



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE:	November 18, 2025
AGENDA ITEM:	ID# 25-1130
CASE:	TA2025-09003
ORDINANCE NO.:	9857-25
REQUEST:	Amendments to the Community Development Code to update certain development review processes and timeframes to reflect current processes and address statutory changes pursuant to Senate Bill 1080 (2025), An Act Relating to Local Government Land Regulation.
INITIATED BY:	City of Clearwater, Planning and Development Department

BACKGROUND & AMENDMENT PROPOSAL

Proposed Ordinance No. 9857-25 includes a series of staff-initiated amendments to the Community Development Code (CDC) to align local procedures with recent changes to state law. Over the past several years, the Florida Legislature has revised statutes governing development application and building permit review timelines, with an intent to increase consistency among municipalities. In many instances, the City's existing timeframes already met or exceeded these statutory requirements, and no local amendments were needed. However, the most recent changes enacted through Senate Bill 1080 (2025), effective July 1, 2025, include additional adjustments to processing procedures and timeframes. To ensure consistency with these new requirements, staff is proposing several amendments, which are detailed in this report.

In addition, the current CDC, adopted in 1999, includes a "Level One Minimum Standard" review procedure that provides for an abbreviated review by the Development Review Committee, followed by a decision of the Community Development Coordinator (i.e., Planning and Development Director) prior to building permit application. In practice, the Planning and Development Department has been conducting this review concurrently as part of the building permit process. Proposed Ordinance No. 9857-25 updates the applicable sections of the Code to reflect this current practice.

Finally, staff has identified several clarifying amendments to improve readability and internal consistency within sections of the Code already being amended through this Ordinance.

A detailed explanation of each proposed amendment is provided in the Analysis section below.

ANALYSIS

Proposed Ordinance No. 9857-25 includes amendments to multiple sections of the Community Development Code (CDC). As noted above, several of these amendments are required to maintain consistency with Senate Bill 1080 (2025), while others are staff-initiated updates based on long-standing practices or needed clarification. The amendments fall into three general categories, described below.

1. Minimum Standard Development Process

[Ordinance Pages 2-3, 5-7, 9-12, and 18]

The CDC currently identifies two types of Level One applications –Minimum Standard Developments and Flexible Standard Developments – and directs both through the process outlined in Article 4, Division 3. Minimum Standard Developments are those that meet the basic zoning standards for their district (e.g., minimum lot size, setbacks, building height, and required parking). Projects that meet the Minimum Standard criteria do not require a Level One development application and may proceed directly to building permitting.

To codify this longstanding practice, the proposed amendments state:

- Section 4-302 is amended to confirm that no Level One development application is required for projects meeting Minimum Standard Development criteria that proceed through building permitting (Ordinance pages 11-12).
- The Level of Approval graphic in Article 4, Division 1 is updated with a footnote reflecting the same (Ordinance page 3).
- The process graphic in Article 4, Division 3 is modified to remove steps for a Level One Minimum Standard Development approval (Ordinance pages 9-10).
- References to “Level One approval” are revised to correctly identify “Flexible Standard Development” where applicable.

These changes align the Code with actual review practice and remove unnecessary procedural steps.

2. Development Timeframes

[Ordinance Pages 5-6, 8–10, 12, 14–16, and 19–21]

Senate Bill 1080 (2025) establishes specific timeframes for reviewing development applications. Many of these timeframes are already consistent with the City’s current review practices; however,

the proposed amendments formally incorporate them into the Community Development Code to ensure clarity and consistency.

Application Receipt & Completeness (Section 4-202.C; Ordinance page 5)

Under current practice, staff reviews newly submitted applications to determine whether all required materials have been provided. Applicants are notified of any deficiencies and are given the opportunity to submit missing materials before further review proceeds. The proposed amendments formalize this process and incorporate state-required timeframes.

