

ORDINANCE NO. 9856-25

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 4. DEVELOPMENT REVIEW AND OTHER PROCEDURES, DIVISION 7. SUBDIVISIONS/PLATS, SECTION 4-701. PURPOSE AND APPLICABILITY, SECTION 4-702. REQUIRED APPROVALS, SECTION 4-704. STAFF REVIEW AND REPORT/DECISION, SECTION 4-706. FINAL PLAT REVIEW/STAFF, AND SECTION 4-709. STANDARDS FOR REVIEW; ADDING NEW SECTION 4-704 SUBMITTAL OF PLATTING APPLICATION, DELETING SECTION 4-705. COMMUNITY DEVELOPMENT BOARD DECISION AND SECTION 4-707. CITY COMMISSION REVIEW/DECISION/FINAL PLAT, AND RENUMBERING REMAINING SECTIONS ACCORDINGLY; 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 (the "Code") on January 21, 1999, which took effect on March 8, 1999; and

WHEREAS, the City has made numerous amendments to the Code to account for changing conditions within the City; and

WHEREAS, the Governor of Florida signed into law Senate Bill 784 (2025), An Act Relating to Platting, which requires that certain plat or replat submittals be administratively approved, and amendments to the Code are needed to comply with those statutory changes; and

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

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

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed this amendment, conducted a public hearing, considered all public testimony and has determined that this amendment is consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt this amendment; 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 4. Development Review and Other Procedures, Division 7. Subdivisions/Plats, Section 4-701. Purpose and Applicability, Community Development Code, be amended to read as follows:

ARTICLE 4. - DEVELOPMENT REVIEW AND OTHER PROCEDURES

DIVISION 7. – SUBDIVISIONS/PLATS

Section 4-701. Purpose and applicability.

The purpose of this division is to establish procedures and standards for the subdivision of land to ensure the orderly layout of property, to ensure proper legal descriptions and monumenting of subdivided property, and to implement the comprehensive plan. In the event of conflict between the provisions of this division and other provisions of this community development code regarding the processing of plat applications, this division shall govern.

A. A plat shall be required~~approved~~ for all subdivisions and condominiums within the corporate limits of the city, except where a project qualifies as a minor lot adjustment under one of the following scenarios:

~~1.A.~~ The reversion, combination, or recombination of portions of previously platted lots, ~~where no Such action shall not create new parcels, or residual parcels are created which are smaller than any of the original lots or Such platted lots may be smaller than the applicable minimum lot area requirements in Article 2 of this Development Code.~~

~~2.B.~~ The conveyance of a lot or tract to an adjacent lot or tract which neither reduces any lot or tract to an area or width less than required in Article 2 of this Development Code for the zoning district in which the lot or tract is located nor is inconsistent with any other provision of this development code.

~~3. C.~~ The division of previously platted Real property (platted or otherwise) is divided in a manner where:

a. 1. Not more than two tracts or lots are ~~created~~involved;

b. 2. No new street, or alley, additions, or re-subdivisions ~~are~~is proposed or additional right-of-way is required ~~or proposed~~;

c. 3. No vacation or elimination of streets, alleys, setback lines, access control or easements is required or proposed;

d. 4. All easement requirements have been or will be satisfied;

e. 5. The division will not result in a tract or lot that does not have direct access to a street; and

f. 6. The division complies with all the provisions of this development code.

~~B. D.~~ Applications for minor lot adjustments shall include a survey of the existing lots and a survey and legal description of the proposed new lots. The community development coordinator shall process applications as a Level One (minimum standard) approval and all new lots shall comply with the minimum lot size, width, setback, ISR and FAR requirements required by the zoning district in which the property is located. After such new lots are recorded in the county, the applicant shall file copies of the recorded legal descriptions and survey with the community development director. The city engineer shall be responsible for recording such approved lot adjustments on the city's Zoning Atlas.

Section 2. That Article 4. Development Review and Other Procedures, Division 7. Subdivisions/Plats, Section 4-702. Required Approvals, Community Development Code, be amended to read as follows:

Section 4-702. Required platting approvals.

