by city staff in Land Resources, Development Review, and Engineering for compliance with the Code. This Section allows the Community Development Coordinator to establish what information will be required, and staff will create an application that includes submittal requirements and the process for review and approval. The submittal requirements will include the following documentation:

- A landscape plan or survey; and

- Tree preservation plan, if required; and
- Scaled edge detail or cross section similar to the one below; and
- Manufacturer's specifications including installation instructions and warranty.



In addition, the proposed regulations create an option to allow installation of 100 square feet or less of artificial turf without a permit; however, this approved area would count toward the property's ISR and is limited to one such installation per property. This would allow flexibility for a property owner to install a small area of artificial turf.

Section 3-1203.E - Installation

This Section proposes regulations to ensure quality installation of artificial turf and determine whether it would be treated as pervious or impervious. If trees are located on or overhanging the property, a tree preservation plan will be required to evaluate any potential impacts to the tree. All artificial turf is required to be installed meeting the manufacturer's specifications. This installation must be designed to not adversely impact other properties or the right-of-way and follow the historic flow of the watershed. This can be accomplished through an underdrain system installed within the subbase or through a pervious installation as detailed later in this Division. To deter live plant materials from growing under and within the artificial turf, a barrier would be required to separate the artificial turf from live plant materials, limiting the amount of debris and seeds that may fall on the artificial turf.

To ensure artificial turf stays in place and resembles a natural look, seams must be installed with seaming tape and glue and edges must be trimmed to fit all regular and irregular shapes and tucked and anchored consistent with manufacturer's specifications. In addition, the proposed regulations require that artificial turf be pinned or staked behind any seawall and not be attached to a seawall or seawall cap. After installation, artificial turf must be visually smooth with grain pointing in single direction.

Infill is the granular material applied on top of artificial turf after installation and serves as a ballast, keeping the turf weighted down and level and provides a similar footing to natural turf. Infill also provides an extra layer of cushioning, maintains the fibers in an upright position, and extends the life of the artificial turf. If infill is recommended by the manufacturer or proposed for use in any artificial turf installation, it must be a clean silica sand or a sand-based product. The use of plastic pellets or crumb rubber infill is prohibited with the exception of Parks and Recreation Facilities and athletic fields, which may use crumb rubber to provide a safer surface in high traffic areas.

Artificial turf may be installed by a residential property owner; however, it would count toward the property's ISR. The installation of artificial turf has several steps that require knowledge and equipment to be done properly in order to be treated as pervious. Artificial turf installed by a contractor or professional with experience installing artificial turf may be treated as pervious if the following are met:

- Backing must be dual flow or hole punched for drainage; and
- For nonresidential installation only: a minimum of a one-inch leveling layer composed of decomposed limestone or granite is provided; and
- A minimum of a four-inch subbase composed of washed granite or limestone that meets FDOT #4 57, or 89 stone is provided; and
- The subbase stone size is a minimum of $\frac{3}{8}$ to 1 inch; and
- The underlying soils remain uncompacted.

In addition, the contractor or professional installer would be required to sign a verification form certifying that the artificial turf was installed compliant with the Code and meets the city's definition of pervious. This provides a professional assurance that the artificial turf was installed per the manufacturer's specifications and will have no adverse impacts on adjacent properties or the right-of-way.

Section 3-1203.F - Inspection

This Section proposes regulations requiring the city to inspect properties where artificial turf has been installed for compliance with all provisions in the Code. An initial inspection would be required for any artificial turf installations that may impact trees on the property and a final inspection would be required for all artificial turf installations. Staff is proposing a process that would limit the number of inspections to allow the installation of artificial turf to be completed without interruption after a permit is issued.

Upon completion of installation, the following information must be submitted to request a final inspection:

- A copy of the aggregate testing report (from the aggregate supplier) to document the clean stone used in the subbase layer meets FDOT gradation requirements (if treated as pervious).
- A Verification Form stating the artificial turf was installed pursuant to this section and the manufacturer's specifications and indicating whether the installation meets this Code's definitions of impervious or treated as pervious.
- Photos of the subbase and leveling layers prior to covering each layer.
- Photos of project area post installation including any areas where tree barricades were previously installed.

Section 3-1203.G - Maintenance

This Section proposes regulations to ensure proper maintenance of artificial turf as well as repair and replacement when needed. Artificial turf must be kept in a green fadeless condition and free of dirt, mud, sand, stains, odors, weeds, debris, tears, holes, seam separations, excessive wear, and impressions. This can be accomplished through proper maintenance including rinsing to wash away pollen and seeds, brushing to keep blades upright and protect against damage, debris removal, elimination of odors or weeds, and ensuring edges stay tucked and staked. Maintenance also includes ensuring that artificial turf continues to allow infiltration, and any stormwater drainage does not adversely impact adjacent properties or the right-of-way over time.

If artificial turf were to fall into disrepair and repair or replacement is necessary, the property owner must use the same artificial turf that exists on the property or similar materials that will blend with the existing turf. Any repair or replacement of artificial turf would require a permit and if there are areas of artificial turf that do not comply with Section 3-1203, the property owner would be required to bring the property into conformance to the greatest extent deemed practicable by the Community Development Coordinator. Staff would work with the property owner to identify any nonconformities and discuss what could be done to bring to property more into conformance with the Code.

