



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: July 17, 2018

AGENDA ITEM: F.3.

CASE: TA2018-03001

ORDINANCE NO.: 9149-18

REQUEST: To establish a new Downtown District and Development Standards (Appendix C), establishing development standards and a regulating plan for properties within the Downtown Planning Area, and to make other amendments associated with the new Downtown District, and making a recommendation to the City Council.

INITIATED BY: City of Clearwater, Planning and Development Department

BACKGROUND:

The Clearwater Downtown Redevelopment Plan (Downtown Plan), as adopted on March 1, 2018, reaffirms the vision of Downtown as a thriving urban core and an attractive place to live, work, shop and play. This vision, and the policies contained within, call for quality urban design, a high quality public realm, and a dense and livable pattern of development. The updated Downtown Plan incorporates pieces of the East Gateway Vision Plan (2012) and the North Marina Area Master Plan (2016) within, as well as addresses recommendations in the Urban Land Institute's report (2014). Densities and intensities were generally increased throughout the Downtown Plan area, and the Old Bay Character District's northern boundary was expanded. The Planning and Development Department has prepared a new Downtown zoning district to ensure the vision is achieved.

The new Downtown District and Development Standards, proposed to be located in a new Appendix C within the Community Development Code, is a form-based code which is defined by the Form-Based Codes Institute as "a land development regulation that fosters predictable built results and a high quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code." The proposed form-based code establishes development standards, which are based on the design guidelines established in the 2004

Clearwater Downtown Redevelopment Plan and streamlines the development review process. The proposed Downtown District establishes minimum standard uses (those approved through a building permit) and eliminates parking requirements for all uses except for residential, overnight accommodations, and educational facilities. These changes will help facilitate changes of use without timely review processes. Based on experience from other communities, lack of minimum parking requirements will not eliminate the supply of private parking in Downtown but will allow the developer to determine onsite parking needs based on market demands instead of regulatory controls.

Proposed Ordinance 9149-18 repeals and replaces the existing Downtown zoning district with several new provisions. The following analysis explains the organization of the Downtown District and Development Standards and the areas of regulatory control provided within each Division and summarizes other amendments to the Community Development Code within proposed Ordinance 9149-18.

ANALYSIS:

The proposed amendments to the Community Development Code are summarized below:

1. Downtown District *[pages 2-21 and 27-80 of Ordinance]*

Proposed Ordinance 9149-18 establishes the Downtown District and Development Standards within a new Appendix C within the Community Development Code. Revisions to the existing Downtown District in Article 2, Division 9 and to Article 3, Division 5 are necessary to identify that the development standards in the new appendix will apply to properties within Downtown. Chart 2-100 Permitted Uses is amended to reflect the addition of permitted uses in the Downtown District.

Downtown District (“D”). An amended Article 2, Division 9 is proposed which includes an intent and purpose statement for the new Downtown District, and updates references to the consistent Countywide Plan Map category. Language is also proposed that will limit residential density on those portions of property which are located within the Coastal Storm Area (CSA) to the density in place prior to the most recently adopted Clearwater Downtown Redevelopment Plan. Because the use table and other criteria typically located within Article 2 are proposed to be located within Appendix C, additional language is proposed to direct users accordingly, and Sections 2-902, Flexible standard development, and 2-903, Flexible development, are proposed to be removed.

Downtown Development Standards, Generally. An amended Section 3-502 is proposed which establishes that such standards are located in Appendix C. This is consistent with the

approach used for other areas of the City governed by separate standards, including the beach and US 19.

Appendix C, Downtown District and Development Standards. A new Appendix C is proposed which contains all development standards and the regulatory framework for the Downtown District. Appendix C is organized into nine Divisions, as detailed below:

- Division 1. General Provisions: In addition to also incorporating an intent and purpose statement, Division 1 clarifies how the Development Standards are part of both Articles 2 and 3 of the Community Development Code, and establishes the organization of standards into regulating plans, development standards, and flexibility provisions. Exemptions to all or a portion of the development standards are proposed for: projects involving only a change of use; the expansion of detached dwellings except for garages which must comply with proposed Section C-505; building improvement or remodel projects, including those that add up to 7.5 percent or 5,000 square feet of additional gross floor area; and renovation of structures which have been designated historic.
- Division 2. Regulating Plan: Properties within the Downtown District will be governed by both Character District and Street Type. Division 2 recognizes the five Character Districts (i.e., Downtown Core, Old Bay, South Gateway, Prospect Lake and Downtown Gateway) which are depicted on Figure 1. Regulating Plan – Character Districts. This Division also establishes seven Street Types (Street Types A through F and Service Streets) in addition to identifying the location of key corners and service streets, which are all depicted on Figure 2. Regulating Plan – Street Types and Key Corners. A view corridor is also denoted on Figure 2 which aims to protect the view corridor from Nicholson Street to the west, overlooking Clearwater Harbor, implementing Policy 13 of the Old Bay Character District in the Clearwater Downtown Redevelopment Plan.
- Division 3. Character District Standards: Certain development standards, including development potential and maximum building height, are based on a property’s Character District designation. These standards were established within the Clearwater Downtown Redevelopment Plan, and the applicable maps are added within proposed Appendix C. Additionally, permitted uses and approval levels are determined by Character District, which are found in proposed Table 1. Use & Off-Street Parking. The majority of uses are proposed as Level One approvals, either through building permit review (minimum standard uses) or Community Development Coordinator approval (Flexible Standard Development). Minimum parking requirements are proposed to be eliminated for most non-residential uses, while attached dwelling uses and overnight accommodation (hotel) uses have a reduced minimum parking requirement. Detached dwellings and educational facilities will continue to have required off-street parking established at the same level as currently required in the Code. Building height step backs are proposed to be required for

buildings above certain heights to help reduce the visual impacts on the adjacent public realm, as well as to provide relief from properties that are not within Downtown. New requirements for long-term bicycle parking for a limited number of uses are proposed which are detailed on Table 2. Bicycle Parking.

- Division 4. Frontage Standards: There are seven frontage types which apply to buildings. These frontages are permitted by street type. The frontage types – Storefront 1, Storefront 2, Urban Residential 1, Workshop/Flex, Urban Residential 2, Neighborhood Infill and Neighborhood Conservation – regulate building location, location of parking, ground floor facade design, and front landscape and pedestrian improvements along street frontages. Each frontage type includes a character image, a building placement diagram, and a parking and projections location diagram illustrating how these standards shall be applied. This Division also establishes requirements for those key corners identified on the regulating plan. Ground floor building space within 100 feet of the corner and to a depth of 20 feet from the front property line at these corners must be occupied by active uses only such as restaurants, bars, brewpubs, or active areas for residential uses such as lobbies and fitness centers.

- Division 5. Site Design Standards: The proposed development standards also address general site design standards which shall apply to all sites within the Downtown District, in addition to any frontage specific standards. Division 5 includes proposed block standards to maintain and expand Downtown’s street grid by requiring the preservation of the existing street network and establishing general standards for new blocks, lots, private drives and private service drives. The general site design standards also address access and circulation, including establishing a hierarchy from where vehicular access should occur to further support the walkability and multi-modal vision for Downtown (i.e., first from the rear of the property, second from a secondary street, and lastly from a primary street if no other option exists). Access and circulation standards also include standards for pedestrian walkways generally and between buildings, access and driveway consolidation, cross-parcel connections, and connections to the Pinellas and Druid Trails. Parking and service area standards detail how surface parking and service areas shall be screened from residential uses and how interior islands should be designed to utilize Low Impact Development techniques. Service areas must be placed to the rear of buildings, screened from adjacent properties or rights-of-way, and be accessed from alleys or secondary streets. Garage standards for attached and detached dwellings establish where a garage is to be located and how it is to be accessed. The landscaping and fencing and walls standards detail the general landscaping requirements which must be met, where fences or walls are permitted and that certain types of fences (e.g., chain link) are prohibited, and how utility or infrastructure facilities are to be screened. Drive-through facilities are also regulated through this Division, and standards are established for

location and screening, stacking lanes and signage associated with drive-throughs. Drive-through restaurants continue to be prohibited. Stormwater facilities are not permitted to be within front setbacks, and waterfront developments are required to meet the established waterfront setback and parking standards.

- **Division 6. Building Design Standards:** The proposed development standards also include standards to ensure attractive ground floor facades and defined entries to support the creation of more pedestrian- and transit-accessible destinations. Proposed standards include limiting blank facades, utilizing façade bays and upper floor façade articulation to create visual interest, and requiring consistent architectural treatments and complementary design across all buildings or structures within projects. Standards for corner facades are also included to ensure seamless transitions between both street-facing facades. Since awnings and canopies are required along frontages, and balconies are permitted for upper stories, standards are proposed that address what can and cannot extend into the right-of-way, clearance heights, and other general parameters. Balconies are not permitted to encroach into rights-of-way. Division 6 also introduces attached dwelling types, which are detailed on Table 4. Attached Dwelling Types General. This table provides an overview of permitted attached dwellings that could be constructed within the Downtown District.
- **Division 7. Signs [Reserved]:** This Division is currently being drafted and will be presented as a separate ordinance at a later Community Development Board meeting.
- **Division 8. Flexibility:** This Division establishes a process by which an applicant may request flexibility, and the development standards for which flexibility may be requested. Not all development standards are included within the flexibility provisions, and the level of flexibility permitted shall be the minimum required to address the flexibility requirements.
- **Division 9. Administration:** This Division sets forth provisions for the final decision making authority for site plan approvals and how they vary by Character District. It also sets forth the approval process for amending the street type or key corner designated on the regulating plan, and provides an allowance for the Community Development Coordinator to make minor adjustments administratively.