~~Plat If plat approval is required, approval is obtained in two stages: preliminary and final plat approval. Such approval and is intended to be processed simultaneously with other required development approvals. Both preliminary plat approval and final plat approval are granted by city staff for Level One (flexible standard) approvals and the Community Development Coordinator board for Level Two approvals. In the event a Level Two approval is required, the preliminary plat is a required submission and will be reviewed and approved by the community development board as part of that approval process. While city council approval is required by state law for final plats, the approval process for final plats is ministerial, assuming the final plat complies with the preliminary plat approval and all requirements of the City Code. If plat approval is required, final plat approval must be obtained before a building permit may be issued.~~

Section 3. That a new Article 4. Development Review and Other Procedures, Division 7. Subdivisions/Plats, Section 4-704. Submittal of Platting Application, Community Development Code, be added to read as follows:

Section 4-704. Submittal of Platting Application.

Within seven business days of receipt of a plat application, the applicant shall be provided a written notice acknowledging receipt of the application and identifying any missing documents or information necessary to process the application. The notice shall provide information regarding the approval process including completeness requirements and the timeframes for review.

Section 4. That Article 4. Development Review and Other Procedures, Division 7. Subdivisions/Plats, Section 4-704. Staff review and report/decision, Community Development Code, be renumbered, renamed and amended and Section 4-705. Community Development Board Decision, Community Development Code be deleted to read as follows:

Section 4-7054. Preliminary Plat Staff review and Community Development Coordinator review/report/decision.

~~After tThe Community Development Coordinator shallhas reviewed an application for a preliminary platLevel One approval with the development review committee in accordance with the provisions of Section 4-202(C) and (D)to determine compliance with this community development code and state law. If compliance is determined, the coordinator shall approve the preliminary plat to proceed to the final plat review phase or, in the case of a Level Two approval, transmit a written recommendation to the community development board with a copy to the applicant, setting forth recommended findings concerning the application.~~

Section 4-705. Community development board decision.

~~In the event a preliminary plat is required in conjunction with a Level Two approval, the community development board shall consider the application in the same manner as required in Section 4-405 for the Level Two approval.~~

Section 5. That Article 4. Development Review and Other Procedures, Division 7. Subdivisions/Plats, Section 4-706. Final Plat Review, Community Development Code, be renamed and amended, Section 4-707. City Commission Review/Decision/Final Plat, Community

Development Code, be deleted, and Section 4-708. Recording of Final Plat, Community Development Code, be renumbered, to read as follows:

Section 4-706. Final plat review and Community Development Coordinator decision/staff.

~~After a preliminary plat approval~~Level One or Level Two approval is granted, the applicant shall submit a final plat for review, ~~and approval in accordance with the provisions of Section 4-202(C), (D), and (E). If the community development coordinator determines that the final plat is in substantial conformity with the preliminary plat and complies with all the provisions of this Development Code, the coordinator shall submit his recommendation of approval of the final plat to the city commission.~~

Unless the applicant requests an extension of time, the plat shall be approved, approved with conditions, or denied within the timeframe identified in the written notice provided to the applicant under CDC Section 4-704. The Community Development Coordinator, an official, an employee, an agent, or any other designee of the City, may not request or require the applicant to file a written extension of time.

If the Community Development Coordinator determines that the final plat is in substantial conformity with the preliminary plat and complies with all the provisions of this Development Code and state law, the coordinator shall approve the final plat setting forth findings concerning the application.

If the Community Development Coordinator does not approve the plat, they must notify the applicant in writing of the reasons for declining to approve the submittal. The notice must identify all areas of noncompliance and include specific citations to each requirement the plat submittal fails to meet.

~~Section 4-707. City commission review/decision/final plat.~~

~~Upon receipt of the recommendation of the community development coordinator, the city clerk shall place the final plat on the city commission's consent agenda at its next regularly scheduled meeting. The city commission shall approve the final plat as part of the consent agenda unless four members of the city commission vote to remove the final plat from the consent agenda. In the event the final plat is removed from the consent agenda, the city commission shall approve the final plat by a majority vote unless it specifically finds that the plat does not conform to the standards of this Development Code.~~

Section 4-7078. Recording of final plat.

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Section 6. That Article 4. Development Review and Other Procedures, Division 7. Subdivisions/Plats, Section 4-709. Standards for Review, Community Development Code, be renumbered and amended to read as follows:

Section 4-7089. Standards for review.

All plats shall be in conformity with Article 3 of this Development Code,~~unless modified by the community development board, as part of a Level Two approval.~~

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Section 7. 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 8. 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 9. 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 10. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 11. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Senior Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk