

ORDINANCE NO. 9643-23

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 2. ZONING DISTRICTS, CHART 2-100 AND THE MEDIUM DENSITY RESIDENTIAL, COMMERCIAL, INSTITUTIONAL, AND OPEN SPACE/ RECREATION DISTRICTS; BY AMENDING ARTICLE 3. DEVELOPMENT STANDARDS, FENCES AND WALLS, GENERAL APPLICABILITY STANDARDS, HOME-BASED BUSINESSES, LANDSCAPING/TREE PROTECTION, PARKING AND LOADING, SIGNS, TEMPORARY USES, DOG-FRIENDLY RESTAURANTS, AND COMMUNITY GARDENS AND URBAN FARMS DIVISIONS; BY AMENDING ARTICLE 4. DEVELOPMENT REVIEW AND OTHER PROCEDURES, GENERAL PROCEDURES AND LEVEL THREE APPROVALS DIVISIONS; BY AMENDING ARTICLE 8. DEFINITIONS AND RULES OF CONSTRUCTION; BY AMENDING APPENDIX B. US 19 ZONING DISTRICT AND DEVELOPMENT STANDARDS, GENERAL PROVISIONS, REGULATING PLAN, SUBDISTRICT STANDARDS, STREET FRONTAGE STANDARDS, SITE DESIGN STANDARDS, BUILDING DESIGN STANDARDS, FLEXIBILITY, AND ADMINISTRATION DIVISIONS; BY AMENDING APPENDIX C. DOWNTOWN DISTRICT AND DEVELOPMENT STANDARDS, GENERAL PROVISIONS, REGULATING PLAN, CHARACTER DISTRICT STANDARDS, FRONTAGE STANDARDS, SITE DESIGN STANDARDS, BUILDING DESIGN STANDARDS, FLEXIBILITY, AND ADMINISTRATION DIVISIONS; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater ("the City") adopted the Community Development Code on January 21, 1999, which took effect on March 8, 1999; and

WHEREAS, on February 2, 2017, the City established a new US 19 District and adopted the US 19 Zoning District and Development Standards as Appendix B of the Community Development Code to ensure redevelopment along the corridor contributes to the creation of a more compact, accessible and attractive pedestrian and transit-friendly destinations, which is critical to maintaining and improving the city's economy and quality of life; and

WHEREAS, on August 2, 2018, the City adopted new Downtown District and Development Standards as Appendix C of the Community Development Code to ensure Downtown redevelops with quality urban design, a high-quality public realm, and a dense and livable pattern of development; and

WHEREAS, through the development review and building permit review process, the City has reviewed numerous development proposals in all of the zoning districts in all parts of the City that utilize the Minimum Standard, Flexible Standard, and Flexible levels of review; and

WHEREAS, the City has determined where the Community Development Code needs clarification and revision; and

WHEREAS, the City desires for the Community Development Code to function effectively and equitably throughout the City; and

WHEREAS, the City has determined that these amendments to the Community Development Code promote and support the public health, safety, morals, and welfare, of the City's residents; and

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed these amendments, conducted a public hearing, considered all public testimony and has determined that these amendments are consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt these amendments; and

WHEREAS, the City Council has fully considered the recommendation of the Community Development Board and testimony and evidence submitted at its public hearing; now therefore,

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

Section 1. That Article 2. Zoning Districts, Section 2-100. Permitted Uses, Community Development Code, be amended to read as follows:

Sec. 2-100. – Permitted uses.

* * * * *

CHART 2-100 PERMITTED USES																
Use Categories	LDR	LMDR	MDR	MHDR	HDR	MHP	C	T	D	O	US 19	I	IRT	OSR	P	CRNCOD
	* * * * *															
Nonresidential																
	* * * * *															
Community gardens	X	X	X	X	X		X		X		X	X		X		
	* * * * *															

Section 2. That Article 2. Zoning Districts, Division 3. Medium Density Residential District ("MDR"), Section 2-303. Flexible Standard Development, Community Development Code, be amended to read as follows:

Section 2-303. – Flexible standard development.

The following Level One uses are permitted in the MDR District subject to the standards and criteria set out in this section and other applicable regulations in Article 3.

Table 2-303. "MDR" District Flexible Standard Development							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear ⁽¹⁾		
Attached Dwellings	10,000	100	25	5	10	30—40	2/unit
Community Residential Homes (up to 14 residents)	5,000	50	25	5	10	30—40	1 per 2 residents
Detached Dwellings	3,000—5,000	30—50	15—25	0—5	5	30—40	2/unit
<u>Residential Infill Projects ⁽³⁾</u>	<u>n/a</u>	<u>n/a</u>	<u>10—25</u>	<u>0—5</u>	<u>0—5</u>	<u>30—40</u>	<u>2/unit</u>

Schools	40,000	200	25	10	25	30—40	1/2 1/3 students
Utility/Infrastructure Facilities ⁽²⁾	n/a	n/a	25	10	10	n/a	n/a

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from a seawall.
- (2) Utility/Infrastructure uses shall not exceed three acres. Any such use, alone or when added to contiguous like uses which exceed three acres shall require a land use plan map amendment to transportation/utility which shall include such uses and all contiguous like uses.
- (3) The development standards for residential infill projects are guidelines and may be varied based on the criteria set forth in Section 2-303(D).

Flexibility Criteria:

* * * * *

C. *Detached dwellings.*

1. The parcel of land proposed for development was an existing lot of less than 5,000 square feet and was not in common ownership with any contiguous property on May 1, 1998;
2. The parcel of land proposed for development was an existing lot less than 50 feet in width and was not in common ownership with any contiguous property on May 1, 1998;
3. Front setback:
 - a. A determination of the front setback shall consider the extent to which existing structures in the neighborhood have been constructed to a regular or uniform setback from the right-of-way;
 - b. The reduction in front setback will not adversely affect adjacent property values;
 - c. The reduction in front setback is consistent with neighborhood character; and
 - d. The reduction in front setback results in an efficient house layout.
43. Side setback:
 - a. The reduction in side setback is limited to a single side setback;
 - b. The reduction in side setback is necessary to permit the development or redevelopment of a vacant lot or lot improved with a substandard structure, the redevelopment of which would not otherwise be economically feasible.
54. Rear setback:
 - a. The reduction in rear setback will allow for the preservation of existing vegetation which could not otherwise be preserved;
 - b. The reduction in rear setback will allow the development or redevelopment of a substandard structure which would otherwise not be economically feasible; or
 - c. The structures located within the rear setback otherwise required in the MDR District are only used for accessory uses such as a swimming pool; and
 - d. The structures located within the rear setback otherwise required in the MDR District are buffered with landscape material and fences to protect the privacy and value of adjacent properties.
65. Height:
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

D. *Residential infill projects:*

1. Single-family detached dwellings are the only permitted use eligible for residential infill project application;

2. The development or redevelopment of the parcel proposed for development is otherwise impractical without deviations from one or more of the following: intensity; other development standards;
3. The development of the parcel proposed for development as a residential infill project will not materially reduce the fair market value of abutting properties;
4. The uses within the residential infill project are otherwise permitted in the district;
5. The uses within the residential infill project are compatible with adjacent land uses;
6. The development of the parcel proposed for development as a residential infill project will upgrade the immediate vicinity of the parcel proposed for development;
7. The design of the proposed residential infill project creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole;
8. Flexibility in regard to lot width, required setbacks, height, off-street parking access or other development standards are justified by the benefits to community character and the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole.

ED. Schools.

*****RELETTER REMAINING SUBSECTIONS, PENDING APPROVAL OF NEW D. ABOVE*****

Section 3. That Article 2. Zoning Districts, Division 7. Commercial District (“C”), Section 2-702. Minimum Standard Development, Community Development Code, be amended to read as follows:

Section 2-702. – Minimum standard development.

The following uses are Level One permitted uses in the “C” District subject to the minimum standards set out in this section and other applicable provisions of Article 3.

Table 2-702. “C” District Minimum Development Standards							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Min. Off-Street Parking Spaces
				Front	Side	Rear	
Community Gardens ⁽⁴⁾	n/a	n/a	n/a	15	5	5	n/a

(4) Limited on-site retail sales may be permitted as an accessory use consistent with the criteria specified in Section 3-2602.B.

Section 4. That Article 2. Zoning Districts, Division 12. Institutional District (“I”), Section 2-1202. Minimum Standard Development, Community Development Code, be amended to read as follows:

Section 2-1202. – Minimum standard development.

The following uses are Level One permitted uses in the Institutional “I” District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

Table 2-1202. “I” District Minimum Standard Development							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear		
	* * * * *						
Community Gardens ⁽¹⁾	n/a	n/a	15	5	5	n/a	n/a
	* * * * *						

(1) Limited on-site retail sales may be permitted as an accessory use consistent with the criteria specified in Section 3-2602.B.

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Section 5. That Article 2. Zoning Districts, Division 14. Open Space/Recreation District (“OSR”), Section 2-1402. Minimum Standard Development, be amended to read as follows:

Section 2-1402. – Minimum standard development.

The following uses are Level One permitted uses in the OSR District subject to the minimum standards set out in this section and other applicable provisions of Article 3.

Table 2-1402. “OSR” District Minimum Development Standards							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear		
Community Gardens	n/a	n/a	10	5	5	n/a	n/a
			* * * * *				

Section 6. That Article 3. Development Standards, Division 8. Fences and Walls, be amended to read as follows:

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Section 3-803. – Design requirements.

A. Where fences or walls are located in zoning districts governed by design standards established by Division 5 of this Article, including the Downtown (D), US 19, or Tourist (T) Districts, or within either the Coachman Ridge Neighborhood Conservation Overlay District (CRNCOD) or Island Estates Neighborhood Conservation Overlay District (IENCOD), the guidelines or standards of those districts shall apply. Where the design standards or guidelines are silent, fences or walls shall adhere to the standards within this Division.

BA. Fences and walls placed within a required setback area shall be oriented so that the side of the fence or wall facing or viewable from a street right-of-way or an adjoining property is the finished side, with all support posts and stringers facing inward toward the property upon which the fence or wall is located.

CB. If access to a portion of a fence is wholly or partially blocked by a building, fence, wall or other structure or by dense foliage located upon adjoining property and adjacent to, but not necessarily adjoining, the property line, the support posts for that portion of the fence, but not the stringers, may be installed on the outside of the fence, facing away from the property upon which the fence is located.

DC. A fence or wall which exceeds 100 feet in length in any single horizontal plane along a street right-of-way shall either be offset to create inset areas of at least eight feet in width and depth for landscaping treatment or non-opaque openings in the walls or fence shall be provided through the use of wrought iron or similar types of wall treatment or some architectural features such as a column or other feature is used to offset the unbroken nature of the fence or wall.

ED. All fences and walls located within a required setback area shall be provided with an opening or gate of sufficient width to allow access outside of the area enclosed by the fence or wall to such right-of-way for the purpose of facilitating maintenance of any required landscaping and the street right-of-way unless otherwise determined as impracticable by the Community Development Coordinator.

F. Fences and walls shall comply with the sight visibility triangle requirements of Section 3-904.A.

Section 3-804. – Height requirements.

The following height requirements shall apply to all fences, and walls, except chain link fences.

A. ~~Front. Walls and~~ Fences and walls located between the in front of a principal structure and front property line shall be permitted to a maximum height of four feet 48 inches. Any fence or wall that exceeds three feet in height shall provide a three-foot-wide landscaped strip on the right-of-way side of the fence or wall consistent with the general landscaping standards in Section 3-1202 unless otherwise determined by the Community Development Coordinator. Additional fence height may be approved consistent with the following exceptions:

1. In the LDR, LMDR, MDR and MHDR zoning districts, brick or other masonry walls or ~~walls with masonry columns linked by substantial grill work may~~ shall be permitted to a maximum height of six feet in a required front setback area as a Level One (flexible standard development) approval. Such walls shall be architecturally compatible with the principal structure on the property and compatible with the surrounding properties.

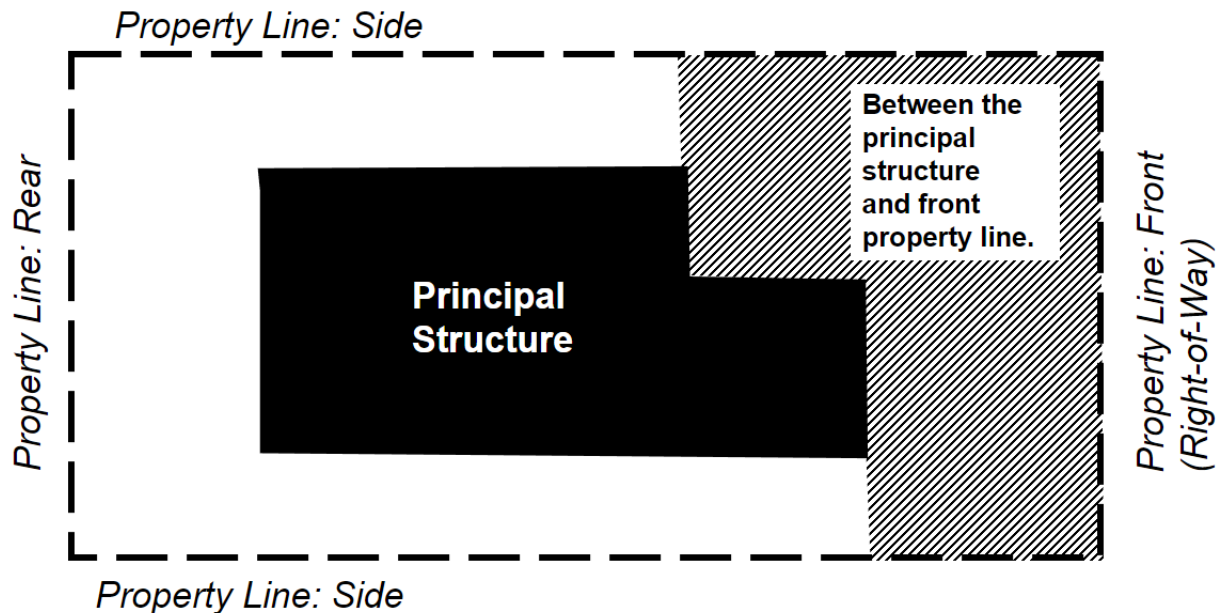
2. a. In the HDR, MHP, C, T, D, O, I, IRT, OSR, and P zoning districts, PVC fences, brick or other masonry walls or walls with masonry columns linked by substantial grill work a fence or wall may ~~shall be permitted up to a maximum height of six feet in front of a principal structure provided the fence or wall is primarily open style, with separated pickets or a combination of brick or other masonry columns linked by substantial grillwork. Any other style of fence or wall may be requested as a Level One (flexible standard development).~~

b. In the area of the T District governed by Beach by Design residential uses may request a fence or wall up to a maximum height of six feet, and all other uses may request a fence or wall up to a maximum height of four feet as a Level One (flexible standard development) provided the fence or wall is primarily open style, with separated pickets or a combination of brick or other masonry columns linked by substantial grillwork, meets the design guidelines of Beach by Design, and is integrated into any required landscaping.

3. Walls, ~~no greater than~~ up to a maximum height of six feet, ~~may~~ shall be permitted for the perimeter of any residential subdivision located within any zoning district. Such walls shall be architecturally compatible with the building design within the subdivision.
4. Corner and multi-frontage lots may be permitted a fence to a maximum height of six feet pursuant to Section 3-804.C.

(Insert the following graphic)

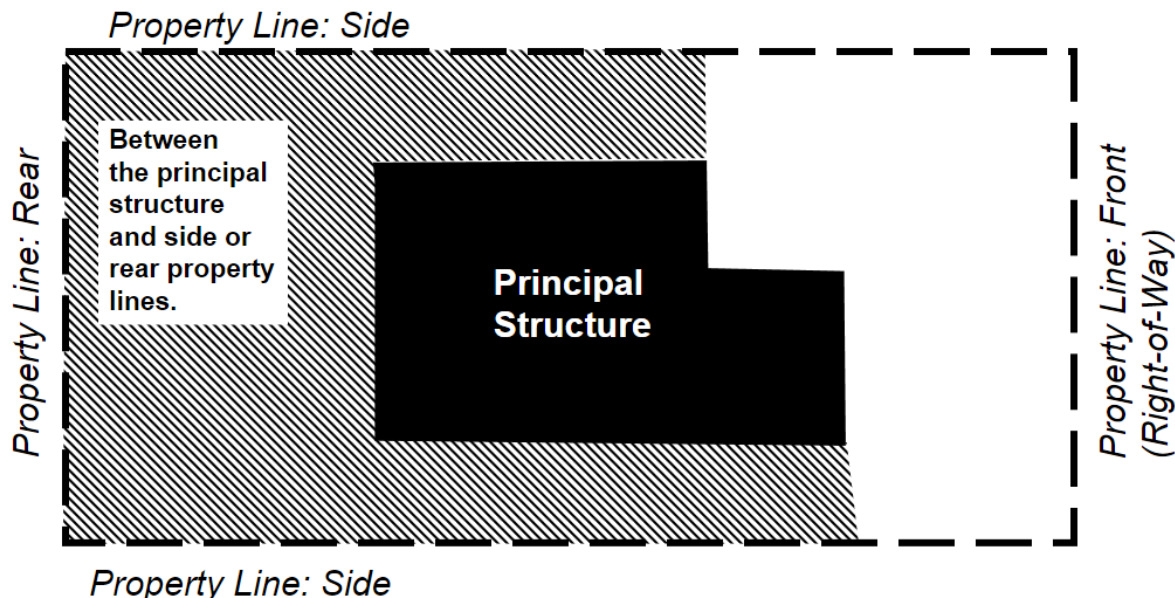
Fences and Walls: Front



- B. *Side and rear.* Fences and walls shall be permitted to a maximum height of six feet between the principal structure and any side or rear lot ~~property~~ line with the following exceptions:
 1. Fences and walls may be permitted up to eight feet in height if located in the ~~Industrial, Research, and Technology IRT~~ District ("IRT").
 2. Fences and walls may be permitted up to eight feet in height in the Commercial District through a Level One, (Flexible Standard Development) approval to buffer uses with drive-thru facilities, vehicle sales/displays, automobile service stations, outdoor retail sales, display and/or storage and residential zoning districts. If any fence is part of a Level Two review, the decision to approve the fence will be made by the Community Development Board.
 3. On those properties adjacent to water, fences proposed to be located within 20 feet of the property line adjacent to the water or within the required setback, whichever is greater, must be non-opaque and cannot exceed four feet ~~48 inches~~ in height.

(Insert the following graphic)

Fences and Walls: Side and Rear



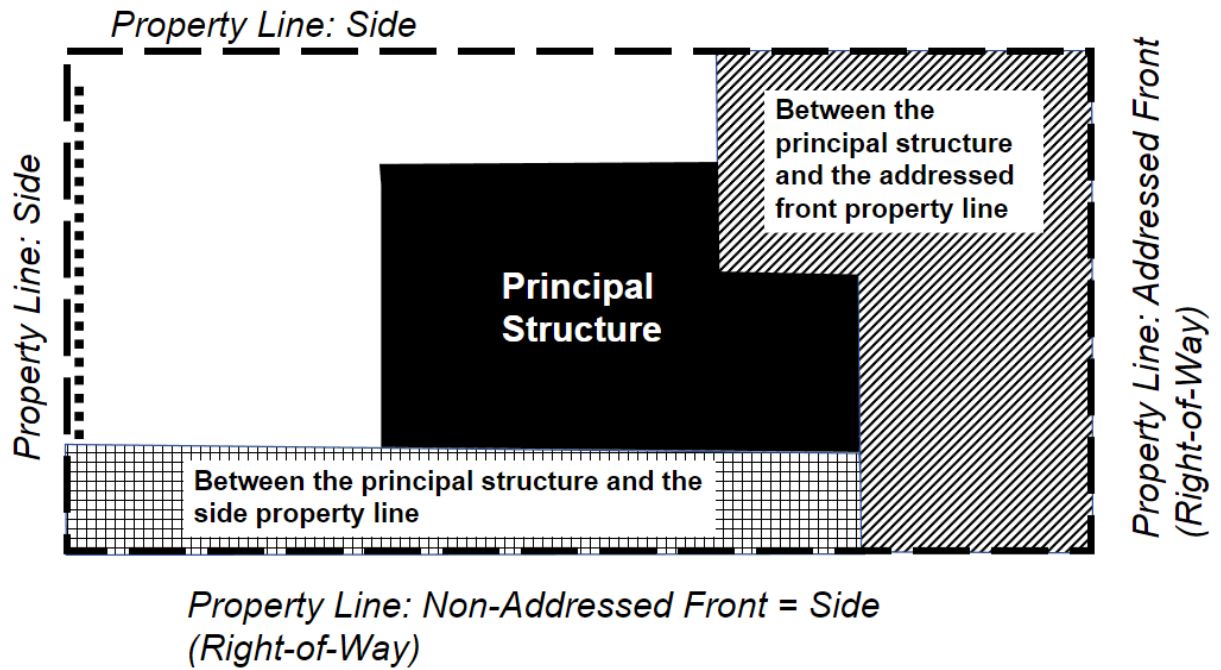
~~C. Landscaping requirements. Any fence or wall that exceeds three feet in height and is located between a principal structure and any right of way shall provide a three foot wide landscaped strip on the right of way side of the fence.~~

~~CD. Corner and multi-frontage lots. For the purposes of fence or wall placement on corner or multi-frontage lots, the front shall be the side of the front property line from which the property is addressed, and all other front property lines will be treated as a side property line(s), as illustrated below for the purpose of fencing. The placement of any fence or wall on this side the front of the property shall adhere to the provisions in Section 3-804.A.1 through 3, above. The other side of the property shall be considered a side and a A fence or wall may be erected in this area permitted on the side property line in compliance with the provisions in Section 3-804.B., above, provided:~~

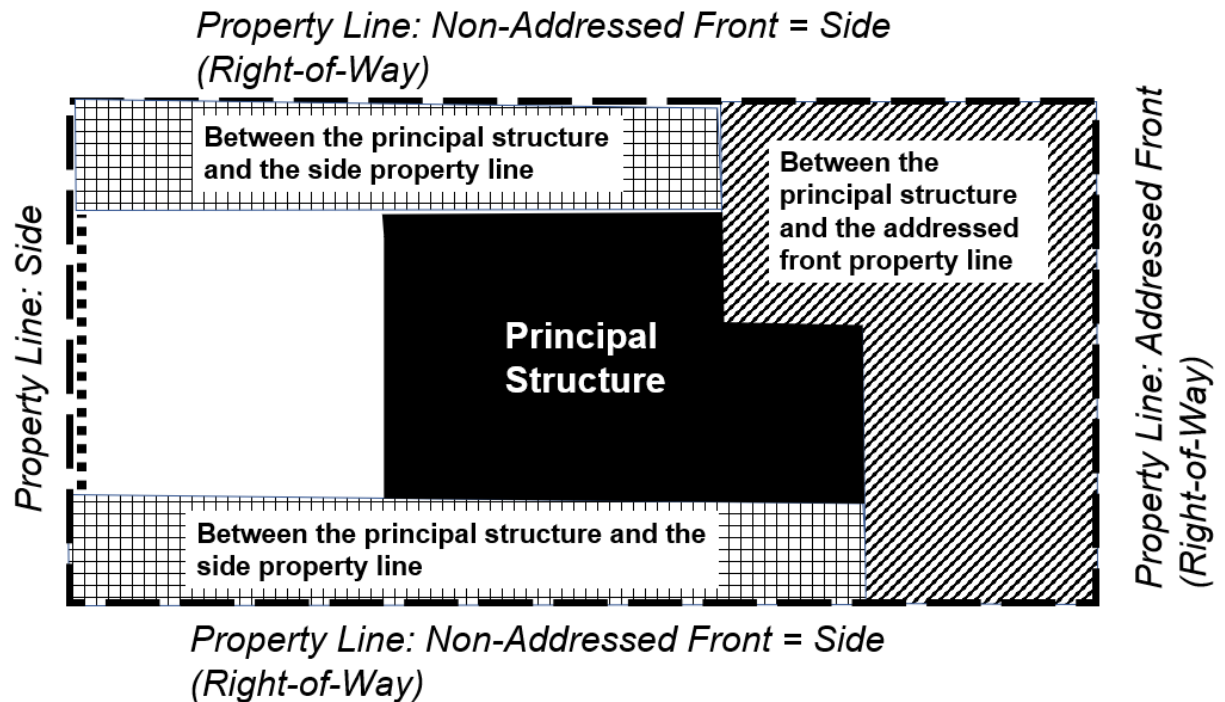
- ~~1. The fence is consistent with the character and placement of any structures and setbacks on the adjoining properties, including the placement of the fence on the property line, as determined by the Community Development Coordinator.~~
- ~~2. The fence or wall shall be primarily open style, with separated pickets.~~
- ~~3. However, if the side of the property is adjacent to a right-of-way that would be classified as an arterial or collector right-of-way by the City Engineer, then the fence or wall may be constructed consistent with the provisions in Section 3-804.B., above, regardless of the above condition of the placement of structures on and setbacks of adjoining properties, and may be solid/opaque.~~
- ~~4. Any fence or wall that exceeds three feet in height shall provide a three-foot-wide landscaped strip on the right-of-way side of the fence or wall consistent with the general landscaping standards in Section 3-1202 unless otherwise determined by the Community Development Coordinator.~~

(Insert the following three graphics)

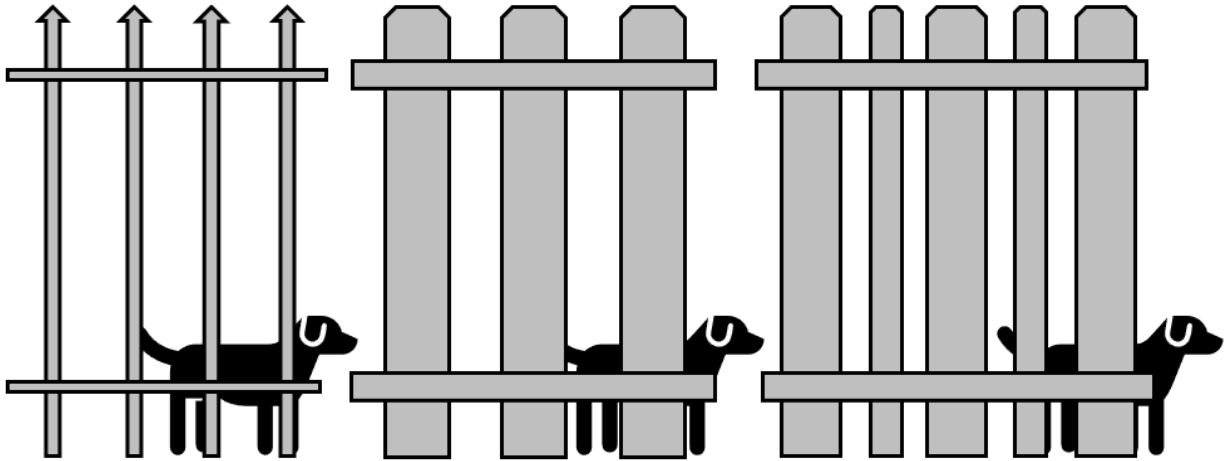
Fences and Walls: Corner Lots



Fences and Walls: Multi-Frontage Lots



Non-opaque / open style or picket fence examples

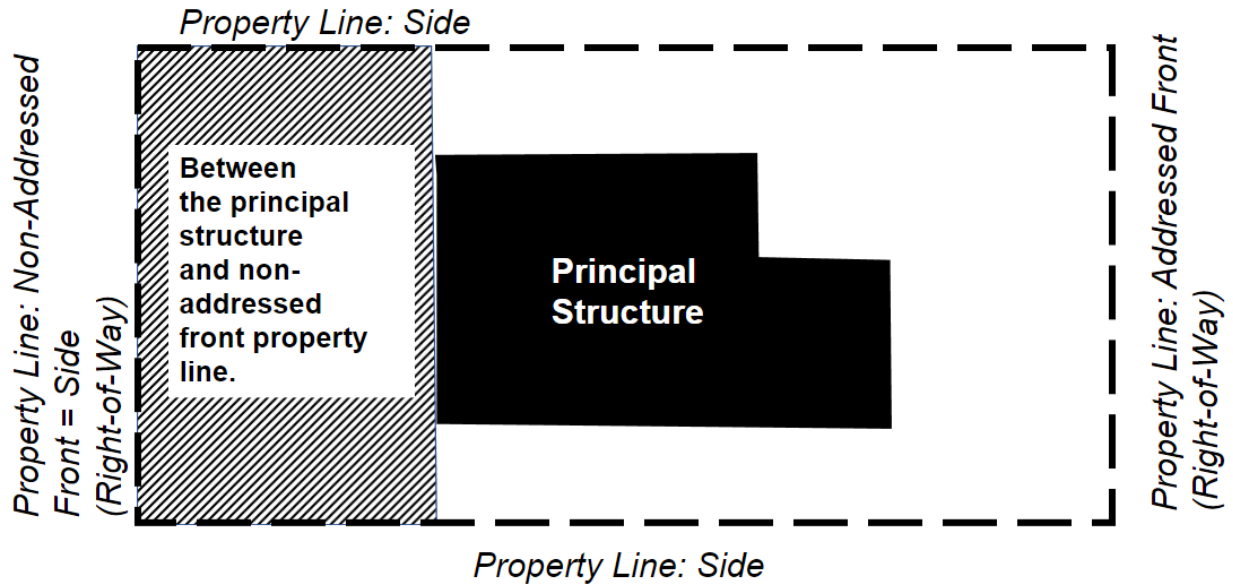


DE. Double frontage lots. For the purposes of fence or wall placement on double frontage lots, the front shall be the ~~side of the front~~ property line from which the property is addressed, and the opposite front property line will be treated as a rear property line for the purpose of fencing as illustrated below. The placement of any fence or wall on ~~this side the front~~ of the property shall adhere to the provisions in Section 3-804.A., above. ~~The opposite side of the property shall be considered a rear and a~~ A fence may be erected in this area permitted on the rear property line in compliance with the provisions in Section 3-804.B., above provided the following conditions exist:

1. The rear of both the adjacent lots on the same side of the street are oriented the same as the lot on which the fence or wall is proposed; and
2. The pattern of the dwellings across the street is also oriented with the rear facing the lots across the street.
3. If both of the above conditions cannot be met, such fence or wall in the rear shall not exceed four ~~three~~ feet in height.
4. ~~However, if~~ If the rear is adjacent to a right-of-way that would be classified as an arterial or collector right-of-way by the City Engineer, then the fence or wall may be constructed consistent with the provisions in Section 3-804.B., above, regardless of any of the above conditions.

(Insert the following graphic)

Fences and Walls: Double Frontage Lots



EF. *Exception for attached dwellings.* No fence or wall over six feet in height shall be permitted on any attached dwelling lot, except where the fence or wall is installed along the boundary of the property, in which case the fence or wall shall be uniformly designed and shall meet the height limits and other standards otherwise applicable to the fence or wall.

EG. Retaining walls, not including those walls associated with a detention pond which are regulated by Section 3-901, may be located between the principal structure and any front, side, or rear lot line, provided no portion of the wall that is located above grade exceeds 18 inches in height unless otherwise required to be of a greater height to satisfy and environmental or engineering need as determined by the City Engineer.

GH. An equivalent combination of fence, wall, landscape berm or retaining wall may be utilized to achieve the maximum possible fence height; however, in no case shall the combined height of the structures exceed the maximum height provisions.

H. *Exception for gates, arbors, trellises, pergolas, and similar entry components.* Gates, arbors, trellises, pergolas, and other similar entryway/access-enabling components incorporated into a fence or wall opening may include a height of no more than eight feet overall and may extend no more than one foot horizontally on each side of the opening and no more than three feet from the face of the fence or wall.

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Section 7. That Article 3. Development Standards, Division 9. General Applicability Standards, Section 3-902. Comprehensive plan densities/intensities, be amended to read as follows:

Section 3-902. – Comprehensive plan densities/intensities.

* * * * *

- F. ~~Mixed-use~~ Mixed-use projects.
1. ~~A mixed-use~~ determination will allow for nonresidential and residential land use to occur on the same lot. An application for a ~~mixed-use~~ development shall state the nonresidential Gross Floor Area (GFA) and the number of proposed residential dwelling units.
 2. The application shall also provide the land area needed to support each land use based on the Future Land Use Plan classification. The combined land area needed to support the residential and nonresidential land use components shall not exceed the total existing land area. Vertical mixed-use projects in the Downtown District are exempt from this requirement.

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Section 8. That Article 3. Development Standards, Division 11. Home-Based Businesses, Section 3-1102. Standards, be amended to read as follows:

Section 3-1102. - Standards.

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- B. All home-based businesses shall conform to all of the following standards:
1. The activities of the home-based business shall be clearly secondary to the property's principal use as a dwelling unit and must be conducted entirely within the dwelling or a legal accessory structure located on the premises.
 2. Home-based businesses ~~occupations~~ are permitted in an attached garage provided the required parking is retained and accessible. Home-based businesses ~~occupations~~ are prohibited in carports.

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Section 9. That Article 3. Development Standards, Division 12. Landscaping/Tree Protection, Section 3-1202. General landscaping standards, be amended to read as follows:

Section 3-1202. – General landscaping standards.

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- B. *Plant Material Specifications.* Except as provided in subsection (8) below, plant materials which are utilized to satisfy the landscaping required by this development code shall comply with the following minimum standards:

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2. Exceptions.
 - a. ~~Exception for S~~single-family detached and two-family attached dwellings. The above size requirements with regard to shade trees and accent trees shall not be applied to single-family detached dwellings and two-family attached dwellings. For those uses shade trees shall have minimum height of eight feet and minimum caliper of two inches, and accent trees shall have minimum height of six feet and minimum caliper of one inch.
 - b. Parks and athletic fields. Artificial turf may be used in lieu of plant materials in parks and athletic fields.

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- F. *Fences and walls.* If a fence or wall in the front setback for any use exceeds ~~36 inches~~^{3 feet}, a three-foot-wide landscaped strip landscaping shall be provided on the right-of-way side of the fence or wall (but not within the right-of-way), ~~or consisting of a solid hedge or a mix of plantings such as shrubs, small trees, flowers and vines shall be installed at intervals along the entire fence or wall, appropriate to the species, sufficient to provide coverage at maturity.~~
- G. *Comprehensive landscaping program.* The landscaping requirements of this division may be waived or modified as a part of a Level One or Level Two approval, as the case may be, if the application for development approval includes a comprehensive landscape program which satisfies each of the following criteria:

* * * * *

7. *Properties within the Downtown District.* The landscape treatment proposed in the comprehensive landscape program for properties in the Downtown District shall not result in the reduction of the pedestrian and landscape improvements required in Appendix C, Division 4, Frontage Standards, except as provided for in Appendix C, Division 7, Flexibility.

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Section 10. That Article 3. Development Standards, Division 14. Parking and Loading, be amended to read as follows:

Section 3-1407. – Parking restrictions in residential areas.

- A. *Restrictions.* For the dual purpose of preserving attractive residential areas within the city and promoting safe unimpeded traffic circulation throughout such neighborhoods, the following parking restrictions shall apply except as provided in paragraph B of this section:
1. *Within street right-of-way.* The following vehicles shall not be parked or stored on any public right-of-way in a residential zoning district, residentially designated downtown property, or on any right-of-way contiguous to such properties ~~a residentially zoned property~~:
 - a. Any boat or boat trailer;
 - b. Any hauling trailer;
 - c. Any of the following recreational vehicles: travel trailers, motor homes and camping trailers;
 - d. Any commercial vehicle.
 - e. Any race car, dune buggy, farm equipment, go kart, ATV, or other similar vehicle not designated for street operation.
 2. *Between principal structure and right-of-way.* The following vehicles shall not be parked or stored, in whole or in part, in a front setback and/or forward of the building line of the principal structure and any right-of-way line in a residential zoning district or on a residentially designated downtown property up to a maximum of two frontages:
 - a. Boat in excess of 20 feet;
 - b. Any boat trailer in excess of 25 feet total length or in excess of five feet longer than any boat occupying the trailer;
 - c. Hauling trailer;
 - d. Recreational vehicles, travel trailers, motor homes and camping trailers.

- e. Any commercial vehicle which measures in excess of 20 feet in total chassis and body length, seven feet in total width or seven feet in total height, including appurtenances, equipment and cargo.
 - f. Any race car, dune buggy, farm equipment, go kart, ATV, or other similar vehicle not designated for street operation.
3. *Parking in the side or rear setback.* The following vehicles may be parked or stored, in whole or in part, in a side or rear setback behind the front building line of the principal structure in a residential zoning district or on a residentially designated downtown property provided such vehicles are screened with a six-foot high solid fence, wall or hedge:
- a. Boat in excess of 20 feet;
 - b. Boat trailer in excess of 25 feet;
 - c. Hauling trailer;
 - d. Recreation vehicles, trailers, motor homes and camping trailers; and
 - e. Any race car, dune buggy, farm equipment, go kart, ATV, or other similar vehicle not designated for street operation.
4. *Large vehicles.* The following vehicles shall ~~be~~ not be parked or stored in any residential zoning districts or on any residentially designated downtown property:
- a. Commercial vehicles measuring in excess of 20 feet in total chassis and body length, seven feet in total width or seven feet in total height, including appurtenances, equipment and cargo are prohibited; and
 - b. Semi-tractor trailer, semi-tractor cab or any garbage truck, pump-out truck, chemical truck, gasoline truck, fuel oil truck or similar vehicle designed to transport wastes or hazardous or noxious materials.
5. *Exception to prohibition of parking on unpaved areas on single-family and duplex residential property.* One designated parking space may be located on the grass in a required front setback adjacent to and parallel to the driveway located on the property. Access to such designated parking space shall be by way of the property's driveway. If the designated parking space ~~can not~~ cannot be maintained as a grass area and is either reported by neighboring residents as a detrimental property or is identified by any code inspector as in violation of this provision, such designated parking area shall be filled in, by the property owner, with pavers, concrete, turf block or asphalt. Materials not permitted include crushed shell, mulch, millings or similar material.
6. *Parking on unpaved area prohibited.* No parking, displaying, or storing of vehicles, trailers and/or boats shall be permitted on any grass surface or other unpaved area zoned for any use unless specifically authorized in this section.

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Section 3-1408. - Parking restrictions in ~~commercial~~ nonresidential areas.

- A. Commercial trucks, semi-tractor trailers, cabs and other commercial vehicles shall be permitted to be parked or stored on commercial property only if such vehicles are associated with the property on which they are located.
- B. Boats or boat trailers, hauling trailers, and recreational vehicles shall not be parked or stored on any public right-of-way in nonresidential areas.

Section 11. That Article 3. Development Standards, Division 18. Signs, be amended to read as follows:

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Section 3-1806. – Temporary signs.

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TABLE 3-1806.1a. CRITERIA AND LIMITATIONS FOR SIDEWALK SIGNS

Location	In front of primary retail and restaurants within the linear footage of the storefront. Also in the immediate vicinity of parking garages/lots and valet stands. ¹
Maximum Number of Signs	1 per business
Maximum Width	2 feet
Maximum Height	3½ feet
Maximum Distance from Building Wall (as measured at the nearest point of sidewalk sign)	2 feet, except 5 feet in the Cleveland Street Café District in the Downtown zoning District and 2 feet from the entryway of a parking garage/lot and valet stands.
Maximum Width of Public Sidewalk that the Sign May Obstruct	4 foot clear path on the sidewalk shall be maintained
Duration Allowed	Only during hours while business or valet service is operating
Allowed on Public Property and Right-of-Way	Yes
Allowed in a Sight Visibility Triangle	No
Design Criteria	Restricted ²
Permit Required	Yes ³

* * * * *

³ Permit information.

- a. A permit shall be obtained on a yearly basis. Sidewalk sign permits expire on September 30th of each year and shall be renewed yearly to continue displaying a sidewalk sign.
- b. A sketch, photo or drawing of the proposed sidewalk sign, along with the required fee, shall be submitted and approved prior to the placement of the sidewalk sign.
- c. If proposed to be placed in a public right-of-way, evidence of general liability insurance in the amount of \$1,000,000.00 in a form acceptable to the city, with the city named as additional insured shall also be provided.

* * * * *

Section 3-1807 – Permitted Signs Requiring Development Review.

* * * * *

- B. *Non-Residential.* All signs must be architecturally integrated into the design of the building and/or site using similar and coordinated design and style features, materials and colors. Attached signs shall be horizontally and vertically proportionately located on each façade with no protrusions above roof lines, over windows, trim, cornices, or other building features. Signs for new shopping centers with three or more tenants, including all out parcels, office parks or any master plan development shall be reviewed and approved through the Comprehensive Sign Program set forth in Section 3-1808.