2. **Bicycle Parking** *[pages 21-25 of Ordinance]*

The proposed amendment updates the standards for bicycle parking and adds new standards for long-term bicycle parking. In addition, new figures are added to show prohibited bicycle rack styles and a bicycle parking diagram.

3. **Other Amendments** [pages 21 and 25 of Ordinance]

Additional proposed amendments to the Code include updating the outdoor café provisions by removing a provision that permitted outdoor cafes for properties that were located within the Downtown Plan area that had a Commercial (C) District and removing references to the Downtown Plan and previous Design Guidelines from the Nonconformity Provisions in Section 6-109.

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.5 The City of Clearwater shall identify and utilize a Citywide design structure comprised of a hierarchy of places and linkages. The Citywide design structure will serve as a guide to development and land use decisions while protecting those elements that make the City uniquely Clearwater.
- Objective A.5.5 Promote high quality design standards that support Clearwater’s image and contribute to its identity.
- 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.6.1 The redevelopment of blighted, substandard, inefficient and/or obsolete areas shall be a high priority and promoted through the implementation of redevelopment and special area plans, the construction of catalytic private projects, city investment, and continued emphasis on property maintenance standards.
- Policy A.6.1.8 The City shall continue to support and implement approved community redevelopment area plans, such as the Clearwater Downtown Redevelopment Plan (2004), *Beach by Design* (2001), and the US 19 Corridor Redevelopment Plan (2012).

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.

Policy A.6.8.2 Encourage mixed-use development that includes a combination of compatible land uses having functional interrelationships and aesthetic features. Commercial and mixed-use buildings shall be sited to maximize pedestrian connections from the building to adjacent streets. Buildings should be sited and parking arranged to minimize the off-site impacts to residential areas.

Objective E.1.2 The coastal storm area shall be the area delineated in Maps E-1A and E-1B of the Coastal Management Element, which encompasses the following:

- (1) the Coastal High Hazard Area (CHHA) ... ;
- (2) all land connected to the mainland of Clearwater by bridges or causeways;
- (3) those isolated areas ... surrounded by the CHHA or by the CHHA and a body of water, and
- (4) all land located within the Velocity Zone as designated by the Federal Emergency Management Agency.

The City shall direct all permanent population concentrations away from the coastal storm area consistent with the goals, objectives and policies of the *Clearwater Comprehensive Plan*.

These proposed Downtown District and Development Standards implement the goals, objective and policies within the Downtown Clearwater Redevelopment Plan, specifically Policies 16 and 17. The proposed development standards address transitions to surrounding low density residential areas. Infill development and redevelopment projects are encouraged through streamlined zoning standards which allow a mix of uses in the Downtown District, the majority of which are allowed through minimum standard Level One approvals. Additionally, residential density within the CSA is limited, thereby continuing to direct permanent populations away from the CSA. As such, the above referenced goals, objectives and policies 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:

- 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. It is the purpose of this Community Development Code to create value for the citizens of the City of Clearwater by:
1. Allowing property owners to enhance the value of their property through innovative and creative redevelopment;
 2. Ensuring that development and redevelopment will not have a negative impact on the value of surrounding properties and wherever practicable promoting development and redevelopment which will enhance the value of surrounding properties; and
 3. Strengthening the city's economy and increasing its tax base as a whole.
- Sec. 1-103.D. 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.
- 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.
- Sec. 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.
- Sec. 1-103.E.4. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, with particular regard for safe and efficient vehicular and pedestrian traffic movement;

- Sec. 1-103.E.8. Establish zoning districts of a size, type, location and with standards that reflect the existing and desirable characteristics of a particular area within the city;
- Sec. 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.
- Sec. 1-103.E.11. Enumerate density, area, width, height, setback, coverage and like requirements for each district, and make appropriate distinctions between categories of use within districts, based on the general purposes of this article, the Comprehensive Plan, and existing and desired community characteristics.

The amendments proposed by this ordinance will further the above referenced purposes by implementing the aforementioned goals, objectives and policies of the Comprehensive Plan. The proposed Downtown District and Development Standards intent and purpose is to promote context-sensitive forms, patterns, and intensities of development, encourage mixed use, pedestrian-oriented development, preserve and celebrate the unique features of Downtown's community and neighborhoods, and to provide for the design of safe, attractive, and accessible places for working, living, and shopping, consistent with the vision, guiding principles, goals, objectives and policies of the Clearwater Downtown Redevelopment Plan. These standards will further the purposes by ensuring that existing and future uses and structures in the city are attractive without having a negative impact on the value of surrounding properties. Additionally, safe and efficient movement of all modes of transportation is addressed through the new standards.

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. 9149-18 that amends the Community Development Code.

Prepared by Planning and Development Department Staff:



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ATTACHMENTS: Ordinance No. 9149-18
Resume