- Applicants must be notified of application receipt within 5 business days.
- Applicants must be granted up to 30 calendar days to provide any missing materials.
- Applications will be withdrawn if they are not resubmitted and complete during that timeframe. Note: When applications are withdrawn at this early completeness stage, the Planning and Development Department refunds the application fee because only limited review time has occurred.

DRC Legal Sufficiency Review (Section 4-202.C.2.a; Ordinance page 6)

The timeframe for the Development Review Committee (DRC) to determine legal sufficiency is proposed to increase from 18 to 25 business days. This adjustment does not change DRC meeting schedules or agenda publication timing. Instead, it provides a more accurate reflection of the internal review cycle and allows completeness letters to be issued earlier, giving applicants additional time to address comments and supporting a more efficient review experience.

Community Development Board Scheduling (Section 4-404.A; Ordinance page 16)

The maximum timeframe between the DRC determination of legal sufficiency and the Community Development Board hearing is proposed to be extended from 33 to 38 days. The CDB will continue to meet on the third Tuesday of each month. This adjustment ensures that the Code aligns with real-world calendar conditions, particularly in months with longer intervals, and provides more consistent scheduling for applicants.

Maximum Review Durations (Sections 4-202.C.2.b-d, Ordinance page 6; Section 4-302.B, Ordinance page 12; Section 4-404.B, Ordinance page 16; Section 4-602.E, Ordinance page 21)

State law establishes maximum total review periods based on the type of application:

- 180 days for applications requiring quasi-judicial review (i.e., Level Two Flexible Development approvals and Zoning Atlas amendments)
- 120 days for applications processed administratively (i.e., Level One Flexible Standard Developments)

Consistent with Senate Bill 1080, these timeframes restart if an applicant submits substantive revisions to the application (Section 4-207.B; Ordinance page 8).

Process Graphics (Ordinance pages 9-10, 14-15, and 19-20)

The process diagrams for Level One, Level Two, and Level Three reviews are updated to reflect the revised timeframes and procedural steps.

3. Code Clarifications & Minor Amendments

[Ordinance Pages 5-8, 11-13, 16-18, and 22]

In addition to the amendments described above, staff identified several sections of the Community Development Code where clarification would improve implementation, readability, or consistency with current practices. These amendments are generally minor in nature but help ensure the Code is clear and internally aligned. This Ordinance also incorporates clerical revisions, such as correction of typographical errors, capitalization for consistency, and updated references from “Commission” to “City Council,” which are not described individually. The remainder of the recommendations are addressed generally in the order in which they appear in the Ordinance.

General Procedures for Development Applications (Section 4-202; Ordinance pages 5-7)

Section 4-202 sets forth the procedures for processing development applications. The proposed amendments:

- Clarify in Section 4-202.C.2 that applicants may revise applications determined legally insufficient, rather than requiring automatic withdrawal, and specify the outcome when a deficiency cannot be corrected (Ordinance page 5).
- Add in Section 4-202.E when the Community Development Coordinator issues a Development Order for Level Two decisions, which was not previously stated (Ordinance page 6).
- Revise Section 4-202.G to allow an applicant to resubmit an application sooner than the standard nine months if the prior denial was based on legal insufficiency, rather than project merits (Ordinance page 7).

These clarifications provide transparency and remove ambiguity in how applications proceed through the review process.

Role of the Community Development Coordinator and Building Official (Section 4-203; Ordinance page 7)

Amendments to Section 4-203 clarify the respective responsibilities for determining compliance during the building permit review stage:

- The Community Development Coordinator determines compliance with the Community Development Code; and
- The Building Official determines compliance with the Florida Building Code.

Each official is responsible for denying building permit applications that do not meet the code requirements within their authority. This clarification aligns the Code with standard practice and reflects the division of authority already in place.

Standards for Denial (Section 4-207.C; Ordinance page 8)

Section 4-207.C is streamlined to clearly state that any denial of an application must include citations to the applicable ordinance, statute, rule, or other legal authority. This ensures transparency and supports applicants in understanding the basis for decisions.

Level One and Level Two Development Provisions (Sections 4-301, 4-303, and 4-407; Ordinance pages 11, 13, and 17-18)

The proposed amendments:

- Update Section 4-301 to reflect prior changes allowing certain affordable housing projects receiving a density bonus to be approved as Level One applications (Ordinance page 11).
- Incorporate the option to submit a Transportation Management Plan instead of a traffic impact study where permitted under the mobility management system (Sections 4-301 and 4-401; Ordinance pages 11 and 16).
- Amend Sections 4-303 and 4-407 to clarify that Development Orders remain valid through the building permit review stage, unless the associated building permit is denied or revoked (Ordinance pages 13 and 17-18), and streamline the criteria for extending Development Orders.

These updates ensure internal consistency and reflect both previous amendments and current practices.

Minor Revisions to Approved Plans (Section 4-406; Ordinance page 17)

Section 4-406 allows the Community Development Coordinator to approve minor revisions to projects previously approved by the Community Development Board, provided certain conditions are met. In most zoning districts, minimum setback standards apply; however, in the Downtown and US 19 Districts, maximum setbacks apply instead. The proposed amendment allows minor revisions in these districts under similar circumstances, ensuring the provision functions consistently across zoning districts.

Powers and Duties of the Community Development Coordinator (Article 5, Division 7; Ordinance page 22)

Finally, the Ordinance clarifies that the Community Development Coordinator may deny an application for legal insufficiency, consistent with the authority described elsewhere in the Code.

CRITERIA FOR TEXT AMENDMENTS

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

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

Objective QP 5.8 Ensure standards of the *CDC* and applicable housing codes are met and properties are maintained through building inspections and code enforcement activities.

Policy QP 5.8.3 Continue to administer the *Florida Building Code* and the permitting process in a fair and equitable manner to create safe buildings.

Goal PI 8 Consider all relevant information including that of the property owner and the public health, safety, and welfare in all land use decisions.

The proposed amendments are consistent with Clearwater 2045. Objective QP 5.8 promotes maintaining regulatory standards and review procedures that are clear, predictable, and support high-quality development outcomes. The amendments improve clarity and alignment with state statute, refine review timeframes, and codify practices already in place, helping applicants understand expectations and reducing uncertainty in the process. Consistent with Policy QP 5.8.3, the changes support the fair and equitable administration of development and permitting reviews by ensuring that each step in the process is implemented uniformly and transparently. Additionally, the amendments further Goal PI 8 (Property Rights) by reinforcing a development review framework that balances the rights of property owners with the public interest and provides clear, timely, and accessible procedures. Together, these amendments strengthen the reliability and predictability of the development review process for customers and the community.

2. The proposed amendments further the purposes of the Community Development Code (CDC) and other City ordinances and actions designed to implement the Plan.

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

- It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; and to enhance the quality of life of all residents and property owners (Section 1-103.A, CDC).
- It is the purpose of the Community Development Code to create value for the citizens of Clearwater by allowing property owners to enhance the value of their property through predictable and well-understood development review procedures (Section 1-103.B.1, CDC).
- It is the further purpose of this Development Code to protect the character and social and economic stability of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land (Section 1-103.E.2, CDC).

The proposed amendments in this Ordinance further these purposes by clarifying and refining the City's development review procedures, improving alignment with state law, and ensuring that applicants and staff have a shared understanding of the steps and timeframes involved in the review process. These updates enhance transparency, consistency, and predictability, which support property owners in advancing reinvestment and development while also maintaining clear standards that guide orderly and beneficial growth. As such, Proposed Ordinance No. 9857-25 furthers the purposes of the Community Development Code.

RECOMMENDATION

The Development Review Committee (DRC) reviewed the proposed text amendments to the Community Development Code at the DRC meeting of October 2, 2025. The Planning and Development Department, having reviewed the requirements of the Community Development Code, recommends **APPROVAL** of Ordinance 9857-25.

Prepared by Planning and Development Department Staff:



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ATTACHMENTS: Ordinance No. 9857-25
Resume