* * * * *

6. *Certain changeable message and copy signs.*

- a. Freestanding eElectronic changeable message signs shall be permitted for venues or facilities that seat 2,000 or more people, fuel price signs, menu signs, schools and places of worship provided: (a) the electronic changeable messages are part of a freestanding sign; (b) the electronic message area shall be limited to no more than 40 percent of the overall permitted freestanding sign face area, shall be located on

the lower portion of the sign face and shall be contiguous to the other copy area of the sign face; (c) electronic message signs shall be architecturally integrated to the design of the freestanding sign face and (d) shall be consistent with the width and depth of the sign cabinet. The general message for electronic changeable message signs at schools, places of worship, venues/facilities that seat 2,000 or more people or on fuel price and menu signs may change no more frequently than once every ~~ten minutes~~ fifteen seconds.

- b. ~~Freestanding e~~Electronic changeable message signs for a facility or venue that has seating for 2,000 or more people must also meet these additional criteria: (a) it is located on public property that exceeds 35 acres, (b) it serves a significant public purpose directly related to the facility or venue, and (c) the sign type will meet the following purposes of this Division 18, to wit: (1) the sign will not conceal or obstruct adjacent land uses or signs [Section 3-1802.F.], (2) the sign will not conflict with the principal permitted use of the site or adjoining sites [Section 3-1802.J.], (3) the sign will not interfere with or obstruct the vision of motorists, bicyclists or pedestrians [Section 3-1802.K.], and (4) the sign will be installed and maintained in a safe manner [Section 3-1802.L.]. Consistent with the general standards in Section 3-1805, the approval or disapproval by the city shall not be based on the content of the message contained (i.e., the viewpoint expressed) on such sign.
- c. Attached electronic changeable message signage may be permitted for performing arts theaters in the Downtown zoning district provided: (a) the electronic changeable message area shall be designed as an integral component of the attached sign, (b) the electronic message area shall be contiguous to the other copy area of the sign face, (c) the attached electronic changeable message sign shall be located on a building canopy or building marquee, and (d) the attached electronic changeable message sign shall be located on a building façade abutting a street frontage. Performing arts theaters located on more than one street frontage may have an electronic changeable message sign on no more than two street frontages. The general message for attached electronic changeable message signs at theaters may change no more frequently than once every fifteen seconds.
- d. Any sign may include an area for manually changeable copy provided the sign meets all of the area and design requirements set forth in Division 18, including but not limited to any and all criteria that limits sign area by percentage or any requirement that requires any color coordination or other such design criteria.

* * * * *

Section 3-1808. – Comprehensive sign program.

* * * * *

B. *Permitted signage.*

1. Signage which is proposed as part of a Comprehensive Sign Program may deviate from the minimum sign standards in terms of number of signs per business or parcel of land, maximum area of a sign face per parcel of land and the total area of sign faces per business or parcel of land, subject to compliance with the flexibility criteria set out in Section 3-1808.C. A Comprehensive Sign Program shall be approved pursuant to the provisions set out in Section 4-1008. Prohibited signs in Section 3-1804 are not eligible for a Comprehensive Sign Program. Electronic changeable message signs, other than those allowed pursuant to Section 3-1807.B.6.c, back-lit awnings, cabinet signs, and raceway signs are not eligible to be utilized as signs as part of a Comprehensive Sign Program.

* * * * *

Section 12. That Article 3. Development Standards, Division 21. Temporary uses, Section 3-2103. Allowable temporary uses, be amended to read as follows:

Section 3-2103. - Allowable temporary uses.

Unless otherwise noted, the following temporary uses are permitted subject to obtaining a Level One approval in accordance with the provisions of Article 4, Division 3 as well as the specific criteria pertaining to each temporary use:

* * * * *

Q. Temporary Community Garden Sale.

1. Allowable in association with all permitted community gardens;
2. Items for sale are restricted to produce and other horticultural plants grown on-site and value-added products such as pickles and jams; and
3. Allowable four times per property, per calendar year, but for no longer than 5 days per occurrence. Individual occurrences may not be consecutive.

Section 13. That Article 3. Development Standards, Division 25. Dog-friendly restaurants, Section 3-2505. Permit expiration and revocation, be amended to read as follows:

Section 3-2505. – Permit expiration and revocation.

* * * * *

- B. Dog-Friendly Restaurant pPermits shall expire on September 30 of each year and shall be renewed yearly to continue operation as a dog-friendly restaurant.

* * * * *

Section 14. That Article 3. Development Standards, Division 26. Community Gardens and Urban Farms, Section 3-2602. Operational requirements, be amended to read as follows:

Section 3-2602. – Operational requirements.

* * * * *

- B. ~~Limited on-site sales. Sale of produce and plants. A community garden is not intended to be a commercial enterprise. The produce and horticultural plants grown in a community garden are not intended to be sold wholesale nor offered for sale on the premises.~~
1. On-site retail sales of the produce and horticultural plants grown in a community garden, including value-added products such as pickles and jams, and compost generated on-site are permitted as an accessory use only in the Commercial (C), Institutional (I), and Downtown (D) Districts.
 2. No retail sale activities shall take place before 7:00 a.m. or after 9:00 p.m. All activities shall comply with the city's noise ordinance.

* * * * *

- G. Fences. Only the following standards shall apply to fences surrounding community gardens.

1. Fences shall be permitted up to a maximum height of four feet along the front property line(s) abutting any rights-of-way. Fences may be permitted up to a maximum height of six feet provided the fence is primarily open style with separated pickets.
2. Fences shall be permitted to a maximum height of six feet on any side or rear property line.
3. Gates, arbors, trellises, pergolas, and similar entry components. Gates, arbors, trellises, pergolas, and other similar entryway/access-enabling components incorporated into a fence or wall opening may include a height of no more than eight feet overall and may extend no more than one foot horizontally on each side of the opening and no more than three feet from the face of the fence or wall.

Section 15. That Article 4. Development Review and Other Procedures, Division 2. General Procedures, Section 4-201. Optional pre-application conference, be renamed and amended to read as follows:

Section 4-201. – Optional ~~P~~re-application conference.

- A. Applicants for a proposed development in the US 19 or Downtown zoning districts shall have a pre-application conference with the Community Development Coordinator or his/her designee prior to development application, unless otherwise waived by the Community Development Coordinator, to review the preliminary site plan, building elevations, and other materials required by the Community Development Coordinator. Those development projects that are exempt from the US 19 Zoning District and Development Standards pursuant to Section B-104.C or the Downtown District and Development Standards pursuant to Section C-104.B shall be exempt from this requirement.
- B. *Projects in all other zoning districts.* An applicant for development approval may request an informal conference with the community development coordinator prior to filing an application for the purpose of discussing the proposed development and to identify the views and concerns of the applicant and the city's professional staff.

Section 16. That Article 4. Development Review and Other Procedures, Division 6. Level Three Approvals, Section 4-606. Development Agreements, be amended to read as follows:

Section 4-606. – Development agreements.

* * * * *

- B. *Application requirements.* In addition to the basic information required by Section 4-202.A. and the fee required by Section 4-202.F., an application for approval of any type of development agreement shall be accompanied by:
 1. A statement of the requested duration of the agreement, which shall not exceed ten years for a hotel density reserve development agreement and ~~20~~ thirty (30) years for a general development agreement.

* * * * *

- C. *Staff review and report.*
 1. *Hotel Density Reserve Development Agreements.* The community development coordinator shall review the application for a hotel density reserve development agreement with the development review committee in accordance with the provisions

of Section 4-202(C) and (D) and shall prepare a written recommendation to the City Council.

2. *General Development Agreements.* The community development coordinator shall review the application for a development agreement with the development review committee in accordance with the provisions of Section 4-202(C) and (D) and shall prepared a written recommendation to the community development board.

* * * * *

G. Contents of development agreement/recording.

1. *Contents.* The approved development agreement shall contain, at a minimum, the following information:
 - a. A legal description of the land subject to the development agreement.
 - b. The names of all persons having legal or equitable ownership of the land.
 - c. The duration of the development agreement, which shall not exceed ten years for a hotel density reserve development agreement or ~~20~~ thirty (30) years for a general development agreement.

* * * * *

- J. *Expiration or revocation of approval.* The city manager shall review all lands within the city subject to a development agreement at least once every 12 months to determine if there has been demonstrated good-faith compliance with the terms of the development agreement. The city manager shall ~~make an annual~~ report to the city council as to the results of this review in the event a finding is made that that a property owner has not demonstrated good-faith compliance with the agreement terms. In the event the city council finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the development agreement may be revoked or modified by the city council upon giving at least 15 days written notice to the parties named in the development agreement. Such termination of a development agreement shall occur only after compliance with the public hearing and notice requirements of Section 4-206.

Section 17. That Article 8. Definitions and Rules of Construction, Section 8-102. Definitions, be amended to read as follows:

Section 8-102. – Definitions

For the purposes of this Development Code, the following words and terms have the meanings specified herein:

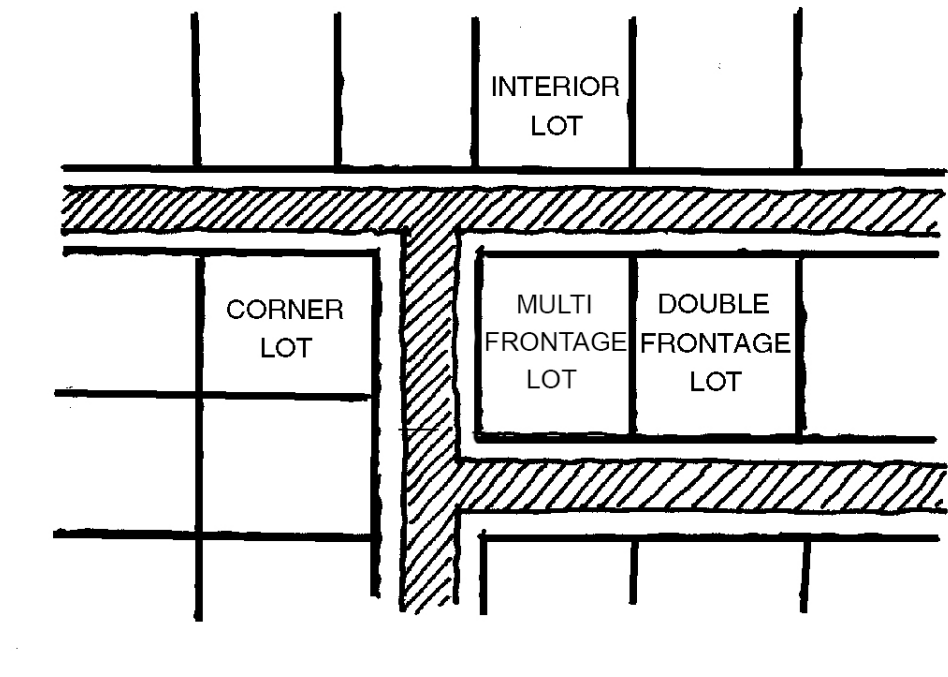
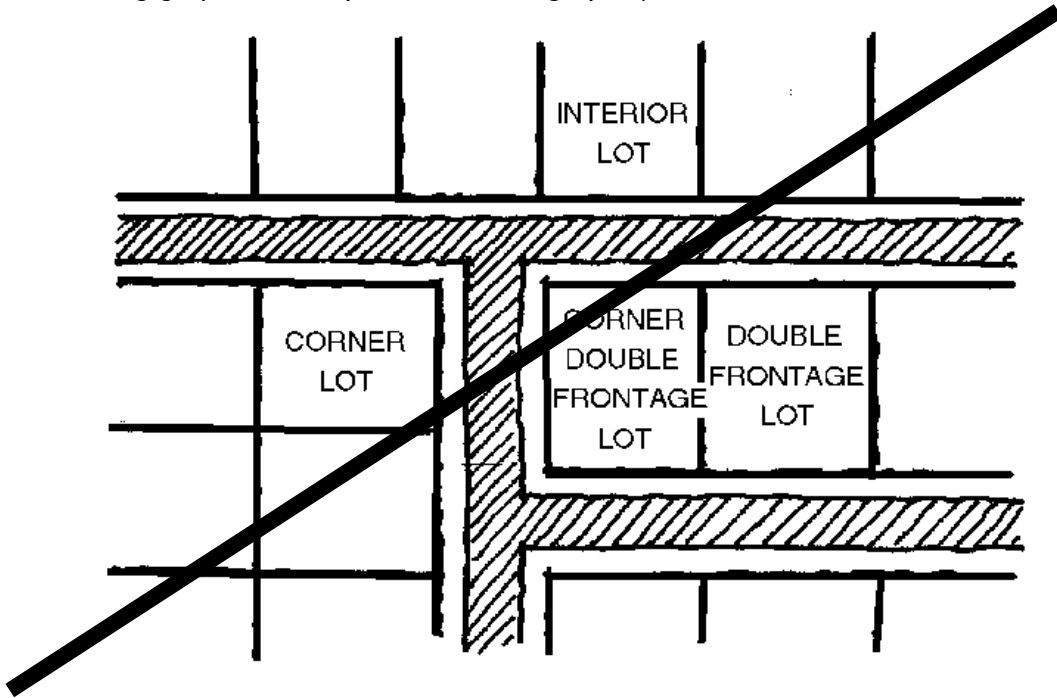
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Community gardens means a use of property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment, for the consumption and enjoyment of friends and relatives and/or donation to a not for profit organization, or the consumption and enjoyment of others through limited incidental retail sale on-site of goods grown on-site as permitted by the zoning district. Community gardens may also be designed for beautification of the community, and/or may be used for educational purposes.

* * * * *

Duplex means an attached dwelling with two dwelling units.

(Remove existing graphic and replace with new graphic)



Lot, multi-frontage, means a lot bounded by three or more street rights-of-way.

Porch means a roofed, unenclosed structure attached to a residence consisting of a floor that is typically raised above finished grade of a lot.

* * * * *

Residentially designated downtown property means any parcel of property in the Downtown ("D") District designated with Street Types E or F on Figure 2. Regulating Plan – Street Types and Key Corners, as contained in Appendix C of this Development Code.

* * * * *

Stoop means the elevated landing and stairs leading to the main entrance of a residence.

* * * * *

Section 18. That Appendix B. US 19 Zoning District and Development Standards, Division 1. General Provisions, Section B-104. Applicability of Development Standards, be amended to read as follows:

Section B-104. – Applicability of Development Standards.

* * * * *

C. Exemptions

The following types of development are exempt from all or a portion of the Development Standards as follows.

* * * * *

5. Change of Use. Projects involving only a change in use are exempt from the Development Standards in Appendix B, Divisions 4, 5 and 6, but shall comply with the bicycle parking standards in Section B-303.D when the change of use results in an increase in the minimum number of bicycle parking spaces required. When applicable, this shall only apply to the increase in bicycle parking required for the new use.
6. Improvement, Remodel, or Reconstruction. Building improvement and remodel projects, including reconstruction of buildings in the general location or footprint of buildings being replaced, with up to 5 percent additional gross floor area, shall be exempt from the Development Standards as follows.
 - a. Building improvement, remodel, or reconstruction projects valued at less than 25 percent of the total assessed building value as reflected in the Property Appraiser's current records at the time of application are exempt from the Development Standards in Appendix B, Divisions 4, 5 and 6, except that the location of any new floor area, including accessory structures, shall be compliant with the setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator, and bicycle parking shall be provided for any new floor area consistent with the bicycle standards in Section B-303.D.
 - b. Building improvement, remodel, or reconstruction projects valued at 25 percent or more of the total assessed building value as reflected in the Property Appraiser's current records at the time of application, are exempt from all but the pedestrian walkway standards in B-503.C, the surface parking and service area standards in B-504.A.1, ~~the bicycle parking standards in B-504.C,~~ and the landscape requirements in B-505.A of these standards, which shall be brought into compliance to the greatest extent practicable as determined by the Community Development Coordinator. Additionally, the location of any new floor area, including accessory structures, shall

be compliant with the setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator, and bicycle parking shall be provided for any new floor area consistent with the bicycle standards in Section B-303.D. Landscape requirements in B.504.A.1 and B.505.A may be modified as part of a comprehensive landscape program pursuant to the criteria set forth in Section 3-1202.G ~~3-1204.G~~.

* * * * *

Section 19. That Appendix B. US 19 Zoning District and Development Standards, Division 2. Regulating Plan, Figure 1. Regulating Plan, be amended to read as follows:

(Remove existing Figure 1. Comprised of 6 maps and replace with the following 6 maps which have been updated to reflect the annexation of the following properties: 18600 US Highway 19; 24479 US Highway 19; two unaddressed properties on the east side of US Highway 19, south of Sunset Point Road; and portions of: 2891 Gulf to Bay Boulevard, 2975 Gulf to Bay Boulevard, and 2970 Gulf to Bay Boulevard.)

Figure 1. Regulating Plan

US 19 Subdistricts

US 19 Regional Center

-  City
-  Unincorporated

US 19 Neighborhood Center

-  City
-  Unincorporated

US 19 Corridor

-  City
-  Unincorporated

Preservation

-  City
-  Unincorporated

Outside US 19 Corridor District

-  City
-  Unincorporated

Street Frontage Types

-  A
-  B
-  C
-  D
-  E

Key Corners

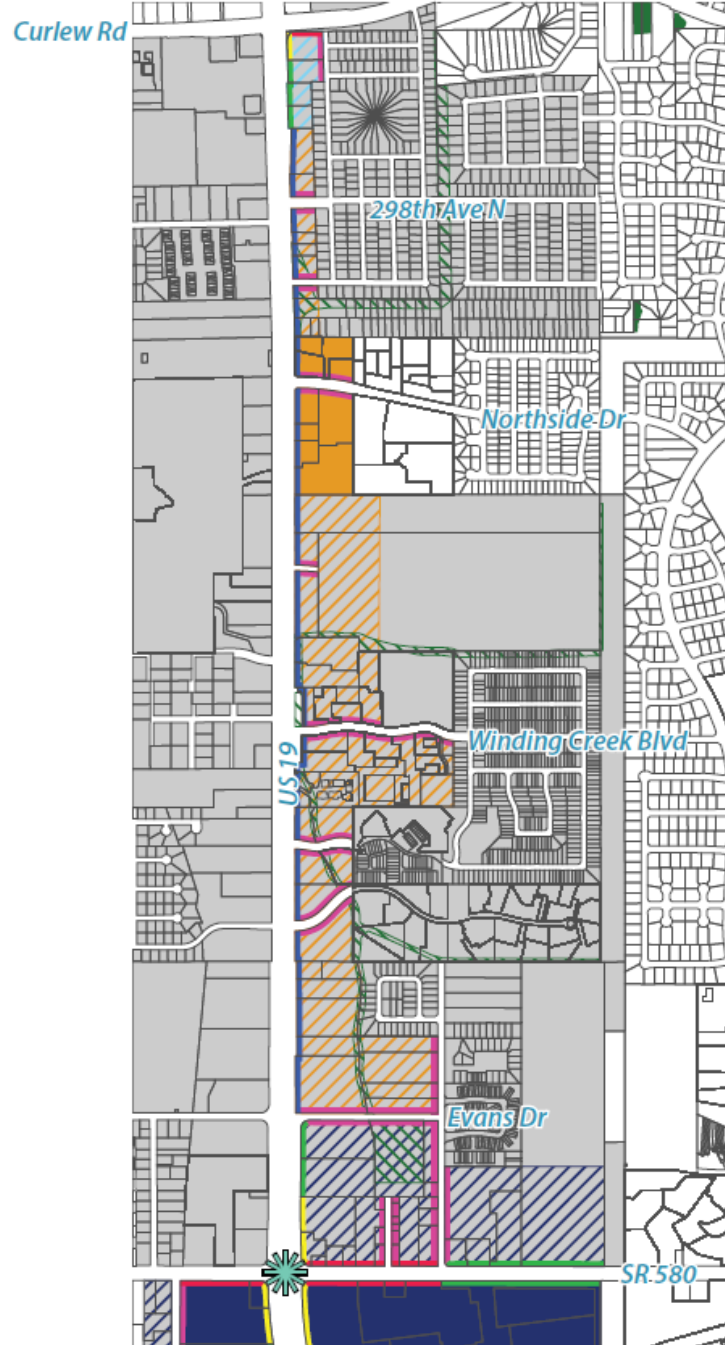


Figure 1. Regulating Plan (continued)