Section 3-1203.H - Existing Artificial Turf

This Section proposes regulations related to properties that installed artificial turf prior to the adoption of this Ordinance. At this point there is no way for staff to equitably identify properties with existing artificial turf as staff is unaware of the number of properties that may have already installed artificial turf in the backyard or other areas not visible from the public access. It would be a large undertaking for staff to bring them all into conformance at one time; therefore, regulations are being proposed to allow artificial turf installed before the enactment date of this Ordinance to remain if the following are met:

- Evidence demonstrating the turf was installed prior to enactment date is provided; and
- If any artificial turf was installed within the right-of-way (ROW), an after-the-fact ROW permit must be applied for; and
- All existing artificial turf must comply with maintenance standards in Section 3-1203.G.

This allows property owners who comply with the above requirements to keep the existing artificial turf as long as they maintain it.

Any existing artificial turf permitted to remain would count towards the calculation of stormwater fees and the property's ISR, which may impact future improvements to the property.

Appendix A, Schedule of Fees, Rates, and Charges, Section V Buildings and Building Regulations

This Section clarifies that tree removal and artificial turf permits are included in this Section; however, they are not subject to the Florida Building Code. Additionally, a new fee is proposed for artificial turf permits of \$200 to cover the cost of staff review and inspection.

Additional Amendments [Pages 3-5, 7-9, 12-14, and 17-18 of Ordinance]

The additional proposed amendments are considered to be clean up amendments and consist of correcting typographical errors, reordering sections, providing clarification, adding a provision for existing developed lots, creating a residential landscaped area requirement for residential front yards, and adding, deleting, or amending definitions as needed.

Section 3-1202, General Landscaping Standards, is being updated to add a requirement for existing single-family and two-family lots to come into full compliance with the tree requirements when an addition or improvement to the lot is proposed. In addition, a new subsection is being added to create a residential landscaped area requirement of 25% of the front yard for residentially zoned properties under certain circumstances.

Section 8-102, Definitions, is being updated to include definitions that relate to artificial turf and other nonliving landscape materials including clarification of organic mulch; adding face weight, landscaped area, landscape material, landscape rock, inorganic mulch, natural turf, artificial turf, pile height, and shell; and deleting landscaping. Additionally, a definition along with diagrams is being added for front yard.

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.Objective

CCM 1.2 Continue to protect floodplains, drainage ways, and all other natural resources from encroachment and development.

Policies

QP 5.6.1 Continue to protect trees during site development or redevelopment through standards in the CDC.

QP 5.6.2 Ensure new development is sited to reduce impacts to trees within rights-of-way.

CCM 1.4.3 Consider adopting performance standards to reduce the current rates of potable water consumption.

SS 1.5.3 Continue to develop strategies aimed at reducing potable water consumption.

The proposed amendments related to the regulation of artificial turf are supported by Objective CCM 1.2. Ensuring that any artificial turf installations do not adversely affect adjacent lots or ROW, and that any drainage follow historic flows and protects drainage ways from negative impacts related to artificial

turf. Additionally, limiting the use of artificial turf where the city has drainage easements allows the City Engineer to review any installation for impacts to the drainage system prior to approval.

Policies QP 5.6.1 and 5.6.2 support limiting the use of artificial turf under trees, requiring a tree preservation plan to evaluate the species and size of each tree to determine a protection zone.

Policies CCM 1.4.3 and SS 1.5.3 support permitting artificial turf in an effort to conserve water resources that would be spent on maintenance of natural turf.

As such, the proposed amendments within Ordinance 9805-25 furthers the Comprehensive Plan through the specific objective and policies referenced above.

2. The proposed amendments further the purposes of the Community Development Code (CDC) 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:

- 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 (Section 1-103.A., CDC).
- It is the purpose of the Community Development Code to create value for the citizens of the City of Clearwater by allowing property owners to enhance the value of their property through innovative and creative redevelopment (Section 1-103.B.1, CDC).
- It is the further purpose of this Development Code to make the beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law (Section 1-103.D, CDC).

The proposed amendments in this Ordinance will further the above referenced purposes of the Community Development Code by providing standards for the use of artificial turf. Through the regulations of this Ordinance, the city is encouraging the continued investment in properties by requiring residential properties to maintain 25% of the front yard of a property as a landscaped area containing living plant materials and allowing property owners to enhance the value of their property through the installation of artificial turf. Regulations for design standards and maintenance of artificial turf are also proposed to ensure properties utilizing artificial turf are attractive and well-maintained. Additionally, amendments in this Ordinance propose to establish reasonable standards which encourage orderly development that will enhance the character of the city. As such, proposed Ordinance No. 9805-25 furthers the purposes in the CDC.

RECOMMENDATION

The Development Review Committee (DRC) reviewed the proposed text amendments to the Community Development Code at the DRC meeting of July 1, 2024. The Planning and Development Department, having reviewed the requirements of the Community Development Code, recommends **APPROVAL** of Ordinance 9805-25.

Prepared by Planning and Development Department Staff:



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ATTACHMENTS: Ordinance No. 9805-25
Resume