



**COMMUNITY DEVELOPMENT BOARD
PLANNING AND DEVELOPMENT
DEPARTMENT STAFF REPORT**

MEETING DATE: November 17, 2015
AGENDA ITEM: F.7.
CASE: TA2015-08005
ORDINANCE NO.: 8810-16
REQUEST: Review and recommendation to the City Council, of an amendment to the Community Development Code.
INITIATED BY: City of Clearwater, Planning and Development Department

BACKGROUND:

The Planning and Development Department has regularly reviewed the Code as it applies to certain proposed development. Staff has provided input toward improving the Code based on how staff has experienced the Code's application toward various circumstances. City staff developed a list of existing Community Development Code (CDC) provisions that should be amended in order to better reflect City development patterns, improve internal processes, and improve consistency with the Comprehensive Plan, Countywide Rules, and Florida Statutes.

ANALYSIS:

Proposed Ordinance No. 8810-16 amends several sections of the CDC. The following is a brief analysis of each aspect of the proposed amendment.

1. **Funeral Homes** *[pages 3, 4, 6, 7, 12, 13, 15, 16, 23 and 24 of Ordinance]*

The proposed amendment removes funeral homes from the definition of retail sales and services and establishes it as its own use within the Commercial (C), Office (O) and Institutional (I) Districts (the districts where funeral homes are presently established). The establishment of funeral homes as its own standalone use is related to the criteria that currently apply to it as a "retail" use precluding it from truly being an allowable use in the I District. The criteria limit the use to "goods and services directly related to the physical health and well-being of persons or animals" and being accessory to a use "otherwise permitted and the retail sales and service use [occupying] no more than ten percent of the gross floor area of the building." Rather than amending the criteria and potentially impacting numerous retail uses, staff proposes to establish the funeral homes use separately and provide appropriate criteria for that use.

2. **Medical Clinics** *[pages 4-7, 9, 12-17 and 24 of Ordinance]*

The proposed amendment does not introduce the medical clinic use to any districts that it is not already permissible within, but instead facilitates the easier establishment of the medical clinic use within those districts. Medical clinics will become a Minimum Standard Development use in the C, O and I Districts, and additional flexibility will be provided in the C, O and I Districts as Flexible Standard Development (FLS) uses. In addition to the above, medical clinics will be added to footnote #1 in Table 2-702 for consistency with the

Countywide Plan Rules. This footnote requires that medical clinics shall not exceed ten acres without a land use map amendment to Institutional.

3. **Microbreweries** *[pages 3, 11, 12 and 24 of Ordinance]*

Brewpubs and microbreweries were added to numerous districts as part of Ordinance No. 8654-15; however only brewpubs were added to the Downtown (D) District. The proposed amendment establishes microbreweries in the D District as an FLS use.
4. **Non-Residential Off-Street Parking** *[pages 3 and 8-10 of Ordinance]*

The proposed amendment removes the non-residential off-street parking use and its corresponding footnote from the Tourist (T) District. The use is being removed as it is redundant to the parking garages and lot use already permissible in the District.
5. **Resort Attached Dwellings** *[pages 10 and 23 of Ordinance]*

The proposed amendment adds an additional criterion pertaining to height for the resort attached dwellings use in the T District. The criterion clarifies that the height for the use shall not exceed the height specified for residential uses based upon the *Beach by Design* character district in which the use is to be located. Additionally, the amendment will modify the definition of resort attached dwellings to further clarify that the use is a variation on the attached dwelling use.
6. **Institutional (I) District** *[pages 14-18 of Ordinance]*

The proposed amendments to the I District concern several uses, but are limited to the elimination of inconsistencies and errors in the development standards and flexibility criteria for those uses.
7. **Restaurant in Retail Plazas** *[page 5 of Ordinance]*

The proposed amendment will add a footnote in Table 2-702 to regulate how much square footage a restaurant may occupy within a retail plaza before additional parking needs to be provided. This regulation is consistent with the criteria for the same use in the FLS and Flexible Development tiers.
8. **Outdoor Cafés** *[pages 19-21 of Ordinance]*

The proposed amendment makes several changes to those provisions governing outdoor cafés. First, the uses which may establish an outdoor café are expanded to include bars, brewpubs, indoor recreation/entertainment, microbreweries, and nightclubs. Second, the location and design requirements will be modified to provide greater clarity and to ensure efficiencies in pedestrian movement. Included among these efficiencies is language that the Community Development Coordinator may require a wider pedestrian path than otherwise required, and/or that the pedestrian path be delineated through the use of self-supporting fencing, landscape planters, or other such devices and methods as presented to and approved by the city.
9. **Parking/Landscape Code** *[pages 21-22 of Ordinance]*

The proposed amendment corrects a statement of applicability in both the landscaping (Section 3-1202) and parking (Section 3-1401) standards. Both sets of standards refer to requirements “contained within this section” when they should refer to requirements “contained within the division.”

10. Off-Street Loading *[page 22 of Ordinance]*

The proposed amendment clarifies that the exception for the provision of off-street loading in the Tourist (T) District is only for those T District properties located on Clearwater Beach.

11. Development Review Committee *[page 22 of Ordinance]*

The proposed amendment clarifies that the responsibility of the Development Review Committee (DRC) is not to make a recommendation with regard to applications for development, but instead to provide technical support to applicants and to determine if applications are legally sufficient.

12. Definitions *[page 23-25 of Ordinance]*

- Beer garden – establishes a definition for what constitutes a beer garden.
- Brewpubs – modifies the definition for consistency with State Statutes.
- Light assembly – replaces the existing definition in its entirety with a definition that is consistent with the definition of Manufacturing – Light as per the newly adopted Countywide Rules.
- Manufacturing – replaces the existing definition in its entirety with a definition that is consistent with the definition of Manufacturing – Medium as per the newly adopted Countywide Rules.
- Medical clinic – modifies the definition to provide greater clarity and specificity.
- Microbreweries – modifies the definition to allow for the inclusion of beer gardens as an accessory use.
- Print shops – establishes a definition for what constitutes a print shop.
- Research and technology – replaces the existing definition in its entirety with a definition that is consistent with the definition of Research/Development – Light as per the newly adopted Countywide Rules.
- Retail sales and services – modifies the definition for what constitutes retail sales and services use to remove funeral homes and to add print shops.
- Vehicle service – modifies the definition for what constitutes a vehicle service use to include the installation of tires.

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:

Goal A.6 The City of Clearwater shall utilize innovative and flexible planning and engineering practices, and urban design standards in order to protect historic resources, ensure neighborhood preservation, redevelop blighted areas, and encourage infill development.

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 proposed amendments are intended to make various clarifications or corrections to the Community Development Code, as well as modifications for consistency with the Countywide Rules and State Statutes. However, the proposed amendments will also further the functionality of our development approval process for several uses. As such, the above referenced Goal and Objective of the Comprehensive Plan will be furthered.

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:

- Section 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.
- Section 1-103.E.3. Protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and minimize the conflicts among the uses of land and buildings.
- Section 1-103.E.9. Establish permitted uses corresponding with the purpose and character of the respective zoning districts and limit uses within each district to those uses specifically authorized.

The amendments proposed by this ordinance will further the above referenced purposes by implementing the aforementioned Goal and Objective of the Comprehensive Plan; by establishing a new permissible use (funeral homes); by facilitating the easier establishment of the medical clinic use; and by improving the regulations outdoor cafés, and off-street loading.

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. 8810-16 that amends the Community Development Code.

Prepared by Planning and Development Department Staff: _____



Robert G. Tefft,
Development Review Manager

ATTACHMENTS: Ordinance No. 8810-16