US 19 Subdistricts

US 19 Regional Center

-  City
-  Unincorporated

US 19 Neighborhood Center

-  City
-  Unincorporated

US 19 Corridor

-  City
-  Unincorporated

Preservation

-  City
-  Unincorporated

Outside US 19 Corridor District

-  City
-  Unincorporated

Street Frontage Types

-  A
-  B
-  C
-  D
-  E

Key Corners

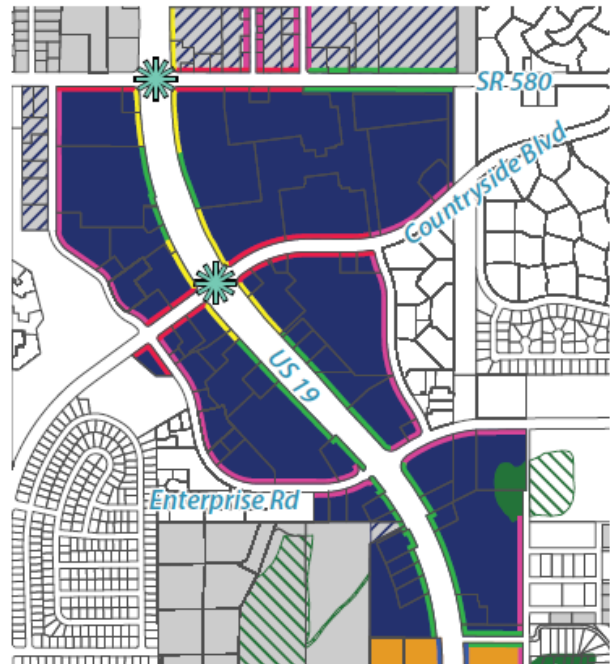
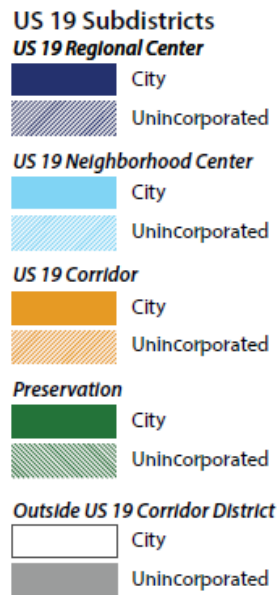


Figure 1. Regulating Plan (continued)



Street Frontage Types



Key Corners

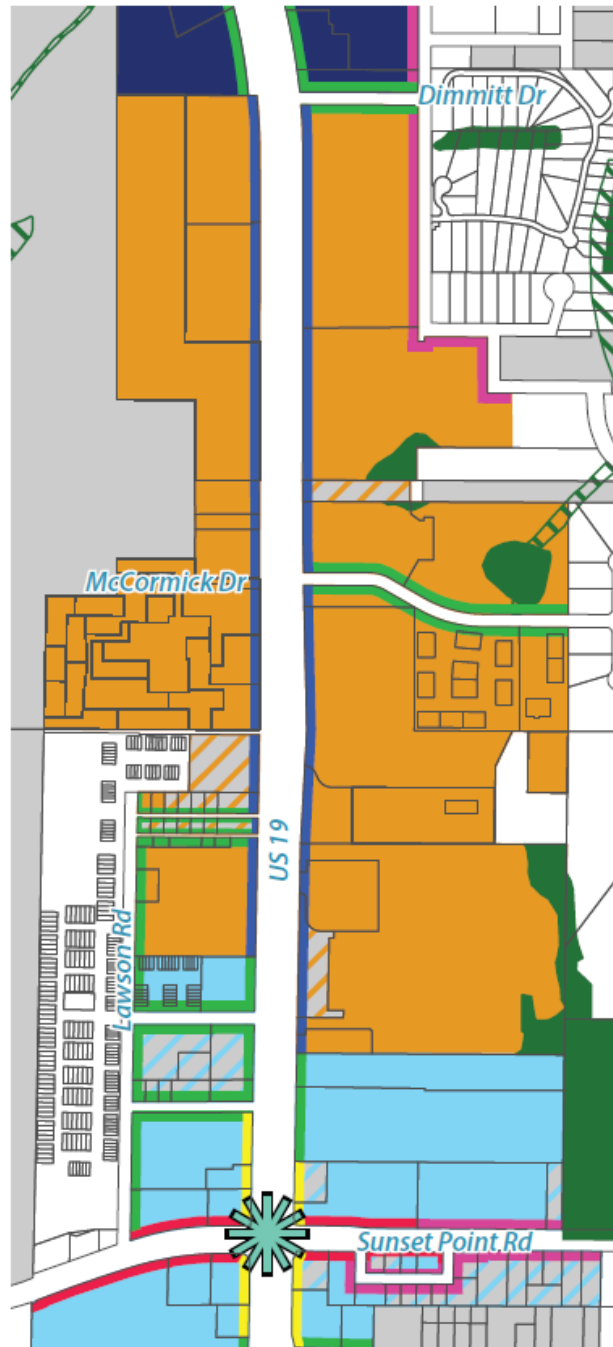


Figure 1. Regulating Plan (continued)

US 19 Subdistricts

US 19 Regional Center

-  City
-  Unincorporated

US 19 Neighborhood Center

-  City
-  Unincorporated

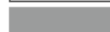
US 19 Corridor

-  City
-  Unincorporated

Preservation

-  City
-  Unincorporated

Outside US 19 Corridor District

-  City
-  Unincorporated

Street Frontage Types

-  A
-  B
-  C
-  D
-  E

Key Corners

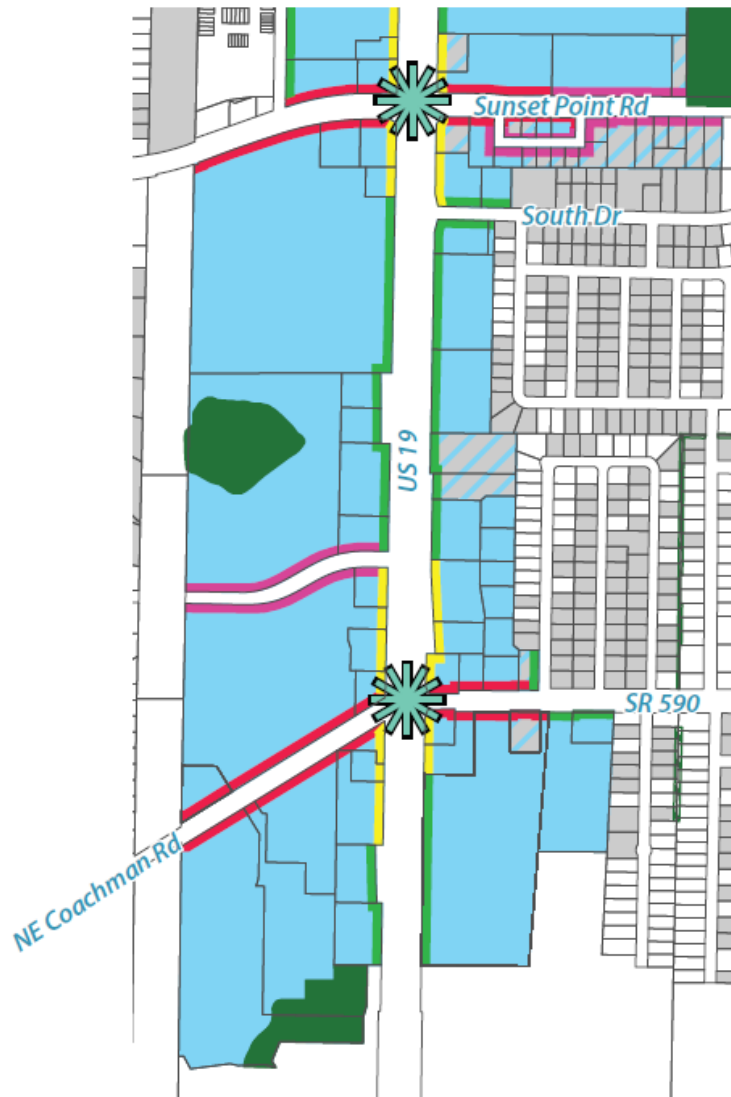


Figure 1. Regulating Plan (continued)

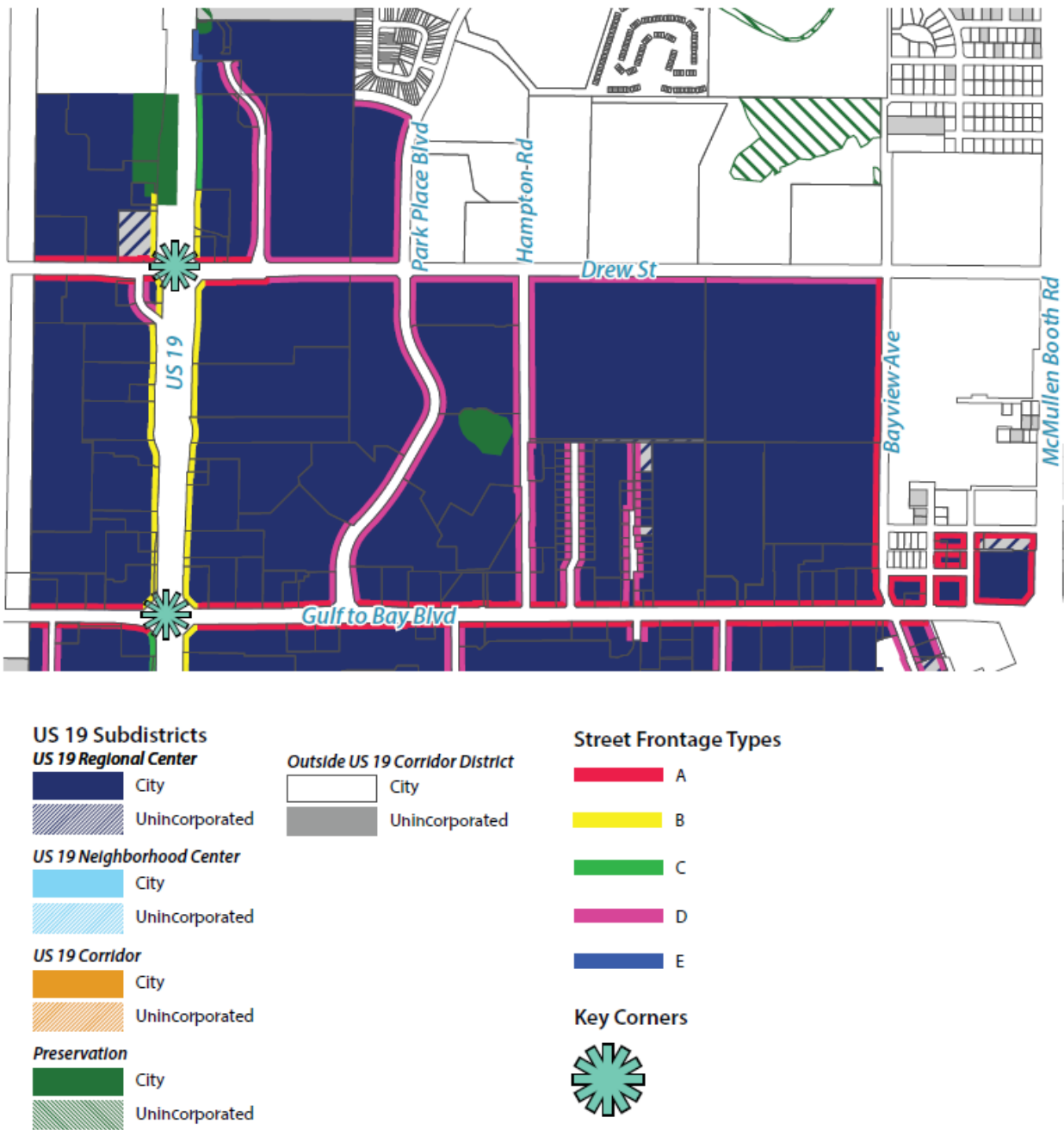
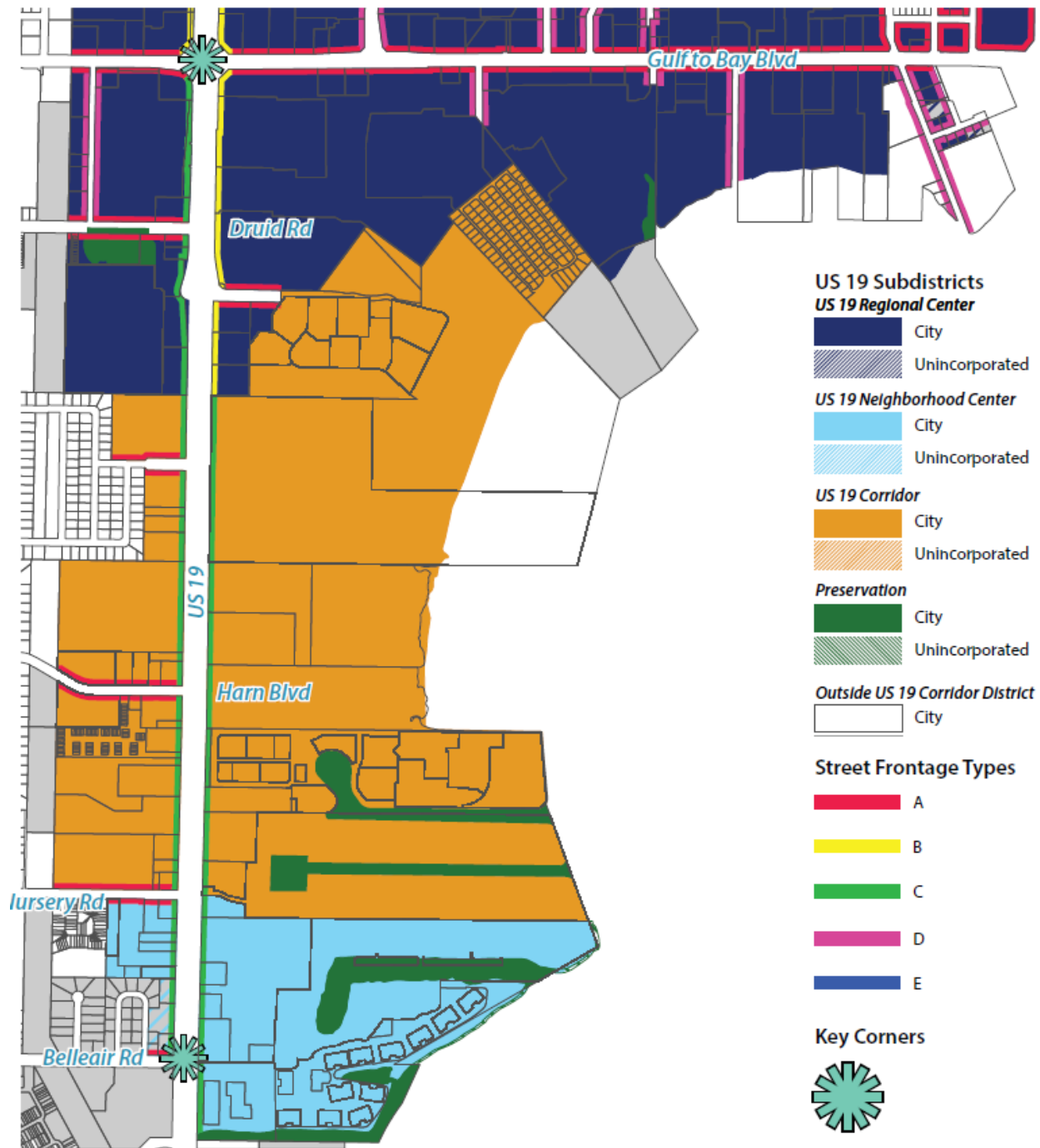


Figure 1. Regulating Plan (continued)



Section 20. That Appendix B. US 19 Zoning District and Development Standards, Division 3. Subdistrict Standards, be amended to read as follows:

Section B-303. – Permitted Uses & Parking

A. Use & Off-Street Parking Table

Permitted uses and approval levels by Subdistricts, along with off-street parking requirements, are listed in Table 2. Use and Off-Street Parking. Active uses are required at identified key corners, as defined in Section B-303.B. Pursuant to Section B-801, new construction projects on sites of 10 acres or more shall require at a minimum a Level One (flexible standard development) approval unless the proposed use or proposal otherwise requires a Level Two (flexible development) approval.

Table 2. Use and Off-Street Parking

Use	Regional	Neighborhood	Corridor	Use Specific Standards	Minimum Off-Street Parking Spaces

NONRESIDENTIAL USES					

Nightclubs	FLS	FLS	FLS	1. See footnote 1. 2. See footnote 2.	<u>4/1,000 SF</u> <u>GFA</u>

Schools	FLD	FLD	<u>FLS</u> <u>FLD</u>	1. All off-street parking is located at least 200 feet from any property designated as residential in the Zoning Atlas.	1 per 3 students <u>or as</u> <u>determined by</u> <u>the community</u> <u>development</u> <u>coordinator</u> <u>based on</u> <u>Florida Building</u> <u>Code parking</u> <u>standards</u>

Footnotes: 1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas. 2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the use is unlikely to have an adverse impact on such school or use as a place of worship. Key: BCP = Level 1 Minimum Standard (Building Construction Permit). FLS = Level 1 Flexible Standard Development (Community Development Coordinator approval required). FLD = Level 2 Flexible Development (Community Development Board approval required). X = Not Allowed <u>Permitted</u> <u>New construction projects on sites of 10 acres or more shall require, at a minimum, a Level One (flexible standard development) approval unless the proposed use or proposal otherwise requires a Level Two (flexible development) approval.</u>					

C. Parking Reduction

For all uses listed in Table 2. Use & Off-Street Parking, a reduction in the minimum number of parking spaces may be approved. The combined effect of all applicable reductions in

this section shall not reduce the off-street parking required by more than 25 percent without a parking demand study pursuant to the flexibility provisions in Section B-703.A. Parking reduction factors are provided in Table 3. Parking Reduction Factors.

* * * * *

D. Bicycle Parking

1. Short-term and long-term bicycle parking requirements are listed in Table 4. Bicycle Parking.

Table 4. Bicycle Parking

Use	Short Term Spaces	Long Term Spaces
<u>Attached Dwellings (1 – 100 units)</u>	<u>2 min., or 1 space per 10 units</u>	<u>1 per 2 dwelling units. Units with private garage or private storage space are exempt.</u>
<u>Attached Dwellings (101+ units)</u>	<u>1 space per 20 units</u>	<u>1 per 4 dwelling units. Units with private garage or private storage space are exempt.</u>
<u>Bars, Brewpubs, Restaurants</u>	<u>2 min., or 1 per 5,000 SF GFA</u>	<u>None</u>
<u>Offices</u>	<u>2 min., or 1 per 10,000 SF GFA</u>	<u>2 min., or 1 per 10,000 SF GFA</u>
<u>Parking Garages</u>	<u>6 min., or 1 per 20 vehicle parking spaces, whichever is greater</u>	<u>None</u>
<u>Public Transportation Facilities</u>	<u>10 min., or 1 per 5,000 SF GFA</u>	<u>4 min., or 1 per 10,000 SF GFA</u>
<u>Retail Sales and Services, Retail Plazas, Alcoholic Beverage Sales</u>	<u>2 min., or 1 per 5,000 SF GFA</u>	<u>None</u>
<u>All Other Nonresidential Uses</u>	<u>2 min., or 1 per 10,000 SF GFA</u>	<u>None</u>

2. All short-term bicycle parking areas shall be in highly visible locations along pedestrian walkways and near building entries.
3. All bicycle parking provided shall comply with the bicycle parking standards in Section 3-1411 of this Development Code.

*****RELETER REMAINING TABLES IN APPENDIX B, PENDING APPROVAL OF NEW TABLE 4. ABOVE*****

Section 21. That Appendix B. US 19 Zoning District and Development Standards, Division 4. Street Frontage Standards, be amended to read as follows:

Section B-401. – General.

Street frontage standards in this section regulate conditions along the five street frontages types established in Section B-203. Street Frontage Types and, include building, setbacks and spacing, pedestrian and landscape improvements, parking and vehicular circulation, and front building facades and entries. The location and extent of each street frontage type is illustrated in Figure 1. Regulating Plan. Table 54. Summary of Street Frontage Standards provides an overview of requirements by street frontage type.

Table 54. Summary of Street Frontage Standards					
Standard	Type A	Type B	Street Frontage Type C	Type D	Type E

Section B-402. – Type A street frontage.

E. Front Building Facades and Entries

In addition to the building design standards in Division 6, the following standards for front building facades and entries shall apply.

1. Ground floor front building facades shall generally be aligned along front setbacks parallel to streets and be designed to meet the following standards.
 - a. For a building with a nonresidential use, a minimum of 40 percent of the total area of the ground floor façade shall be comprised of transparent windows or doors. Glass utilized to provide this transparency shall have visible light transmittance to the maximum allowed by the Energy Code, shall not have reflective or mirrored coating or other treatments including but not limited to dark tinting, colored or opaque films, boards or paint. For the ground floor front facades of buildings with non-residential uses, a minimum of 40 percent of the total area of the ground floor facade shall consist of storefront windows and doors with transparent glazing with no more than 10 percent daylight reduction (tinting) and no reflective or mirrored coating or treatment.

Section B-403. – Type B street frontage.

E. Front Building Facades and Entries

In addition to the building design standards in Division 6, the following standards for front building facades and entries shall apply.

1. Ground floor front building facades shall generally be aligned along front setbacks parallel to streets and be designed to meet the following standards.
 - a. For a building with a nonresidential use, a minimum of 40 percent of the total area of the ground floor façade shall be comprised of transparent windows or doors. Glass utilized to provide this transparency shall have visible light transmittance to the maximum allowed by the Energy Code, shall not have reflective or mirrored coating or other treatments including but not limited to dark tinting, colored or opaque films, boards or paint. For the ground floor front facades of buildings with non-residential uses, a minimum of 40 percent of the total area of the ground floor facade shall consist of storefront windows and doors with transparent glazing with no more than 10 percent daylight reduction (tinting) and no reflective or mirrored coating or treatment.

Section B-404. – Type C street frontage.

E. Front Building Facades and Entries

In addition to the building design standards in Division 6, the following standards for front building facades and entries shall apply.

1. Ground floor front building facades shall generally be aligned along front setbacks parallel to streets and be designed to meet the following standards.
 - a. ~~For a building with a nonresidential use, a minimum of 40 percent of the total area of the ground floor façade shall be comprised of transparent windows or doors. Glass utilized to provide this transparency shall have visible light transmittance to the maximum allowed by the Energy Code, shall not have reflective or mirrored coating or other treatments including but not limited to dark tinting, colored or opaque films, boards or paint. For the ground floor front facades of buildings with non-residential uses, a minimum of 40 percent of the total area of the ground floor facade shall consist of storefront windows and doors with transparent glazing with no more than 10 percent daylight reduction (tinting) and no reflective or mirrored coating or treatment.~~

* * * * *

Section 22. That Appendix B. US 19 Zoning District and Development Standards, Division 5. Site Design Standards, be amended to read as follows:

* * * * *

Section B-502. – Development Pattern.

* * * * *

B. Drive Networks

* * * * *

3. New primary and secondary drives shall be designed consistent with the standards in Table 65. Locational & Design Standards for New Drives.

Table 65. Locational and Design Standards for New Drives

Drive Type	Locational & Design Standards
* * * * *	

* * * * *

Section B-503. – Access and circulation.

* * * * *

B. Reconstruction of Sidewalks & Landscaping

Reconstruction of existing sidewalks and landscape within rights-of-way shall be required. To the extent possible given right-of-way limits and utility conflicts, and with approval of the FDOT, Pinellas County, and/or the City, reconstruction shall follow the general standards for landscaping and sidewalks provided in Table 65. Locational & Design Standards for New Drives.

* * * * *

D. Cross Parcel Connections

To facilitate circulation and improve accessibility, vehicle and pedestrian facilities networks on adjacent sites shall be interconnected. Parking Existing and planned parking lot drive aisles and pedestrian walkways shall be aligned and connected with abutting sites. In cases

where no connection exists on an abutting developed site, and drive aisle and pedestrian walkway stub outs shall be constructed on properties abutting undeveloped sites to allow for future connections.

* * * * *

Section B-504. – Parking & Service Areas.

A. Surface Parking & Service Area

* * * * *

3. Surface parking spaces provided between 85 percent and 125 percent of the minimum required in Table 2. Use & Off-Street Parking may utilize reinforced grass or other permeable surface. All surface parking spaces provided in excess of 125 percent of the minimum required in Table 2. Use & Off-Street Parking shall utilize reinforced grass or other permeable surface. All driveways and/or access aisles shall be improved with a permanent all-weather paving material which is graded to drain stormwater, consistent with Section 3-1403.A.

* * * * *

~~C. Bicycle Parking~~

~~Projects shall provide space and racks for bicycle parking to accommodate at least one parked bike for every 10 vehicle parking spaces. All bicycle parking areas shall be in highly visible locations along pedestrian walkways and near building entries, and shall comply with bike rack standards in Section 3-1411.~~

* * * * *

Section B-506. – Stormwater Management.

Stormwater retention and detention areas are not permitted in front setbacks or between any street and any building ~~landscape zones~~ unless located underground in exfiltration trenches or open-bottomed underground storage and retention systems, or as part of a Low Impact Development stormwater management system incorporating features such as rain gardens and vegetative swales, or pervious pavers or pavement for pedestrian use. Traditional stormwater facilities such as dry and/or wet retention/detention ponds are permitted to the rear and side of buildings.

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Section 23. That Appendix B. US 19 Zoning District and Development Standards, Division 6. Building Design Standards, be amended to read as follows:

Section B-602. – Façade treatment and design.

* * * * *

B. Limited Blank Facades

Blank sections of ground floor building façades fronting or within view of streets, pedestrian walkways, or other ~~and~~ public spaces shall not exceed 20 feet in length. Elements such as windows, doors, balconies, columns, pilasters, changes in material, or other architectural details that provide visual interest shall be distributed across the façade in a manner consistent with the overall design of the building.

* * * * *

E. Upper Floor Facade Articulation and Fenestration

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3. To minimize blank façade areas along street frontages, façades fronting streets and new primary drives shall provide fenestration (doors, windows or other openings) to an extent of a minimum of 20 percent of each floor's façade area as measured between finished floor and finished ceiling.

* * * * *

Section B-604. – Building entries.

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B. Design Treatment

Building entries shall be distinguished by facade design, accomplished through the use of a combination of materials, articulation, or other architectural treatments such as variation in building height, arches, canopies, columns, towers, or similar treatments that provide interest to the building facade and draw attention to the entrance.

* * * * *

Section B-606. – Mechanical equipment.

Outdoor mechanical, electrical, and communication equipment, including heating, air conditioning, and ventilation equipment; venting and vent terminations for commercial hoods; electric meters; mechanical penthouses; electrical and communication equipment, panels, and cabinets; satellite dishes; and similar features shall be located and designed to meet all of the following standards.

- A. Equipment Placement. Equipment shall be placed on roofs or to the rear or side of buildings and shall not be placed in front setbacks or between any street and any building.
- B. Equipment Screening.
1. Ground-mounted mechanical ~~E~~equipment shall be screened from public view by landscape screens or architecturally-finished walls and enclosures designed consistent with the exterior façade of the building.
 2. Rooftop-mounted mechanical and equipment shall be screened by a parapet wall, articulated roofline or other roof screen, or similar device that is integrated into the building's architectural design and of a height equal to or exceeding the height of the mechanical equipment being screened.
 3. Elevator penthouses shall be designed to complement the design of street-facing building façades and shall be clad on all sides in material used on street-facing façades.

Section 24. That Appendix B. US 19 Zoning District and Development Standards, Division 7. Flexibility, be amended to read as follows:

Section B-703. – Flexibility provisions.

Flexibility may be approved subject to the standards below.

A. Subdistrict Standards – Off-Street Parking

* * * * *

B. Street Frontage Standards - Building Setbacks

1. Front building setbacks less than the minimums or greater than the maximums allowed in Appendix B, Division 4 may be approved for projects with site constraints such as shape irregularities and/or the presence of natural features, existing utilities, utility easements, or access easements making meeting setback requirements impractical or infeasible. Where front building setbacks are reduced, required pedestrian areas along front building facades may be reduced by no more than 20 percent, and the landscape area may be modified as part of a comprehensive landscape program pursuant to the criteria set forth in Section 3-1202.G 3-1204.G.

* * * * *

E. Street Frontage Standards - Front Building Facades and Entries

1. For buildings on interior lots, front building façade and entry flexibility may be approved for only one of the following, as illustrated in Figure 16. Interior Lot Frontage Design Flexibility.
 - a. For buildings along Street Frontage Types A, B, and C, the extent of transparent glazing along a building's ground floor front facade may be reduced to 25 percent if the building's ground floor side facade is designed to meet standards applicable to the front facade, including requirements for pedestrian and landscape improvements.
 - b. Building entries along a side façade may be approved in lieu of entries on the front façade, as required in Appendix B, Division 4 and in Section B-604.A, if the entries are clearly visible from and within 40 feet of the street frontage and both facades are designed to meet all standards applicable to front facades, including requirements for transparency and pedestrian and landscape improvements.
2. For buildings on corner lots, front building façade and entry flexibility provisions for corner lots may be approved for only one of the following, as illustrated in Figure 17. Corner Lot Frontage Design Flexibility.
 - a. ~~For buildings at corner locations, the~~The extent of transparent glazing along the building's ground floor front facade with the lowest level of existing or planned pedestrian activity may be reduced to 25 percent. ~~These flexibility provisions are illustrated in Figure 16, Frontage Design Flexibility.~~
3. ~~Flexibility in the application of entry location standards in Appendix B, Division 4 and in Section B-604.A may be approved consistent with one of the following.~~
 - a. ~~Building entries along a side facade may be approved in lieu of entries on the front facade if the entries are clearly visible from and within 40 feet of the street frontage and both facades are designed to meet standards applicable to front facades, including requirements for pedestrian and landscape improvements.~~
 - b. ~~For buildings at corner locations, building~~ Building entries along one front facade may be approved in lieu of entries on both front facades, as required in Appendix B, Division 4 and in Section B-604.A, if the entries are clearly visible from and within 40 feet of the street frontage and both facades are designed to meet all standards applicable to front facades, including requirements for transparency and pedestrian and landscape improvements.
3. For projects on sloping sites where site grades make meeting the requirements for finished floor elevation standards for residential buildings in Appendix B, Division 4 impractical or infeasible, a finished floor elevation of up to 48 inches may be approved. For those portions of a residential building that are used for nonresidential uses such as lobbies, fitness centers, or similar shared spaces, a finished floor elevation of less than 18 inches may be approved.

(Remove existing Figure 16 comprised of 1 image and replace with the following Figure 16 and Figure 17)

Figure 16. Frontage Design Flexibility - Interior Lot

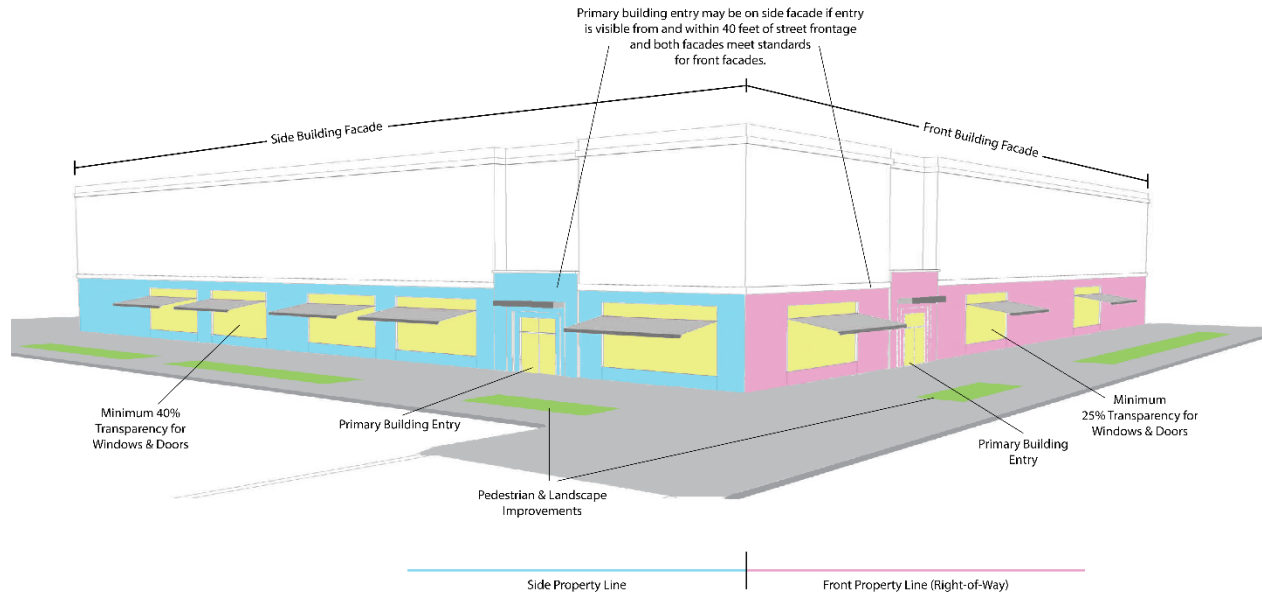
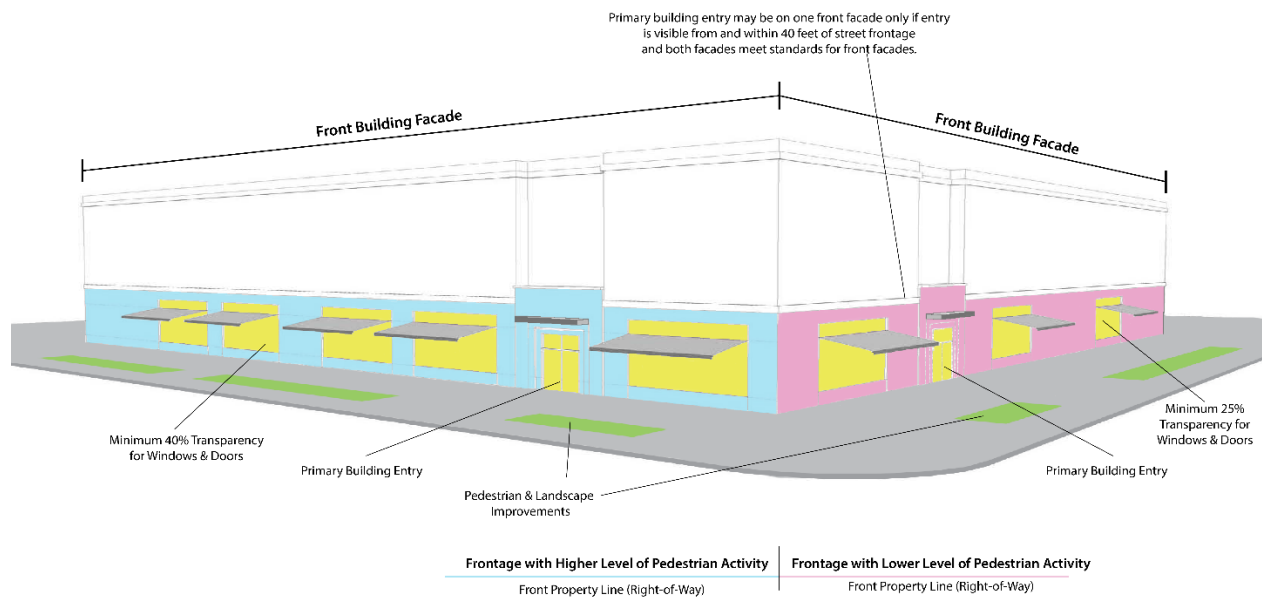


Figure 17. Frontage Design Flexibility - Corner Lot



- F. Site Design Standards - Development Pattern
Flexibility in the application of requirements for development blocks and drive networks found in Section B-502.A and Section B-502.B ~~for new streets and drives and development blocks~~ may be approved for projects on sites where the applicant demonstrates that site size, dimension, shape, or presence of constraints such as natural areas, utilities or utility easements, or other existing features make meeting these requirements infeasible.
- G. Site Design Standards - Cross Parcel Connections
1. Flexibility in the provision of cross parcel connections may be approved under one or more of the following circumstances.
 - a. Where a new or improved connection could result in cut-through traffic on streets serving residential uses.
 - b. Where site grades, natural areas, or other site constraints make meeting the requirements impractical or infeasible.
 - c. Where applicants can satisfactorily demonstrate to the Community Development Coordinator that the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical or where the applicant demonstrates that all reasonable steps were taken to secure joint and cross access easements and that such steps failed.
 2. Where flexibility in the standard is allowed, pedestrian ~~Pedestrian~~ connections shall be provided ~~where vehicular connections are found to be inappropriate, impractical, or infeasible.~~
- H. Site Design Standards - Pedestrian Walkways through Parking Lots
Flexibility in the provision of pedestrian walkways through parking areas required in Section B-503.C for vehicle sales/displays uses may be approved provided the project's pedestrian- and transit- orientation and connectivity to adjacent parcels is not negatively affected.
- I. Site Design Standards - Fences & Walls Along Street Frontages
Flexibility in the prohibition of fences and walls in front of buildings along Street Frontage Types A, B, and C in Section B-505.B may be approved where the placement of a fence or wall in front of the building does not negatively affect the project's pedestrian- and transit orientation, or connectivity to adjacent parcels. This provision shall not apply to low (24 to 36 inches) opaque walls required for screening of parking or automobile service stations.
- J. Site Design Standards - Stormwater Management ~~Facility Location~~
Flexibility in the location of stormwater facilities may be approved in one or more of the following circumstances.
1. Where natural drainage features are maintained and conserved as an integral part of the project's site design.
 2. Where placement of stormwater facilities in front setbacks or between front building facades and public sidewalks does not negatively affect the project's pedestrian- and transit-orientation, limit connections between building entries and public sidewalks, or require building placement and front building facade designs that do not comply with requirements.
- K. Building Design Standards - Facade Design & Articulation
Flexibility in meeting the facade design and articulation standards for limited blank facades in Section B-602.B, façade bays in Section B-602.C, and upper floor façade articulation in B-602.E may be approved where the alternative design treatment provides a varied and

interesting design, and the alternative treatment is integral to the building's design and results in facades of equal or better quality than the standards would produce.

Section B-704. – Flexibility Provisions for Special Project Types

A. Special Project Types

1. Flexibility in meeting the frontage, site, and building standards in Divisions 4, 5, and 6 for large-scale mixed use projects and projects with employment-intensive land uses may be approved by the Community Development Board. Projects meeting the following criteria are defined as special project types for the purpose of this section.
 - a. Projects on sites greater than 20 acres with a mix of land uses including at least two of the following uses: retail, including restaurants, retail plazas, and retail sales and services; multi-family residential; overnight accommodations; or office.
 - b. Projects on sites greater than 10 acres with a proposed FAR greater than 1.25 and a mix of land uses including at least two of the following uses: retail, including restaurants, retail plazas, and retail sales and services; multi-family residential; overnight accommodations; or office.
 - c. Projects on sites greater than 52.5 acres with employment-intensive land uses meeting the criteria for such uses as defined in the Economic Development Strategic Plan and providing opportunity for significant economic contribution to the City by diversifying the local economy; by creating jobs with average wages exceeding the annual average wage of Pinellas County; and which attract, retain, and expand primary industries.

* * * * *

Section 25. That Appendix B. US 19 Zoning District and Development Standards, Division 8. Administration, Section B-801. Site plan approvals, be amended to read as follows:

Section B-801. – Site plan approvals.

A. Required Pre-Application Conference

A pre-application conference shall be required for all development applications within the US 19 District unless the development is exempt from the Development Standards pursuant to Section B-104.C or this requirement is otherwise waived by the Community Development Coordinator.

B. Approval Authority

The final decision-making authority for site plans is either the Community Development Coordinator for Level One approvals or the Community Development Board for Level Two approvals, as specified in Article 4. The level of approval required varies by use and subdistrict as specified in ~~Article 4~~ and Table 2. Use & Off-Street Parking, which identifies whether a use can be approved as a Building Construction Permit (Level 1 Minimum Standard), or if Community Development Coordinator (Level One Flexible Standard Development) or Community Development Board (Level Two Flexible Development) approval is required. Projects on sites of 10 acres or more shall require at a minimum a Level One (flexible standard development) approval. Projects requesting flexibility in the application of Design Standards shall follow the process established in Section B-702.

Section 26. That Appendix C. Downtown District and Development Standards, Division 1. General Provisions, Section C-104. Applicability of development standards, be amended to read as follows:

Section C-104. – Applicability of development standards.

* * * * *

B. Exemptions

The following types of development are exempt from all or a portion of the Development Standards as follows:

1. Change of Use. Projects involving only a change in use are exempt from the Development Standards in Appendix C, Divisions 4, 5 and 6 and bicycle parking requirements in Section C-303.~~C of these standards.~~
2. Detached Dwellings. Detached dwellings lawfully existing on the date of the original adoption (August 2, 2018) of these Development Standards may be expanded or rebuilt. The location of any new or reconstructed floor area shall be compliant with all setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator. Existing driveways or parking that does not comply with the parking location standards for the applicable frontage type may remain. Existing carports may be enclosed, but new garages shall comply with Section C-505.
3. Improvement or Remodel. Building improvement and remodel projects, including projects with up to 7.5 percent or 5,000 square feet of additional gross floor area, whichever is less, excluding detached dwellings, shall be exempt from the Development Standards as follows.
 - a. Building improvement or remodel projects valued at less than 25 percent of the total assessed building value as reflected in the Property Appraiser's current records at the time of application or as established by a qualified independent appraiser using a recognized appraisal method are exempt from the Development Standards in Appendix C, Divisions 4, 5 and 6, except that the location of any new floor area, including accessory structures, shall be compliant with all setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator.
 - b. Building improvement or remodel projects valued at 25 percent or more of the total assessed building value as reflected in the Property Appraiser's current records at the time of application or as established by a qualified independent appraiser using a recognized appraisal method are exempt from all but Sections the existing street preservation standards in C-502.A, the pedestrian circulation and access standards in C-503.C, the parking and service area standards in C-504, and the landscaping and fencing/walls in C-506 of these standards, which shall be brought into compliance to the greatest extent practicable as determined by the Community Development Coordinator. Additionally, the location of any new floor area, including accessory structures, shall be compliant with all setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator.
4. Historic Designated Structures. The Community Development Coordinator may waive the Development Standards for the renovation, expansion, or development of structures which have been designated historic in accordance with the provisions of Section 4-607. Changes to such structures shall comply with the standards for historic preservation in Article 23, Division 10.

5. Parks and Recreation Facilities. Parks and Recreation Facilities on publicly owned land shall comply with the Development Standards in Appendix C, Divisions 3, 4, 5, 6, and 7 to the maximum extent practicable as determined by the Community Development Coordinator.

Section 27. That Appendix C. Downtown District and Development Standards, Division 2. Regulating Plan, Section C-203. Street type regulating plan and Figure 2. Regulating Plan – Street Types and Key Corners, be amended to read as follows:

Section C-203. – Street type regulating plan.

A. Street Types and Key Corner Locations

Figure 2. Regulating Plan – Street Types and Key Corners establishes the applicability of development standards in Appendix C, Division 4 based on a site's location along streets and at key corner locations. As shown in Figure 2. Regulating Plan – Street Types and Key Corners, streets are assigned a street type in descending alphabetical order based upon intensity of pedestrian activity, or as determined by the Community Development Coordinator. ~~with high~~ High levels of existing and planned pedestrian activity are assigned Street Types A, B or C; streets with modest levels of existing and planned pedestrian activity are assigned Street Type D; and streets with residential uses and the least amount of existing and planned pedestrian activity are assigned Street Types E and F. For sites at locations identified as key corners, specific development standards related to ground floor uses are included in Appendix C, Division 4. The Service Street Type is applied to ~~public~~ streets and alleys with very low levels of anticipated pedestrian activity that provide access to parking and service areas.

B. Street Types Assignment

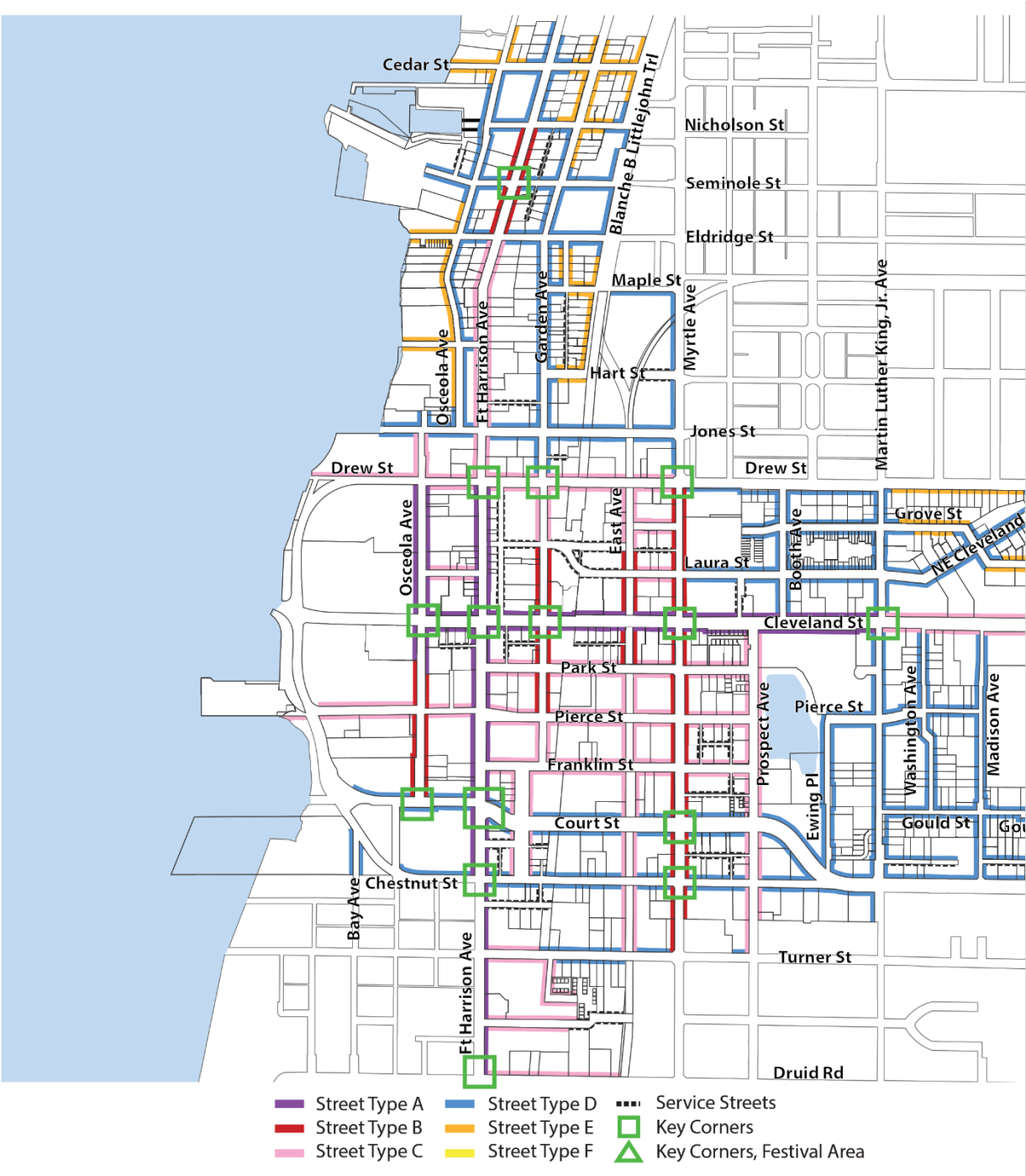
1. Along existing or proposed new public streets or for properties where street types are not depicted on the Regulating Plan, an appropriate street type shall be established by the Community Development Coordinator as part of an application for development approval.
2. If a property is landlocked, the Community Development Coordinator shall determine which street type shall be utilized for the purpose of establishing setbacks.

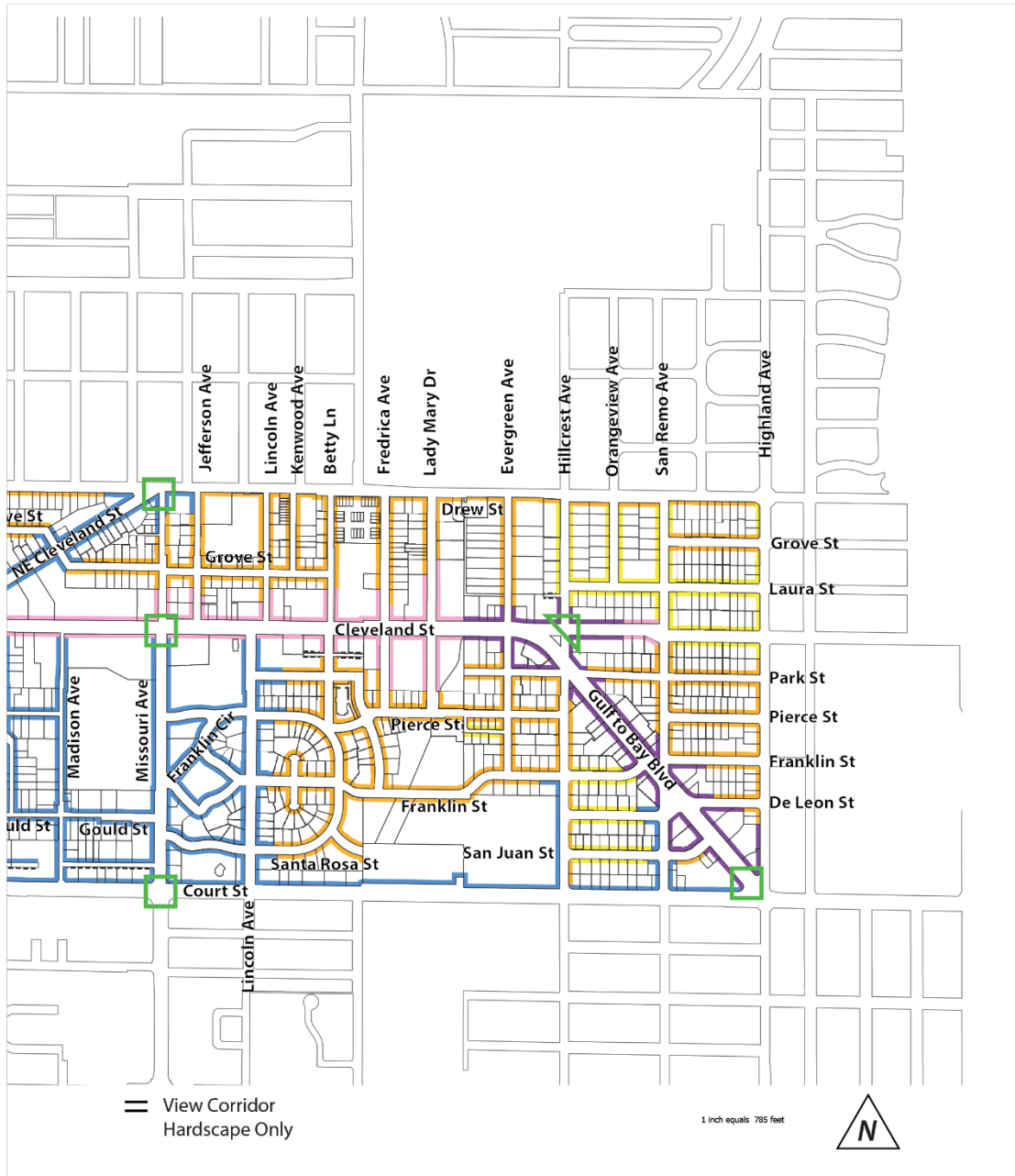
C. View Corridors

The view corridor at the western terminus of Nicholson Street shall be preserved through an open space corridor the width of the Nicholson Street right-of-way. The corridor shall extend to the west to the mean high water line. Hardscaping improvements may occupy this space provided the height does not exceed the average pre-development grade of the property within the open space corridor. View corridors are shown on Figure 2. Regulating Plan—Street Types and Key Corners.

(Remove existing Figure 2. and replace with the following maps that include additional street labels, adds street type designations where missing on Turner Street and Bay Avenue, and removes the designation of an unnamed alley located at 110 S. Ft. Harrison Avenue vacated by the city on October 20, 2022)

Figure 2. Regulating Plan – Street Types and Key Corners





Section 28. That Appendix C. Downtown District and Development Standards, Division 3. Character District Standards, be amended to read as follows:

Section C-302. – Building height.

- A. Maximum Building Heights. The maximum building height for each character district is shown on Figure 8. Maximum Height & Height Transitions.

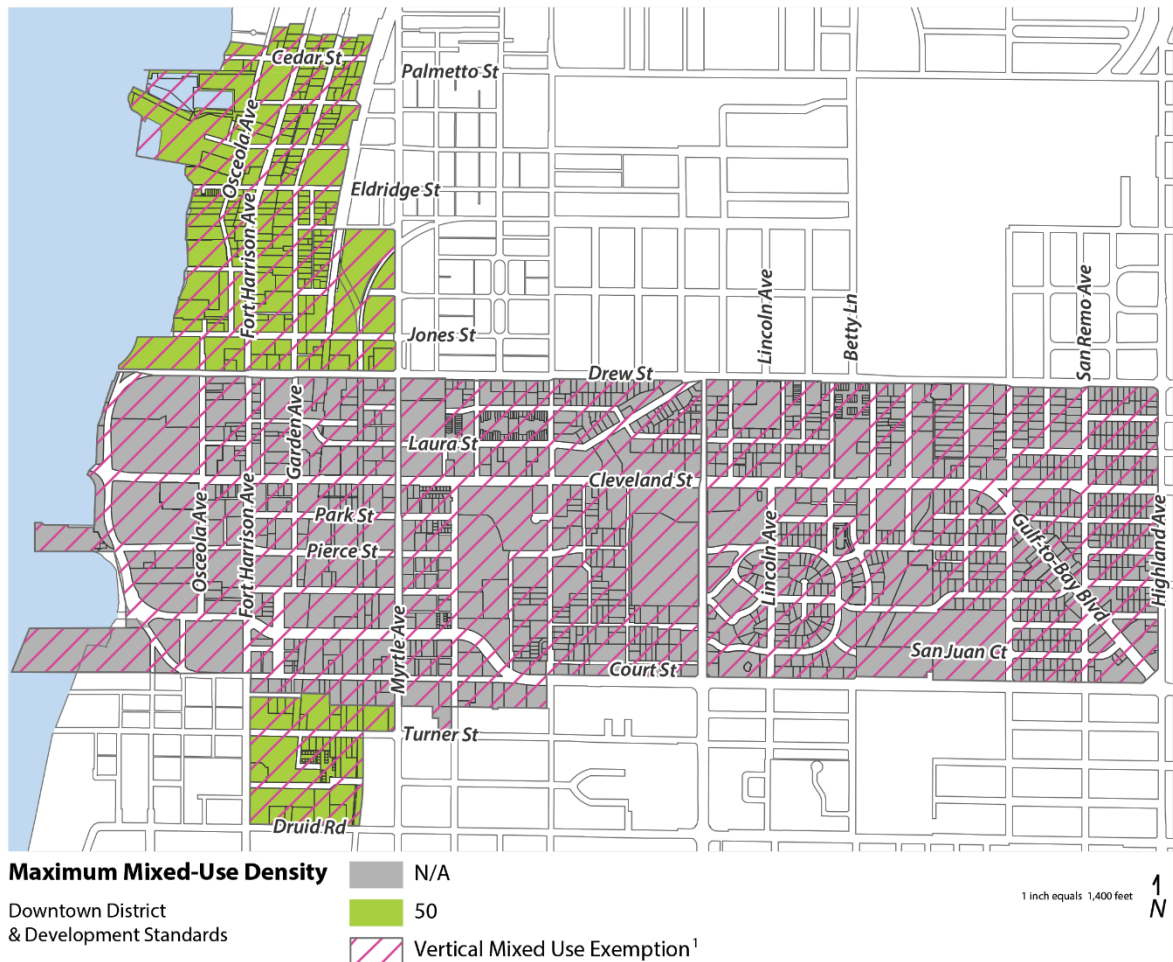
B. Height Transitions.

1. Buildings greater than 75 feet in height shall provide at least a 15-foot minimum façade step back from the lower floor façade at or between the 3rd and 6th floors 3 through 6 along their frontages or along their primary street frontage if site has multiple street frontages abutting public streets. Buildings greater than 150 feet in height shall have an additional 15-foot minimum façade step back at or between the 12th and 15th floors 12 through 15 along their frontages or along their primary street frontage if site has multiple street frontages abutting public streets.
2. Buildings along the boundary of the Downtown District and/or those properties within the Downtown District for which the permissible maximum height would be greater than 10 feet higher than the permissible maximum height on an abutting parcel (see Figure 8) shall have at least a 15-foot minimum facade step back from the lower floor facade at or between the 3rd and 6th floor along the property line(s) which abut the boundary and/or property with a lesser permissible height.
3. To avoid a monotonous streetscape, a building shall not replicate the step back configuration of the ~~neighboring~~ adjacent buildings including those directly across rights-of-way.
4. In addition to the step back requirements above, buildings, or portions of buildings located on properties that are two acres or larger in size and located west of North Osceola Avenue and north of Seminole Street, but not fronting on Cedar Street, and are greater than 30 feet in height shall not be closer than 30 feet to any property.

* * * * *

(Remove existing Figure 6. Comprised of 1 map and replace with the following map adding Vertical Mixed-Use Exemption and corresponding footnote)

Figure 6. Maximum Mixed-Use Density



¹Vertical mixed-use projects in the Downtown District are exempt from the requirements in Section 3-902.F.

Sources: City of Clearwater Planning & Development Department; Engineering Department; Pinellas County Property Appraiser

Prepared by: City of Clearwater Planning & Development Department, January 2023

Section C-303. – Permitted uses and parking.

- A. Use and Off-Street Parking Table. Permitted uses and approval levels by character district, along with off-street parking requirements, are listed in Table 1. Use and Off-Street Parking.
- B. Residential and Overnight Accommodation (bed and breakfast) use restrictions. Only residential and overnight accommodations (bed and breakfast) uses, where permitted, are allowed in the Urban Residential 2, Neighborhood Infill, and Neighborhood Conservation Frontages as defined in Appendix C, Division 4 except as provided for in Division 8. Flexibility.

Table 1. Use and Off-Street Parking

Use	Downtown Core	Old Bay	South Gateway	Prospect Lake	Downtown Gateway	Use Specific Criteria	Minimum Off-Street Parking Spaces

NONRESIDENTIAL USES							

Community Gardens	BCP	BCP	BCP	BCP	BCP	None <u>Limited on-site retail sales may be permitted as an accessory use consistent with the criteria specified in Section 3-2602.B.</u>	N/A

Overnight Accommodations (Bed & Breakfast)	X	BCP	BCP <u>X</u>	BCP	X	1. The use is accessory to the use of the principal building as a private residence. 2. An owner or manager shall reside on the premises in the principal building. 3. Food service in conjunction with the overnight accommodations shall be limited to guests of the use, and shall include at a minimum service of breakfast to guests. 4. Off-street parking is screened to a height of four feet by a landscaped wall or fence so that headlamps from automobiles in the off-street parking area cannot project into adjacent properties and streets. 5. Receptions or parties of any kind are prohibited.	2/dwelling unit plus 1/ overnight accommodation unit
Overnight Accommodations (Hotel)	BCP	BCP	BCP <u>X</u>	BCP	BCP	None	0.75/unit

Self Storage Warehouses	FLS	X	FLS	FLS	<u>FLS</u> <u>X</u>	1. The use shall be secondary to and shall not exceed 25 percent of the gross floor area of the <u>building in which it is located another principal use.</u> 2. Leasing office and other non-storage customer service areas shall be incorporated into the	<u>N/A</u>

Table 1. Use and Off-Street Parking

Use	Downtown Core	Old Bay	South Gateway	Prospect Lake	Downtown Gateway	Use Specific Criteria	Minimum Off-Street Parking Spaces
						building frontage along the primary street. 3. Outdoor storage of any kind shall be prohibited. 4. Access to individual storage spaces shall be provided from within the building. 54. All loading areas, including bays and loading zones used for the placement of personal products onto, or removal from, a transportation vehicle shall be provided along the interior side or rear of the building and screened from view.	

Footnotes: 1. The use shall not be located within 1,000 feet of another like use. 2. The parcel proposed for development is not abutting to a parcel of land which has frontage along Street Type E or F. 3. Medical marijuana treatment center dispensing facilities shall comply with the requirements set forth in F.S. § 381.986, as amended. Key: BCP – Level 1 Minimum Standards (Building Construction Permit) FLS – Level 1 Flexible Standard Development (Community Development Coordinator approval required) FLD – Level 2 Flexible Development (Community Development Board approval required) X – Not Permitted							

C. Bicycle Parking.

1. ~~Long-term bicycle spaces parking requirements shall be provided for new development, additions, and expansions providing off-street parking as are listed in Table 2. Long-Term Bicycle Parking, and shall comply with the bicycle parking standards in Section 3-1411 of this Development Code. Buildings with less than 5,000 square feet of gross building area and residential projects with fewer than 10 units are exempt from this requirement.~~

Table 2. Long-Term Bicycle Parking

Use	Long Term Spaces
Attached Dwellings (10 or more units)	1 per 4 dwelling units. Units with private garage or private storage space are exempt.
Offices (5,001+ SF GFA)	2 min., or 1 per 10,000 SF GFA
Parking Garages	2 min., or 1 per 20 vehicle parking spaces, whichever is greater
Public Transportation Facilities	4 min., or 1 per 10,000 SF GFA

2. Where provided, short-term bicycle parking areas shall be in highly visible locations along pedestrian walkways and near building entries.
3. All short-term and long-term bicycle parking provided shall comply with the bicycle parking standards in Section 3-1411 of this Development Code.

Section 29. That Appendix C. Downtown District and Development Standards, Division 4. Frontage Standards, be amended to read as follows:

Section C-401. – Relationship between street types and frontage standards and hierarchy of street types.

Street Frontage Types are described in Section C-203. Table 3. Frontages and Street Types shows which development standards in this division apply by the street types shown in Figure 2. Regulating Plan – Street Types and Key Corners. Multiple frontages can apply to a single project along a street type. Street Types are organized by intensity of planned pedestrian activity with Street Type A being the highest level and Street Type F and Service Streets being the lowest level of planned pedestrian activity.

Section C-402. – Properties with multiple street frontages.

- A. Definition of Primary and Secondary Street Frontages.
 1. ~~For project sites with multiple street frontages, including corner sites, a~~ A primary street frontage shall be defined established for project sites with multiple street frontages.
 2. The primary street frontage shall be defined as the street frontage with the highest level of designated street type or the highest level of existing and planned pedestrian activity as defined in the Clearwater Downtown Redevelopment Plan and consistent with Section C-203.A.
 3. All other street frontages shall be secondary street frontages. As provided in Division 8. Flexibility, a limited amount of flexibility in meeting requirements for frontages defined as secondary street frontages may be approved.
- B. ~~Definition Assignment of Street Frontages for Corner Sites.~~
 1. ~~For corner sites where the street type is the same on two all frontages, the primary street frontage shall be defined as assigned the frontage to which the majority of buildings on adjacent sites are oriented and addressed.~~
 2. ~~In locations where the orientation of buildings on adjacent sites is unclear, the primary street frontage shall be defined as the frontage on which the building is addressed determined by the Community Development Coordinator consistent with the vision of the area pursuant to the Clearwater Downtown Redevelopment Plan. As provided in Division 8. Flexibility, a limited amount of flexibility in meeting requirements for frontages defined as secondary street frontages may be approved.~~
 3. Primary street frontage requirements may be applied for up to 50% of the linear street frontage of the secondary street frontage to wrap around the corner of a building that is located at the intersection of two different Street Types. The balance of the secondary street frontage shall revert to the standards of the applicable Street Type.
- C. ~~Application of Setbacks on Through~~
 1. Double-Frontage Lots. ~~For project sites with frontage on two parallel streets, one of which is a Service Street Type,~~ the side setbacks applicable to the primary street frontage shall apply.

2. Corner Lots. Front setbacks shall be applicable to the street frontages of corner lots, and side setbacks shall apply to non-street frontages.
3. Multi-Frontage Lots. Front setbacks shall be applicable to all street frontages on multi-frontage lots, and side setbacks shall apply to all non-street frontages.

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Section C-404. – Storefront 1 frontage.

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C. Front Setback Improvements.

Where front setbacks are provided, the area within the setback shall be improved primarily as a hardscape extension of the public streetscape with no change in elevation from adjacent sidewalks, no landscape areas, and no permanent physical obstructions such as a curbing, railing, or fencing. Movable furnishings, including tables, seats, and landscape planters, are permitted.

D. Ground Floor Façades and Entries.

1. Building façades along street frontages shall meet building design standards in Appendix C, Division 6.
2. Ground floor front building façades shall meet the following standards **(D)**:
 - a. Building façades shall be located along front setbacks and aligned generally parallel to ~~streets and public sidewalks~~ the primary street frontage property line.
 - b. A minimum of 60 percent of the area of the ground floor façade between 2 and 10 feet in height above adjacent ground level shall be comprised of transparent windows or doors. Glass utilized to provide this transparency shall have visible light transmittance to the maximum allowed by the Energy Code, shall not have reflective or mirrored coating or other treatments including but not limited to dark tinting, colored or opaque films, boards or paint consist of storefront windows and doors with transparent glazing with no more than 10 percent daylight reduction (tinting) and no reflective or mirrored coating or treatment. Transom windows are encouraged above storefront display windows. Residential window types, with closely spaced mullions and recessed punched windows, are not allowed for storefront frontages. The bottom of storefront windows shall be no more than 2 feet above the adjacent ground level.
 - c. Primary entries to individual ground floor tenant spaces and entries to shared lobbies for upper story spaces shall be located along the front façade and may be recessed 18 inches maximum.
 - d. For sites with multiple frontages, there shall be at least one entry to individual ground floor tenant spaces or entries to shared lobbies on each street frontage unless provided on the corner of the primary street frontage and secondary street frontage.
 - ~~d~~e. Thresholds at front building entries and the ground floor finished floor elevation shall match the elevation of the abutting public sidewalk or publicly accessible plaza.
 - ~~e~~f. The ground floor floor-to-structural-ceiling height shall be 14 feet minimum and ground floor building space shall be designed to meet Florida Building Code requirements for commercial uses.
3. Awnings, canopies, or other forms of weather protection shall be required along at least 80 percent of the front façade and shall meet the standards in Appendix C, Division 6 **(E)**.

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Section C-405. – Storefront 2 frontage.

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B. Building Setbacks.

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3. To promote the continuity of frontages along front setbacks, the space between buildings on the same or adjacent sites, or between building wings for “U”-shaped buildings, shall be 80 feet maximum.

C. Front Setback Improvements.

1. Where front setbacks are provided, the area within the setback shall be improved primarily as a hardscape extension of the public streetscape with no change in elevation from adjacent sidewalks.
2. Landscape areas may account for 35 percent maximum of the front setback area. Such landscaping shall comply with landscape requirements in Section 3-1202.
3. Low curbing up to six inches in height may be used to define the edge of landscape areas but no permanent physical obstructions such as walls, railing, or fencing are permitted.

D. Ground Floor Façades and Entries.

1. Building façades along street frontages shall meet building design standards in Appendix C, Division 6.
2. Ground floor front building façades shall meet the following standards **(D)**:
 - a. Building façades shall be located along front setbacks and aligned generally parallel to streets and public sidewalks the primary street frontage property line.
 - b. A minimum of 50 percent of the area of the ground floor façade between 2 and 10 feet in height above adjacent ground level shall be comprised of transparent windows or doors. Glass utilized to provide this shall have visible light transmittance to the maximum allowed by the Energy Code, shall not have reflective or mirrored coating or other treatments including but not limited to dark tinting, colored or opaque films, boards or paint consist of storefront windows and doors with transparent glazing with no more than 10 percent daylight reduction (tinting) and no reflective or mirrored coating or treatment. Transom windows are encouraged above storefront display windows. Residential window types, with closely spaced mullions and recessed punched windows, are not allowed for storefront frontages. The bottom of storefront windows shall be no more than 2 feet above the adjacent ground level.
 - c. Primary entries to individual ground floor tenant spaces and entries to shared lobbies for upper story spaces shall be located along the front façade and may be recessed 18 inches maximum.
 - d. Thresholds at front building entries and the ground floor finished floor elevation shall match the elevation of the abutting public sidewalk or publicly accessible plaza.
 - e. The ground floor floor-to-structural-ceiling height shall be 14 feet minimum and ground floor building space shall be designed to meet Florida Building Code requirements for commercial uses.
3. Awnings, canopies, or other forms of weather protection shall be required along at least 80 percent of the front façade and shall meet the standards in Appendix C, Division 6 **(E)**.

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Section C-406. – Workshop/flex frontage.

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B. Building Setbacks.

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2. To promote the continuity of frontages along front setbacks, the space between buildings on the same or adjacent sites, or between building wings for “U”-shaped buildings, shall be 80 feet maximum. shall be 80 feet maximum.

C. Front Setback Improvements.

1. The front setback area shall be improved as a landscape area with walkway connections between sidewalks and front building entries. Low curbing up to six inches in height may be used to define the edge of landscape areas but no permanent physical obstructions such as walls, railings, or fencing are permitted between the street and front building façade.
2. Landscaping in the front setback area shall comply with landscape requirements in Section 3-1202.
3. Hardscape areas improved as open-air patio or café space may account for 50 percent maximum of the front setback area. Such areas may be defined by railings or low walls 36 inches maximum in height.

D. Ground Floor Façades and Entries.

1. Building façades along street frontages shall meet building design standards in Appendix C, Division 6.
2. Ground floor front building façades shall be designed to meet the following standards **(D)**:
 - a. Building façades shall be located along front setbacks and aligned generally parallel to streets and public sidewalks the primary street frontage property line.
 - b. A minimum of 40 percent of the area of the ground floor façade between 2 and 10 feet in height above adjacent ground level shall be comprised of transparent windows or doors. Glass utilized to provide this transparency shall have visible light transmittance to the maximum allowed by the Energy Code, shall not have reflective or mirrored coating or other treatments including but not limited to dark tinting, colored or opaque films, boards or paint consist of storefront windows and doors with transparent glazing with no more than 10 percent daylight reduction (tinting) and no reflective or mirrored coating or treatment.
 - c. Primary entries to individual ground floor tenant spaces and entries to shared lobbies for upper story spaces shall be located along the front façade and may be recessed 18 inches maximum.
 - d. Thresholds at front building entries and the ground floor finished floor elevation may be elevated 18 inches maximum above the grade of the abutting public sidewalk or publicly accessible plaza.
 - e. The ground floor floor-to-structural-ceiling height shall be 14 feet minimum and ground floor building space shall be designed to meet Florida Building Code requirements for commercial uses.

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Section C-407. – Urban residential 1 frontage.

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B. Building Setbacks.

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3. To promote continuity of frontages along front setbacks, the space between buildings on the same or adjacent sites, or between building wings for "U"-shaped buildings, shall be 20 feet maximum and may be occupied by a mid-block pedestrian passageway open for tenant use. Where such space is provided with no pedestrian passageway or to provide for a private courtyard, a 6-foot minimum, or 8-foot maximum high brick or other masonry wall, wall with masonry columns linked by substantial grill work, or wall designed to match the architectural design of the building shall be constructed in line with the front building façade.

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D. Ground Floor Façades and Entries.

1. Building façades along street frontages shall meet building design standards in Appendix C, Division 6.
2. Ground floor front building façades shall meet the following standards **(D)**:
 - a. Building façades shall be located along front setbacks and aligned generally parallel to ~~streets and public sidewalks~~ the primary street frontage property line.
 - b. The finished floor elevation of ground floor residential units along front setbacks shall be elevated 18 inches minimum, 36 inches maximum above the grade of adjacent sidewalks.
 - c. Primary entries to individual ground floor units and shared lobby space providing access to upper story units shall be located along the front façade and be visible from streets and sidewalks.

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Section C-408. – Urban residential 2 frontage.

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B. Building Setbacks.

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2. To promote the continuity of frontages along front setbacks, the space between buildings on the same or adjacent sites, or between building wings for "U"-shaped buildings, shall be 80 feet maximum.

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D. Ground Floor Façades and Entries.

1. Building façades along street frontages shall meet building design standards in Appendix C, Division 6.
2. Ground floor front building façades shall meet the following standards **(D)**:
 - a. Building façades shall be located along front setbacks and aligned generally parallel to ~~streets and public sidewalks~~ the primary street frontage property line.
 - b. The finished floor elevation of ground floor residential units along front setbacks shall be elevated 18 inches minimum, 36 inches maximum above the grade of adjacent sidewalks.
 - c. Primary entries to individual ground floor units, where provided, and shared lobby space shall be located along the front façade and be visible from streets and sidewalks.

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Section C-409. – Neighborhood infill frontage.

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D. Ground Floor Façades and Entries.

1. Building façades along street frontages shall meet building design standards in Appendix C, Division 6.
2. Ground floor front building façades shall meet the following standards **(D)**:
 - a. Building façades shall be located along front setbacks and aligned generally parallel to streets and public sidewalks the primary street frontage property line.
 - b. The finished floor elevation of ground floor residential units along front setbacks shall be elevated 18 inches minimum, 36 inches maximum above the grade of adjacent sidewalks.
 - c. Primary entries to ground floor units and shared lobby space shall be located along the front façade and be visible from streets and sidewalks.
3. Front porches or stoops shall be provided at entries to individual ground floor units and be designed to meet the following standards **(E)**:
 - a. Porches may project 6 feet minimum, 10 feet maximum from front building façades into setbacks. Stoops may project 4 feet minimum, 6 feet maximum from front building façades into setbacks. Neither shall be located closer than 2 feet from front property line.
 - b. For buildings at corner locations, porches shall be oriented to the primary street frontage and wrap around ~~from to the façade~~ a minimum of 6 feet along the secondary street frontage and extend 6 feet minimum along the façade facing the secondary street frontage.
 - c. No more than two front porches or stoops serving adjacent units shall be connected.
 - d. Landscape areas shall be provided between individual or connected porches or stoops and shall be at least 8 feet in length as measured along the front building façade.
4. Canopies or other forms of weather protection shall be provided at front building entries to shared ground floor lobby space and shall meet the standards in Appendix C, Division 6 **(E)**.

E. Parking.

1. In addition to the following standards, parking location, design and access shall meet the standards in Appendix C, Division 5.
2. Surface parking shall be located to the rear of buildings away from the primary street frontage and corner locations and shall comply with side and rear building setbacks.

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Section C-410. – Neighborhood conservation frontage.

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- A. General. The Neighborhood Conservation Frontage Standards are intended for application along Street Type F which is identified as appropriate for residential development and redevelopment. Development standards for this frontage require detached dwellings and attached dwellings ~~(two units maximum, may include detached dwelling with one carriage house)~~, as described in Table 4. Attached Dwelling Types General, oriented to public sidewalks with front lawns and parking to the rear of occupied building space with allowance for limited parking in private driveways to the side of houses. On local streets, two units maximum may be permitted including one duplex or one detached dwelling with one carriage

house. On collector streets, three units maximum may be permitted, including one duplex and one carriage house.

* * * * *

D. Ground Floor Façades and Entries.

1. Building façades along street frontages shall meet building design standards in Appendix C, Division 6.
2. Ground floor front building façades shall meet the following standards **(D)**:
 - a. Building façades shall be located along front setbacks and aligned generally parallel to streets and public sidewalks the primary street frontage property line.
 - b. Primary entries to ground floor units shall be located along the front façade and be visible from streets and sidewalks.
3. Front porches or stoops shall be provided at entries to individual units and be designed to meet the following standards **(E)**:
 - a. Porches may project 6 feet minimum, 10 feet maximum from front building façades into setbacks. Stoops may project 4 feet minimum, 6 feet maximum from front building façades into setbacks.
 - b. For buildings at corner locations, porches shall be oriented to the primary street frontage and wrap around ~~from to the façade~~ a minimum of 6 feet along the secondary street frontage ~~and extend 6 feet minimum along the façade facing the secondary street frontage.~~
 - c. No more than two front porches or stoops serving attached units shall be connected.
 - d. Landscape areas shall be provided between individual or connected porches or stoops and shall be at least 8 feet in length as measured along the front building façade.

E. Parking.

1. In addition to the following standards, parking location, design and access shall meet ~~standards the~~ standards in Appendix C, Division 5.
2. Surface parking lots shall be located to the rear of buildings away from the primary street frontage and corner locations and shall comply with side and rear building setbacks.
3. Parking is permitted in single width private driveways. Such driveways shall meet the side setback requirement and be located to the side of buildings **(F)**.
4. Parking incorporated in enclosed garages or the ground floor of a detached or attached dwelling shall be set back 5 feet minimum from the front building façade **(G)**.
5. With approval from appropriate City, County or State authorities, parallel parking may be constructed within the right-of-way along streets abutting the property.

Section C-411. – Frontage along service streets.

- A. Building Setbacks. ~~Buildings~~ Except as provided in Section C-402.C, buildings with frontage along streets designated as Service Streets on Figure 2. Regulating Plans - Street Types and Key Corners, shall be placed consistent with the following building setbacks from property lines:
1. Front Setbacks: 5 feet minimum.
 2. Side Setbacks: 10 feet minimum.
 3. Rear Setbacks: 10 feet minimum.
- B. Front Setback Improvements. The front setback area ~~shall~~ may be improved with landscaping and fencing to buffer parking lot or parking structures and service areas. Such buffers and fencing shall comply with standards in Appendix C, Division 5.

- C. Parking and Vehicular Circulation. Parking, vehicular circulation, and other vehicular use areas are permitted along the frontage and shall be located and designed to meet standards in Appendix C, Division 5.

Section 30. That Appendix C. Downtown District and Development Standards, Division 5. Site Design Standards, be amended to read as follows:

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Section C-503. – Access and circulation.

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C. Pedestrian Circulation and Access.

1. ~~Pedestrian~~ Except for duplexes and detached dwellings on internal lots along Street Type F, pedestrian walkways shall be provided to access parking lots and parking structures behind or to the side of buildings, connect destinations on adjacent properties, connect front building entries to adjacent sidewalks, and allow pedestrian circulation through parking lots to create a continuous pedestrian network.

* * * * *

- c. Pedestrian scale lighting shall be provided ~~along pedestrian facilities.~~

- D. Cross Parcel Connections. To facilitate circulation and improve accessibility, vehicle and pedestrian ~~paths~~ facilities on adjacent sites shall be interconnected, ~~except for detached dwellings and duplexes on interior lots along Street Type F. Parking~~ Existing and planned parking lot drive aisles, private drives, private service drives, and pedestrian walkways shall be aligned and connected with abutting sites. In cases where no connection exists on an abutting developed site, and drive aisle and pedestrian walkway stub outs shall be constructed on properties abutting undeveloped sites to allow for future connections.

* * * * *

Section C-505. – Garages for attached or detached dwellings.

- A. Garages shall be located behind the principal building and accessed from public alleys, private drives, or private service drives.
- B. Where public alleys, private drives, or private service drives are not provided, single width private driveways no greater than 10 feet in width maximum are permitted and the following standards shall apply.
 1. Attached, front facing garages serving detached dwellings, where permitted, shall be set back 5 feet minimum from the front façade of the building.
 2. Detached garages shall be located ~~behind the principle building~~ to the rear of the property, not along the primary street frontage, and accessed from a single width private driveway.
 3. Attached or detached garages on corner sites shall be located to the rear of the property away from the primary street frontage, oriented toward a secondary street frontage, and accessed from a secondary street frontage by a single width private driveway.

Section C-506. – Landscape and fencing/walls.

- A. Landscape Requirements in Article 3, Division 12. Landscape improvements shall meet the general landscaping standards set forth in Article 3. Division 12 ~~in~~ addition to the frontage standards in Appendix C, Division 4 and landscape and parking standards in Appendix C, Division 5.

Section C-507. Stormwater Management

Stormwater retention and detention areas are not permitted in front setbacks or between any street and any building unless located underground in exfiltration trenches or open-bottomed underground storage and retention systems, or as part of a Low Impact Development stormwater management system incorporating features such as rain gardens and vegetative swales, or pervious pavers or pavement for pedestrian use. Traditional stormwater facilities such as dry and/or wet retention/detention ponds are permitted to the rear and side of buildings.

Section C-508. – Waterfront development.

Waterfront development shall be located and designed to meet all of the following standards.

- A. Waterfront Setback. ~~Waterfront development~~ Structures shall maintain a waterfront setback of 20 feet minimum from the sea wall, property line, or mean high water line, whichever is most interior to the property.
- B. Parking.
1. Residential uses along Clearwater Harbor shall be designed with parking garages or with parking areas internal to the site/building and screened from Clearwater Harbor.
 2. Perimeter screening shall not be required for public parking located along waterfronts.

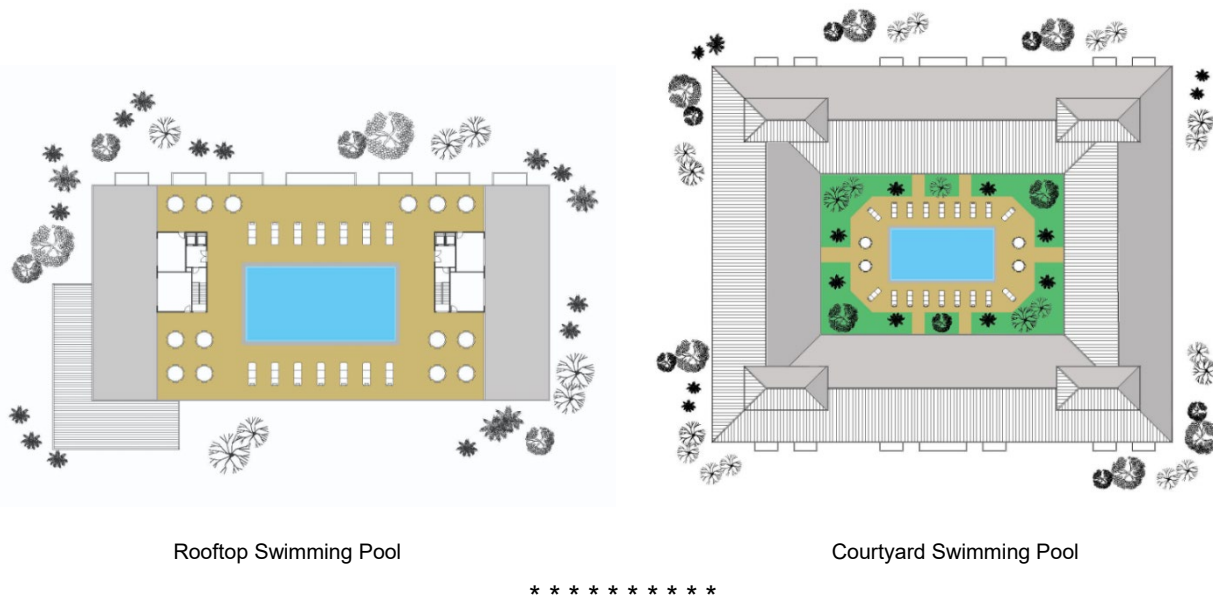
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Section C-510. – Swimming Pools.

Swimming pools for all attached dwellings except duplexes, shall be located on the roof of the building or internal to the development site as a courtyard pool, surrounded on all four sides by building(s), and not along street frontages as illustrated in Figure 31. Swimming pools for detached dwellings and duplexes shall comply with the accessory structure provisions in Article 3, Division 2 of this code.

Figure 31. Swimming Pools

(Insert two new images for Figure 31 and renumber subsequent Figures accordingly)



Section 31. That Appendix C. Downtown District and Development Standards, Division 6. Building Design Standards, be amended to read as follows:

Section C-601. – General.

To support the creation of more pedestrian- and transit-accessible destinations, buildings shall be located generally parallel to adjacent streets and designed to contribute to the creation of attractive, accessible destinations. Building façades along streets and public spaces shall be designed with attractive ground floor façades, well-defined building entries, and shall use quality building materials. Buildings shall occupy a substantial portion of the frontage and be located to minimize the visual impact of parking, loading, service and other vehicular use areas.

Section C-602. – Façade treatment and design.

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- C. **Facade Materials** All building facades within view of a public street, pedestrian walkway, waterfront, or other public space, including side and rear facades, shall be constructed of high quality materials such as brick, stone, architectural block, concrete with an architectural finish, and traditional cementitious stucco. Side and rear facades shall use materials and design features similar to or complementary to those of the front facade. The use of metal facades shall not be permitted.
- D. **Upper Floor Façade Fenestration.** To minimize blank façade areas along street frontages, façades fronting streets and new primary drives shall provide fenestration (doors, windows or other openings) to an extent of a minimum of 20 percent of each floor's façade area as measured between finished floor and finished ceiling.

~~E.D.~~ Prohibited Glass Treatments on Ground Floors. The use of reflective, translucent, fritted, and other forms of non-transparent glass in wall and window systems on ground floor facades is prohibited.

RELETTER REMAINING SUBSECTIONS, PENDING APPROVAL OF NEW D. ABOVE

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Section C-605. – Building entries.

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- B. Design Treatment. Primary building entries, including main entries to individual tenant spaces and to lobbies used to access upper story building space, shall be distinguished by façade design, accomplished through the use of a combination of materials, articulation, or other architectural treatments such as variation in building height, arches, columns, towers, or similar treatments that provide interest to the building façade and draw attention to the entrance.

* * * * *

Section C-606. - Mechanical equipment.

Outdoor mechanical, electrical, and communication equipment, including heating, air conditioning, and ventilation equipment; venting and vent terminations for commercial hoods; electric meters; mechanical penthouses; electrical and communication equipment, panels, and cabinets; satellite dishes; and similar features shall be located and designed to meet all of the following standards.

- A. Equipment Placement. ~~Outdoor mechanical, electrical, and communication~~ Equipment, shall be placed on roofs or to the rear or side of buildings and shall not be placed in front setbacks or between any street and any building.
- B. Equipment Screening.
1. Ground-mounted mechanical ~~E~~equipment shall be screened from public view by landscape screens or architecturally-finished walls and enclosures designed consistent with the exterior façade of the building.
 2. Rooftop-mounted mechanical and equipment shall be screened by a parapet wall, articulated roofline or other roof screen, or similar device that is integrated into the building's architectural design and of a height equal to or exceeding the height of the mechanical equipment being screened.
 3. ~~E~~levator penthouses shall be designed to complement the design of street-facing building façades and shall be clad on all sides in material used on street-facing façades.

Section 32. That Appendix C. Downtown District and Development Standards, Division 8. Flexibility, be amended to read as follows:

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Section C-803. – Flexibility provisions.

Flexibility may be approved subject to the standards below.

A. Character District Standards – Height Transitions.

1. Flexibility in meeting required building step backs along street frontages in Section C-302.B may be approved where the alternative design provides visual and special relief similar to a step back, a varied and interesting design, and the alternative treatment is integral to the building's design and results in façades of equal or better quality than the standards would produce.
2. Flexibility in meeting required building step backs along street frontages in Section C-302.B may be approved for parking garages where providing a step back in the required location is impractical or infeasible. Where flexibility in this standard is allowed, building step backs should be provided on a lower or higher floor, or the garage shall have a varied and interesting design providing visual and spatial relief that meets the intent of a step back.

AB. Frontage Standards – Properties with Multiple Street Frontages. Flexibility in the standards for orientation of front building façades for attached and detached dwellings in Appendix C, Division 4 may be approved to allow for frontage orientation consistent with typical frontage orientation on surrounding blocks.

BC. Frontage Standards – Building Setbacks.

1. Front building setbacks less than the minimums or greater than the maximums allowed in Appendix C, Division 4 may be approved for projects with a publicly-accessible outdoor open space or site constraints such as shape irregularities and/or the presence of natural features, existing utilities, utility easements, or access easements making meeting setback requirements impractical or infeasible. Where approved, the increase or reduction in front building setbacks shall be to the smallest extent practicable as determined by the Community Development Coordinator.
2. Flexibility in the application of front setback requirements in Appendix C, Division 4 may be approved to allow new development setbacks compatible with the traditional character of development on adjacent sites and block frontages.
3. Flexibility in the application of front setback requirements in Appendix C, Division 4 to provide 10-foot minimum sidewalk widths may be approved to allow new development setbacks compatible with the traditional character of development on adjacent sites and block frontages.
4. Side and rear setbacks less than the minimum allowed in Appendix C, Division 4 may be approved for projects to allow for innovative site designs that advance the goals and objectives for the Clearwater Downtown Redevelopment Plan.
5. The maximum spacing between individual buildings along Storefront 1 and Urban Residential 1 Street Frontages in Section C-404.B. and Section C-407.B may be increased or waived for projects with one or more of the following characteristics.
 - a. The proposed site configuration is designed to incorporate natural features such as a stand of mature trees, body of water, wetland or other similar feature.
 - b. Placement of existing buildings and/or site access and circulation constraints make it infeasible to meet the standard.
 - c. The placement of publicly-accessible outdoor plaza spaces to the side of the building results in increased spacing to accommodate the plaza.

Where flexibility in the standard is allowed, enhanced landscaping and the use of low walls along street frontages to screen parking and define the edge of pedestrian walkways shall be required.
6. The maximum spacing between building frontages or between building wings for “U”-shaped buildings may be increased to 100 feet along Street Type C when on a secondary frontage or Street Type D when on a primary or secondary frontage to allow for a private courtyard.

CD. Frontage Standards – Fences and Walls Along Street Frontages Front Setback Improvements.

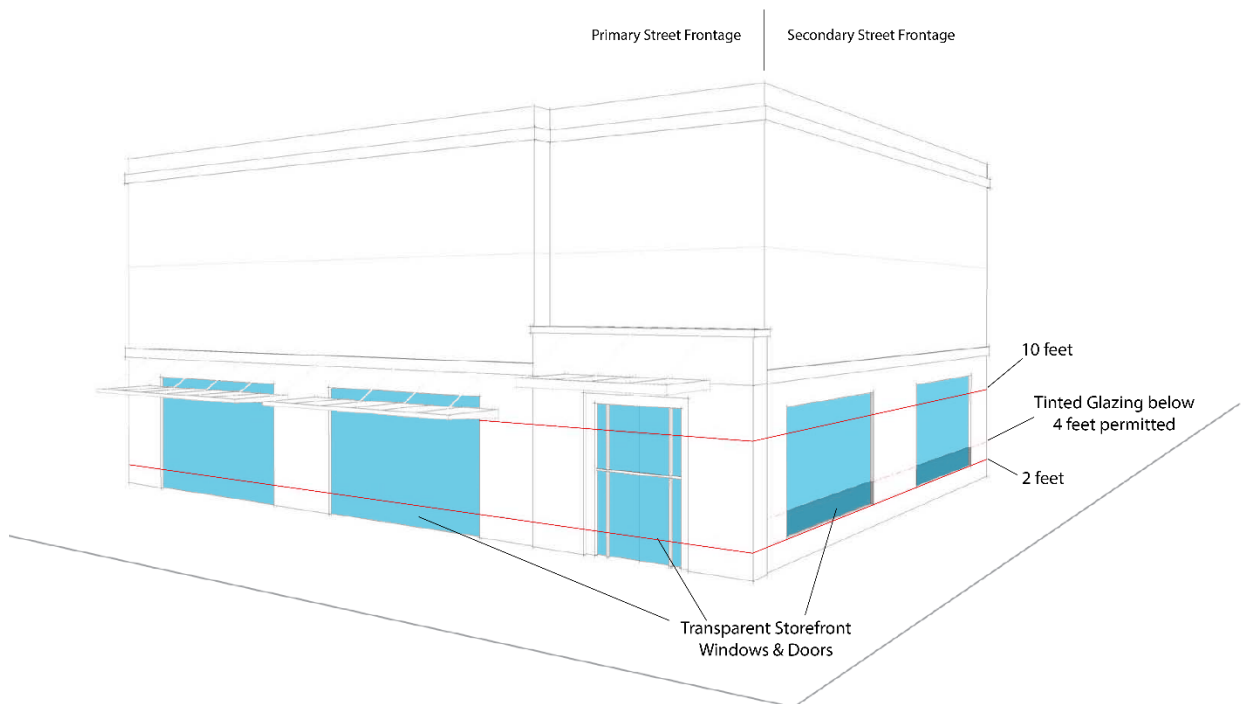
1. Flexibility in the prohibition of fences and walls, railings, fencing or other similar improvements in front of buildings with Workshop/Flex, Urban Residential 2, Neighborhood Infill or Neighborhood Conservation Frontages along Street Types D, E, and F may be approved where the placement of a fence or wall, railing, fence or other similar improvement in front of the building does not negatively affect the project's pedestrian orientation or is found to be compatible with front setback conditions on abutting and nearby properties. Where flexibility is approved, fence or wall, railing, fence or other similar improvement height shall be 6 feet maximum, and any portion above three 3 feet in height shall be at least 50 percent open (i.e., picket style).
2. Flexibility in the application of landscaping standards in front setbacks on buildings with Storefront 2, Urban Residential 1, Urban Residential 2, Neighborhood Infill and Neighborhood Conservation Frontages found in Section C-407.C, Section C-408.C, Section C-409.C, and Section C-410.C may be approved if pedestrian orientation is not adversely impacted and site functionality is improved.

DE. Frontage Standards – Front Building Ground Floor Façades and Entries.

1. For buildings with multiple street frontages, required glazing below 4 feet along secondary street frontages may be exempt from the daylight reduction (tinting) standard required for buildings with Storefront 1, Storefront 2 or Workshop/Flex Frontages. No reflective or mirrored coating or treatments are permitted. These flexibility provisions are illustrated in Figure 3370. Frontage Design Flexibility.
2. For buildings on corner lots, Flexibility flexibility in locating primary building entries on secondary street frontages may be approved as long as façades on primary and secondary street frontages are designed to meet applicable standards in Appendix C, Division 4, and the primary building entry is located on within 20 feet of the primary street frontage or corner.
3. For projects on sloping sites where site grades make meeting the requirements for Flexibility in the application of finished floor elevation standards for residential buildings in Appendix C, Division 4 impractical or infeasible, a finished floor elevation of up to 48 inches may be approved. This maximum height shall not apply to projects approved prior to January 1, 2023. to accommodate projects on sloping sites or projects with innovative building types. For those portions of a residential building that are used for nonresidential uses such as lobbies, fitness centers, or similar shared spaces, a finished floor elevation of less than 18 inches may be approved.

(Remove mis-numbered Figure 33, renumber as Figure 70, and replace with the following 1 image)

Figure 3370. Frontage Design Flexibility



EF. Frontage Standards – Parking.

1. Flexibility in the application of landscape and wall requirements in Appendix C, Division 4 to screen surface parking, service areas, and structured parking, may be approved where alternative design treatments result in all of the following.
 - a. The screening of vehicles from view along public sidewalks.
 - b. The physical separation of pedestrian use and vehicular use areas.
 - c. The creation of safe, comfortable, and quality pedestrian environments along pedestrian walkways and public sidewalks.
2. Flexibility in the applicability of parking location requirements may be approved consistent with one of the following.
 - a. Surface parking lots for office buildings lawfully existing on the original date of adoption (August 2, 2018) of these Development Standards located outside of the Downtown Core Character District and on primary frontages may continue to be repaired or expanded consistent with the provisions set forth in Article 3, Division 12, provided that the new parking area must meet required landscaping provisions, site access is consistent with Section C-503.A, and a low wall 24-36 inches in height shall be installed to screen and connect the entire parking area. The expansion of surface parking shall be limited to the addition of contiguous parcels, and this flexibility shall not apply to parcel(s) separated from the existing office property by any rights-of-way.
 - b. Flexibility to allow surface or ground floor structured parking and other vehicular use areas, including vehicular loading/unloading areas and passenger drop off areas, may be approved along secondary street frontages. If approved, such areas shall be set back from primary street frontages 20 feet minimum, and include architectural and landscape screening and other treatments that contribute to the creation of safe and comfortable pedestrian environments along pedestrian walkways and public

sidewalks. Curb cuts from secondary street frontage to access such locations shall be minimized.

3. Flexibility to allow single width private driveways located in side setbacks no closer than 2 feet from side lot lines may be approved along Street Type F for projects where the adjacent property's driveway is not located within the side setback on the shared property line for which the flexibility is required.

FG. Frontage Standards – Attached and Detached Dwellings along Street Types E and F.

Flexibility in meeting frontage requirements found in Section C-409 and Section C-410 for attached or detached dwelling projects may be approved if a project utilizes innovative building types or styles such as bungalow court configurations, carriage houses, or the like. ~~Flexibility shall only be approved along Street Types E and F.~~

GH. Site Design Standards – Development Pattern.

Flexibility in the application of requirements ~~for~~ found in Section C-502.B regarding development blocks and lots, Section C-502.C. regarding new private drives, and Section C-502.D. regarding new private service drives may be approved for projects on sites where the applicant demonstrates that site size, dimension, shape, or presence of constraints such as natural areas, utilities or utility easements, or other existing features make meeting these requirements infeasible.

I. Site Design Standards – Access & Circulation.

1. A reduction in the minimum width for pedestrian walkway(s) found in Section C-503.C.2 may be approved where site and/or development constraints make meeting the requirements impractical or infeasible. Pedestrian walkway width shall comply to the greatest extent practicable as determined by the Community Development Coordinator.
2. Flexibility in provision of cross parcel connections found in Section C-503.D may be approved under one or more of the following circumstances.
 - a. Where site grades, natural areas, or other site constraints make meeting the requirements impractical or infeasible.
 - b. Where applicants can satisfactorily demonstrate to the Community Development Coordinator that the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical or where the applicant demonstrates that all reasonable steps were taken to secure joint and cross access easements and that such steps failed.

J. Site Design Standards – Service Areas

Flexibility in the application of service area location requirements found in Section C-504.C may be approved where vehicular access to the rear of the property is not possible as determined by the City. Screening requirements are still applicable.

K. Site Design Standards – Swimming Pools.

Flexibility in the application of swimming pool requirements in Section C-510 may be approved consistent with one of the following.

1. For buildings at corner locations, flexibility may be approved to allow at-grade swimming pools within in a courtyard of a “U”-shaped or “L”-shaped building along a secondary street frontage. Where flexibility in this standard is allowed, non-opaque or picket-style fencing may be permitted to a maximum height of 6 feet in line with or setback from the front building façade.
2. For buildings on Through-Lots or Multi-Frontage Lots, flexibility may be approved to allow at-grade swimming pools within a courtyard of a “U”-shaped building along Street Type

D. Where flexibility in this standard is allowed, non-opaque or picket-style fencing may be permitted to a maximum height of 6 feet in line with or setback from the front building façade.

H-L Building Design Standards – Façade Design and Articulation.

Flexibility in meeting the façade design and articulation standards in Appendix C, Division 6, may be approved where the alternative design treatment provides a varied and interesting design and the alternative treatment is integral to the building's design and results in façades of equal or better quality than the standards would produce.

I-M Building Design Standards – Glass Treatments.

Flexibility in applying glass treatment standards in Section C-602.D may be permitted for buildings that incorporate stained or art glass as an integral part of the building design and still provide for the minimum level of glazing as required under Appendix C, Division 4.

J-N General Flexibility Provisions.

1. Flexibility in the application of development standards for places of worship, certain indoor recreation uses such as auditoria, museums, and stadiums, public transportation facilities, public utilities uses, and for projects on parcels not fronting on a street may be approved if the proposed development is consistent with the vision, guiding principles, goals, objectives, and policies of the Clearwater Downtown Redevelopment Plan. Buildings and improvements shall include architectural details, and landscape screening, and other treatments that contribute to the creation of safe and comfortable pedestrian environments along pedestrian walkways and/or public sidewalks and shall meet the development standards to the greatest extent practicable as determined by the Community Development Coordinator.
2. Flexibility in the application of frontage standards required under Appendix C, Division 4 may be approved when strict adherence would conflict with base flood elevation standards. Where flexibility is approved, buildings and improvements shall include architectural details, landscape screening, and other treatments that contribute to the creation of safe and comfortable pedestrian improvements along pedestrian walkways and public sidewalks.
3. Flexibility in the application of development standards for any new structures or improvements on properties which have been designated historic in accordance with the provisions of Section 4-607 may be approved, provided that the new structures or improvements preserve the historic character and design of the site.

K-O Character District Standards – Residential Use Restrictions.

Flexibility in the application of residential use restrictions for projects along Street Type D or limited segments of frontage designated Street Type E may be approved to permit office use where the applicant demonstrates that the hours of operation, parking demand, and other use related impacts are minimized, primary entries to individual ground floor units are provided, and the office use and architectural character are consistent with the character of the surrounding area. Flexibility on frontage designated Street Type E shall only be permitted on: Drew Street between Martin Luther King, Jr. Avenue and Missouri Avenue; Grove Street between Martin Luther King, Jr. Avenue and Missouri Avenue; and on Garden Avenue north of Seminole Street.

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Section 33. That Appendix C. Downtown District and Development Standards, Division 9. Administration, be amended to read as follows:

Section C-901. – Site plan approvals.

A. Required Pre-Application Conference

A pre-application conference shall be required for all development applications within the Downtown District unless the development is exempt from the Development Standards pursuant to Section C-104.B or this requirement is otherwise waived by the Community Development Coordinator.

B. Approval Authority

The final decision-making authority for site plans is either the Community Development Coordinator for Level One approvals or the Community Development Board for Level Two approvals, as specified in Article 4. The level of approval required varies by use and character district as specified in Table 1. Use & Off-Street Parking, which identifies whether a use can be approved as a Building Construction Permit (Level 1 Minimum Standard), or if Community Development Coordinator (Level 1 Flexible Standard Development) or Community Development Board (Level 2 Flexible Development) approval is required. Projects requesting flexibility in the application of development standards shall follow the process established in Appendix C, Section C-802.

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Section C-903. – Regulating plan adjustments.

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- B. Street Type on Existing or New ~~Public~~ Streets. Upon approval of a development project which includes new ~~public~~ streets or existing ~~public~~ streets where a street type was not previously depicted in Figure 2. Regulating Plan–Street Types and Key Corners, the Community Development Coordinator will make an administrative adjustment to Figure 2. Regulating Plan–Street Types and Key Corners to reflect the approved street type(s).

Section 34. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 35. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 36. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 37. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 38. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Senior Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk