

**ORDINANCE NO. 9758-24**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 2, ZONING DISTRICTS, DIVISION 1. LOW DENSITY RESIDENTIAL DISTRICT (“LDR”), DIVISION 2. LOW MEDIUM DENSITY RESIDENTIAL DISTRICT (“LMDR”), DIVISION 3. MEDIUM DENSITY RESIDENTIAL DISTRICT (“MDR”), DIVISION 4. MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT (“MHDR”), DIVISION 5. HIGH DENSITY RESIDENTIAL DISTRICT (“HDR”), DIVISION 7. COMMERCIAL DISTRICT (“C”), DIVISION 8. TOURIST DISTRICT (“T”), DIVISION 10. OFFICE DISTRICT (“O”), DIVISION 11. US 19 DISTRICT (“US 19”), DIVISION 12. INSTITUTIONAL DISTRICT (“I”), AND DIVISION 13. INDUSTRIAL, RESEARCH AND TECHNOLOGY DISTRICT (“IRT”); BY AMENDING ARTICLE 3, DEVELOPMENT STANDARDS, DIVISION 1. ACCESS MANAGEMENT STANDARDS, DIVISION 2. ACCESSORY USE/STRUCTURES, DIVISION 8. FENCES AND WALLS, DIVISION 9. GENERAL APPLICABILITY STANDARDS, DIVISION 12. LANDSCAPING/TREE PROTECTION, DIVISION 14. PARKING AND LOADING, DIVISION 18. SIGNS, AND DIVISION 21. TEMPORARY USES; BY AMENDING ARTICLE 4, DEVELOPMENT REVIEW AND OTHER PROCEDURES, DIVISION 2. GENERAL PROCEDURES, DIVISION 8. TRAFFIC IMPACT STUDY, AND DIVISION 9, CONCURRENCY AND MOBILITY MANAGEMENT; BY AMENDING ARTICLE 8, DEFINITIONS AND RULES OF CONSTRUCTION, SECTION 8-102. DEFINITIONS; BY AMENDING APPENDIX B, US 19 ZONING DISTRICT AND DEVELOPMENT STANDARDS, DIVISION 3. SUBDISTRICT STANDARDS; BY AMENDING APPENDIX C, DOWNTOWN DISTRICT AND DEVELOPMENT STANDARDS, DIVISION 2. REGULATING PLAN, DIVISION 3, CHARACTER DISTRICT STANDARDS, DIVISION 6. BUILDING DESIGN STANDARDS, AND DIVISION 8. FLEXIBILITY; 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, the City has made numerous amendments to the Community Development Code to account for changing conditions within the City; and

WHEREAS, the City recently updated its Comprehensive Plan, Clearwater 2045, to provide updated policy guidance for numerous development initiatives within the City, requiring updates to the Community Development Code; and

WHEREAS, the City wants to increase housing diversity and affordability; and

WHEREAS, Clearwater 2045 enabled the use of accessory dwelling units and set forth that development standards need to be established in order to implement the use of accessory dwellings; and

WHEREAS, the City wants to permit affordable housing density bonuses as a Level One, Flexible Standard Development approval to allow for development review committee approval; and

WHEREAS, clarification of design criteria is needed for car washes developed within the City; and

WHEREAS, the Governor signed into law Senate Bill 250 (2023), an Act Relating to Natural Emergencies, which amended how temporary emergency housing after a natural disaster is regulated and amendments to the Community Development Code are needed to comply with those statutory changes; and

WHEREAS, the Governor signed into law Senate Bill 64 (2021), an Act Relating to Reclaimed Water, which created development bonuses for the use of graywater systems in residential development and the City is required to provide these development bonuses to incentivize the reuse of water in the City; and

WHEREAS, the Governor signed into law Senate Bill 1411 (2022), an Act Relating to Floating Solar Facilities, which requires a floating solar facility to be a permitted land use within the City; and

WHEREAS, the City adopted Greenprint 2.0 (2021) to support and advance the City's sustainability and resiliency goals and wants to further implement Greenprint 2.0 and Senate Bill 1411 (2022) by creating standards for and promoting the use of solar energy systems; and

WHEREAS, the City wants to provide notice of certain development applications earlier in the development review process; and

WHEREAS, the City wants to remove a footnote which provides additional flexibility for the Residential Infill Project use but provides no criteria or guidance; and

WHEREAS, the City is removing a reference to an outdated traffic circulation map that was used in determination of driveway spacing; and

WHEREAS, accessory uses are being amended to increase the percentage to 25% of the principal use to bring consistency between accessory uses and structures as accessory structures are permitted to be 25 percent of the principal use; and

WHEREAS, amendments to mechanical equipment screening requirements will ensure consistency in standards applied throughout the City; and

WHEREAS, updates are needed to graphics illustrating certain fence standards to bring clarity in how the fence standards are applied; and

WHEREAS, the City wants to permit wider sidewalks within front setbacks; and

WHEREAS, site visibility triangles are utilized to maintain areas free from visual obstructions to provide safe visibility for vehicles, bicyclists and pedestrians, and the City wants to allow the City Engineer flexibility in an approved design in certain cases; and

WHEREAS, amendments to landscaping and parking standards will provide the Community Development Coordinator flexibility for approving certain site improvements; and

WHEREAS, the City is developing a banner program to alert residents and visitors of City events, points of interests, and other happenings in the City; and

WHEREAS, the City intends to use this banner program to regulate the use of banners in the public right-of-way and on public property and the City wants to exempt them from the sign regulations in connection with the program; and

WHEREAS, definitions are being created in conjunction with accessory dwelling units, solar energy systems, and graywater bonuses, and amended to remove outdated references or bring clarity to certain uses; and

WHEREAS, the City is built out and has sufficient public facilities' capacity to meet future demands and Florida Statutes no longer requires concurrency; and

WHEREAS, the City has determined that provisions for certificates of concurrency standards are no longer needed in the Code; 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, 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 2, Zoning Districts, Section 2-100, Permitted Uses, Chart 2-100, Permitted Uses, Community Development Code, be amended to read as follows:

**Sec. 2-100. – Permitted uses.**

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CHART 2-100 PERMITTED USES																	
Use Categories	LDR	LMDR	MDR	MHDR	HDR	MHP	C	T	D	O	US 19	I	IRT	OSR	P	CRNC OD	IENC OD
Residential																	
Accessory Dwelling Unit	X	X	X				X	X	X	X		X	X				

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Section 2. That Article 2, Zoning Districts, Division 1, Low Density Residential District (“LDR”), Community Development Code, be amended to read as follows:

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**Section 2-103. – Flexible standard development.**

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<b>Table 2-103. "LDR" District Flexible Standard Development Standards</b>							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
<u>Accessory Dwelling Unit</u>	<u>10,000</u>	<u>50</u>	<u>n/a</u>	<u>5-10</u>	<u>10-20</u>	<u>Attached 30</u> <u>Detached 15-20</u>	<u>0-1/unit</u>
Detached Dwellings	10,000-20,000	50-100	25	5-15 10	5-25 10-20	30	2/unit
Residential Infill Project(3)	n/a	n/a	10— 25	0— 10 <del>5</del>	0— <del>20</del> 5	30	2/unit
Utility/Infrastructure Facilities(2)	n/a	n/a	25	15	25	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 specified in Section 2-103(B).~~

**Flexibility criteria:**

A. Accessory dwelling unit.

- 1. Accessory dwelling units shall not exceed 750 square feet or 50 percent of the gross floor area of the principal detached dwelling, whichever is less.
- 2. A parcel of land with conforming density shall be permitted one accessory dwelling unit.
- 3. Design Standards.
  - a. The accessory dwelling unit shall be constructed with a consistent architectural style as the principal detached dwelling.
  - b. Detached accessory dwelling units shall be constructed with similar architectural features as the principal detached dwelling, including window style, paint scheme, and roof design.

- c. A shipping container may be utilized as a detached accessory dwelling unit, provided it fully complies with the Florida Building Code and is architecturally treated using windows, doors, cladding, porches, and/or decks to provide a residential appearance, as determined by the Community Development Coordinator.
  - d. Entrances to attached accessory dwelling units shall not be visible from the street.
- 4. The location of an accessory dwelling unit shall be subject to Section 3-203.A.
- 5. The height of a detached accessory dwelling unit shall be subject to Section 3-203.D.
- 6. Setbacks.
  - a. Attached accessory dwelling units shall meet the principal detached dwelling setbacks.
  - b. Detached accessory dwelling units shall meet the setbacks established in Table 2-103.
  - c. Flexibility for the side and rear setbacks may be approved if the unit is buffered with landscape material and/or fences to minimize impacts to adjacent properties.
- 7. Either the principal detached dwelling or accessory dwelling unit shall be occupied by the property owner.
- 8. One legal on-street parking space may be substituted in lieu of the required off-street parking space as determined by the City Engineer.

**\*\*RELETTER SUBSEQUENT SECTIONS UPON APPROVAL OF CRITERIA A ABOVE\*\***

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**Section 2-104. – Flexible development.**

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Table 2-104. "LDR" District Flexible 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(1)		
Attached Dwellings	10,000	100	25	10	15	30	2/unit
Overnight Accommodations	20,000	100	25	15	25	30	1/unit
Parks and Recreation Facilities	n/a	n/a	35	20	25	30	1/2 <sup>per</sup> 20,000 SF land area or as determined by the community development director/coordinator based on the ITE Manual standards
Residential Infill(2)	n/a	n/a	10— 25	0— 10 <del>5</del>	0— 15 <del>20</del>	30	2/unit
Schools	40,000	200	25	15	25	30	1/3 <sup>1</sup> students

(1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from a seawall.

(2) ~~The development standards for residential infill projects are guidelines and may be varied based on the criteria set forth in Section 2-104(D).~~

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Section 3. That Article 2, Zoning Districts, Division 2, Low Medium Density Residential District ("LMDR"), Community Development Code, be amended to read as follows:

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**Section 2-203. – Flexible standard development.**

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Table 2-203. "LMDR" District Flexible Standard Development Standards							
Use	Min. Lot Size (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
<u>Accessory Dwelling Unit</u>	<u>5,000</u>	<u>50</u>	<u>n/a</u>	<u>5</u>	<u>5-10</u>	<u>Attached 30</u> <u>Detached 15-20</u>	<u>0-1/unit</u>
Attached Dwellings	10,000	100	25	10	15	30	2/unit
Detached Dwellings	5,000	50	15-25	5	5-10 <del>5</del>	30	2/unit
Residential Infill Projects(3)	n/a	n/a	10— 25	0—5	0—10 <del>5</del>	30	2/unit
Utility/Infrastructure Facilities(2)	n/a	n/a	25	10	15	n/a	n/a

- (1) Waterfront detached dwellings in LMDR District should be 25 feet except as provided in Article 3 Division 8, section 3-805 and Division 9, section 3-904 and except where adjacent structures on either side of the parcel proposed for development are setback 20 feet and then the rear setback shall be 20 feet. The Building Code may require the rear setback to be at least 18 feet from any 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 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 2-203(C).~~

**Flexibility Criteria:**

A. Accessory dwelling unit.

1. Accessory dwelling units shall not exceed 750 square feet or 50 percent of the gross floor area of the principal detached dwelling, whichever is less.
2. A parcel of land with conforming density shall be permitted one accessory dwelling unit.
3. Design Standards.
  - a. The accessory dwelling unit shall be constructed with a consistent architectural style as the principal detached dwelling.
  - b. Detached accessory dwelling units shall be constructed with similar architectural features as the principal detached dwelling, including window style, paint scheme, and roof design.
  - c. A shipping container may be utilized as a detached accessory dwelling unit, provided it fully complies with the Florida Building Code and is architecturally treated using windows, doors, cladding, porches, and/or decks to provide a residential appearance, as determined by the Community Development Coordinator.
  - d. Entrances to attached accessory dwelling units shall not be visible from the street.
4. The location of an accessory dwelling unit shall be subject to Section 3-203.A.
5. The height of a detached accessory dwelling unit shall be subject to Section 3-203.D.
6. Setbacks.
  - a. Attached accessory dwelling units shall meet the principal detached dwelling setbacks.
  - b. Detached accessory dwelling units shall meet the setbacks established in Table 2-203.

c. Flexibility for the side and rear setbacks may be approved if the unit is buffered with landscape material and/or fences to minimize impacts to adjacent properties.

7. Either the principal detached dwelling or accessory dwelling unit shall be occupied by the property owner.

8. One legal on-street parking space may be substituted in lieu of the required off-street parking space as determined by the City Engineer.

\*\*RELETTER SUBSEQUENT SECTIONS UPON APPROVAL OF CRITERIA A ABOVE\*\*

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**Section 2-204. – Flexible development.**

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Table 2-204. "LMDR" District Flexible Development Standards							
Use	Min. Lot Size (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	15	30	2/unit
Detached Dwellings	3,000-5,000	25-50	15-25	2-5	5-10 <del>5</del>	30	2/unit
Non-Residential Off-Street Parking(3 <del>2</del> )	n/a	n/a	25	10	10	n/a	n/a
Parks and Recreation Facilities	n/a	n/a	35	20	25	30	1 <del>per</del> 20,000 SF land area or as determined by the community development <del>director</del> <u>coordinator</u> based on ITE Manual standards
Residential Infill Projects(2)	n/a	n/a	10—25	0—5	0—10 <del>5</del>	30	2/unit
Schools	40,000	200	35	25	15	30	1 <del>1</del> /3 students

(1) Waterfront detached dwellings in LMDR District should be 25 feet except as provided in Article 3 Division 8, Section 3-805 and Division 9, Section 3-904 and except where adjacent structures on either side of the parcel proposed for development are setback 20 feet and then the rear setback shall be 20 feet. The Building Code may require the rear setback to be at least 18 feet from a seawall.

~~(2) The development standards for residential infill projects are guidelines and may be varied based on the criteria specified in Section 2-204(E).~~

~~(3) Non-residential parking lots 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 the appropriate land use category.~~

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Section 4. That Article 2, Zoning Districts, Division 3, Medium Density Residential District (“MDR”), Community Development Code, be amended to read as follows:

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**Section 2-303. – Flexible standard development.**

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<b>Table 2-303. "MDR" District Flexible Standard Development Standards</b>							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
<u>Accessory Dwelling Unit</u>	<u>3,000</u>	<u>30</u>	<u>n/a</u>	<u>0-5</u>	<u>5</u>	<u>Attached 30-40</u> <u>Detached 15-20</u>	<u>0-1/unit</u>
Attached Dwellings	10,000	50	25	5	10	30-40	2/unit
Community Residential Homes (up to 14 residents)	5,000	50	25	5	10	30-40	1/2 per 2 residents
Detached Dwellings	3,000-5,000	30-50	15-25	0-5	5	30-40	2/unit
Residential Infill Projects <sup>(3)</sup>	n/a	n/a	10 - 25	0-5	0-5	30-40	2/unit
Schools	40,000	200	25	10	25	30-40	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:**

A. Accessory dwelling unit.

1. Accessory dwelling units shall not exceed 750 square feet or 50 percent of the gross floor area of the principal detached dwelling, whichever is less.

2. A parcel of land with conforming density shall be permitted one accessory dwelling unit.

3. Design Standards.

a. The accessory dwelling unit shall be constructed with a consistent architectural style as the principal detached dwelling.

- b. Detached accessory dwelling units shall be constructed with similar architectural features as the principal detached dwelling, including window style, paint scheme, and roof design.
  - c. A shipping container may be utilized as a detached accessory dwelling unit, provided it fully complies with the Florida Building Code and is architecturally treated using windows, doors, cladding, porches, and/or decks to provide a residential appearance, as determined by the Community Development Coordinator.
  - d. Entrances to attached accessory dwelling units shall not be visible from the street.
4. The location of an accessory dwelling unit shall be subject to Section 3-203.A.
5. The height of a detached accessory dwelling unit shall be subject to Section 3-203.D.
6. Setbacks.
- a. Attached accessory dwelling units shall meet the principal detached dwelling setbacks.
  - b. Detached accessory dwelling units shall meet the setbacks established in Table 2-303.
  - c. Flexibility for the side and rear setbacks may be approved if the unit is buffered with landscape material and/or fences to minimize impacts to adjacent properties.
7. Either the principal detached dwelling or accessory dwelling unit shall be occupied by the property owner.
8. One legal on-street parking space may be substituted in lieu of the required off-street parking space as determined by the City Engineer.

**\*\*RELETTER SUBSEQUENT SECTIONS UPON APPROVAL OF CRITERIA A ABOVE\*\***

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**Section 2-304. – Flexible development.**

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<b>Table 2-304. "MDR" District Flexible Development Standards</b>							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
Assisted Living Facilities	20,000	100	25	5	10	30-50	1/ <del>per</del> 2 residents
Attached Dwellings	10,000	100	25	5	10	30-50	2/unit
Congregate Care	20,000	100	25	5	10	30-50	1/ <del>per</del> 2 residents
Non-Residential Off-Street Parking(32)	n/a	n/a	25	5	10	n/a	n/a
Overnight Accommodations	20,000	100	25	5	10	30-50	1/unit
Parks and Recreational Facilities	n/a	n/a	35	20	25	30	1/ <del>per</del> 20,000 SF land area or as determined by the community development <del>director</del> <u>coordinator</u> based on ITE Manual standards
Residential Infill Projects(2)	n/a	n/a	10—25	0—5	0— <del>5</del> 10	30—50	2/unit

(1) The Building Code may require the rear setback to be as least 18 feet from any seawall.

(2) ~~The development standards for residential infill projects are guidelines and may be varied based on the criteria specified in Section 3-304(G).~~

(3) ~~Non-residential parking lots 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 the appropriate land use category.~~

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Section 5. That Article 2, Zoning Districts, Division 4, Medium High Density Residential District ("MHDR"), Community Development Code, be amended to read as follows:

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**Section 2-403. – Flexible standard development.**

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<b>Table 2-403. "MHDR" Flexible Standard Development Standards</b>							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear		
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**Section 2-404. – Flexible development.**

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<b>Table 2-404. "MHDR" Flexible Development Standards</b>							
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	15,000	150	15-25	0-10	10-15	30-50	2/unit
Congregate Care	15,000	150	25	10	15	30	1/per-2 residents
Non-Residential Off-Street Parking(2)	n/a	n/a	25	5	10	n/a	n/a
Overnight Accommodations	15,000	150	15-25	0-10	10-15	30	1/unit
Parks and Recreation Facilities	n/a	n/a	35	20	25	30	1/per-20,000 SF land area or as determined by the community development coordinator based on the ITE Manual standards
Residential Infill Projects(3)	n/a	n/a	10—25	0—10	0—15	30-50	2/unit

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from a seawall.
- (2) Non-residential parking lots 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 the appropriate land use category.
- (3) ~~The development standards for residential infill projects are guidelines and may be varied based on the criteria specified in Section 2-404(F).~~

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Section 6. That Article 2, Zoning Districts, Division 5, High Density Residential District (“HDR”), Community Development Code, be amended to read as follows:

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**Section 2-503. – Flexible standard development.**

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<b>Table 2-503. "HDR" Flexible Standard Development Standards</b>							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
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**Section 2-504. – Flexible development.**

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Table 2-504. "HDR" Flexible 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(1)		
Attached Dwellings	15,000	150	15-25	0-10	10-15	30-130	2/unit
Congregate Care	15,000	150	25	10	15	30	1/ per 2 residents
Overnight Accommodations	15,000	150	15-25	0-10	10-15	30	1/unit
Parking Garage and Lots(2)	20,000	100	50	15-25	10	10-20	n/a
Parks and Recreational Facilities	n/a	n/a	35	20	25	30	1/ per 20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Residential Infill Projects(3)	n/a	n/a	10—25	0—10	0—15	30—130	2/unit

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from a seawall.
- (2) Parking garages 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 amendment to the appropriate land use.
- (3) ~~The development standards for residential infill projects are guidelines and may be varied based on the criteria specified in Section 2-504(F).~~

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Section 7. That Article 2, Zoning Districts, Division 7, Commercial District ("C"), Community Development Code, be amended to read as follows:

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**Section 2-702. – Minimum standard development.**

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Table 2-702. "C" District Minimum Development Standards								
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
				Front	Side	Rear		
Community Gardens <sup>(4)</sup> (4)	n/a	n/a	n/a	15	5	5	n/a	n/a
Funeral Homes	10,000	100	25	25	10	20	25	0.25/ per seat
Governmental Uses(1)	10,000	100	25	25	10	20	25	4/1,000 SF GFA

Indoor Recreation/ Entertainment	10,000	100	25	25	10	20	25	5/1,000 SF GFA or 5/lane, 2/court or 1/machine
Medical Clinic(1)	10,000	100	25	25	10	20	25	5/1,000 <u>SF</u> GFA
Mixed Use	10,000	100	25	25	10	20	25	Based upon specific use requirements
Offices	10,000	100	25	25	10	20	25	3/1,000 SF GFA
Overnight Accommodations	40,000	200	25	25	10	20	25	1/unit
Parks and Recreational Facilities	n/a	n/a	25	25	10	20	25	1/ <del>per</del> 20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Places of Worship	40,000	200	25	25	10	20	25	1/ <del>per</del> 2 seats
Restaurants	10,000	100	25	25	10	20	25	12/1,000 SF GFA
Retail Plazas(2), (3)	15,000	100	25	25	10	20	25	4/1,000 SF GFA
Retail Sales and Services(3)	10,000	100	25	25	10	20	25	5/1,000 SF GFA
Social and Community Centers	10,000	100	25	25	10	20	25	5/1,000 SF GFA
Telecommunications Towers	10,000	100	Refer to Section 3-2001	25	10	20	Refer to Section 3-2001	n/a
Vehicle Sales/Display	40,000	200	25	25	10	20	25	2.5/1,000 SF <u>Lot</u> <u>Sales Area</u>
Veterinary Offices	10,000	100	25	25	10	20	25	4/ <del>spaces</del> per-1,000 <u>SF</u> GFA

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**Section 2-703. – Flexible standard development.**

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Table 2-703. "C" District Flexible Standard Development Standards								
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking Spaces
				Front	Side	Rear		
Accessory Dwellings <u>Unit</u>	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1/ <del>space</del> per-unit
Alcoholic Beverage Sales	10,000	100	25	25	10	20	25	5/ <del>per</del> 1,000 <u>SF</u> GFA

Automobile Service Stations	10,000	100	25	25	10	20	25	5/1,000 SF GFA
Bars	10,000	100	25	25	10	20	25	10/1,000 SF GFA
Brewpubs	3,500— 10,000	30— 100	25— 50	25	0— 10	10— 20	25— 50	1.5/1,000 SF GFA dedicated to brewery operations and support services; and 7—12/1,000 SF GFA for all other use area
Educational Facilities (1)	40,000	200	25	25	10	20	25	1/2 students
Funeral Homes	3,500— 10,000	30— 100	25— 50	25	0— 10	10— 20	25— 50	0.25/seat
Governmental Uses(1)	10,000	100	25— 50	25	10	20	25— 50	4/spaces per 1,000 SF GFA
Indoor Recreation/Entertainment	5,000— 10,000	50— 100	25	25	10	20	25	3—5/1,000 SF GFA or 3—5/lane, 1—2/court or 1/machine
Medical Clinics (1)	10,000	100	25-50	25	0 - 10	10- 20	25-50	3 - 5/1,000 SF GFA
Microbreweries	3,500— 10,000	30— 100	25— 50	25	0— 10	10— 20	25— 50	1.5/1,000 SF GFA dedicated to brewery operations and support services; and 7—12/1,000 SF GFA for all other use area
Mixed Use	5,000— 10,000	50— 100	25— 50	25	0— 10	10— 20	25— 50	Based upon specific use requirements
Nightclubs	10,000	100	25	25	10	20	25	10/1,000 SF GFA
Offices	3,500— 10,000	30— 100	25— 50	25	0— 10	10— 20	25— 50	3/1,000 SF GFA
Off-Street Parking	10,000	100	n/a	25	10	20	n/a	n/a
Overnight Accommodations	20,000 — 40,000	150— 200	25— 50	25	0— 10	10— 20	25— 50	1/unit
Places of Worship (2)	20,000 — 40,000	100— 200	25— 50	25	10	20	25— 50	0.5-1/2 seats
Public Transportation Facilities (3)	n/a	n/a	40	n/a	n/a	n/a	10	n/a
Restaurants	3,500— 10,000	30— 100	25— 50	25	0— 10	10— 20	25— 50	7—12/spaces per 1,000 GFA
Retail Plazas	15,000	100	25— 50	25	0— 10	10— 20	25— 50	4/spaces per 1,000 SF GFA

Retail Sales and Services	3,500— 10,000	30— 100	25— 50	25	0— 10	10— 20	25— 50	4—5/ spaces per 1,000 SF GFA
Schools (5)	40,000	200	25	25	0— 10	10— 20	25	1/ per 3 students
Social and Community Centers (1)	3,500— 10,000	35— 100	25— 35	25	0— 10	10— 20	25— 35	4—5/ spaces per 1,000 SF GFA
Utility/Infrastructure Facilities (4)	n/a	n/a	20	25	10	20	20	n/a
Vehicle Sales/Displays	20,000 — 40,000	150— 200	25	25	10	20	25	2.5/ spaces per 1,000 SF of lot sales area
Veterinary Offices	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	25	4/ spaces per 1,000 SF GFA

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**Flexibility criteria:**

A. *Accessory dwelling unit.* One accessory dwelling unit, which is subordinate and accessory to a principal permitted use is allowed provided that:

1. Title to the ~~accessory dwelling~~ unit is vested in the ownership of the principal use;
2. The floor area of the ~~accessory dwelling~~ unit does not exceed 25 percent of the floor area of the principal use.
3. The unit complies with the development standards established for the principal use.
4. The unit shall be constructed with a similar architectural style as the principal use.

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**Section 2-704. – Flexible development.**

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Table 2-704. “C” District Flexible Development Standards								
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Max Height (ft.)	Min. Off-Street Parking Spaces
				Front	Side	Rear		
Alcoholic Beverage Sales	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	25	5/ per 1,000 SF GFA
Animal Boarding	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	25	4/ spaces per 1,000 SF GFA
Bars	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	25	10/ per 1,000 SF GFA
Brewpubs	3,500— 10,000	30— 100	25— 50	15— 25	0— 10	10— 20	25— 50	1.5/1,000 SF GFA dedicated to brewery operations and support services; and 7—12/1,000 SF GFA for all other use area



Comprehensive Infill Redevelopment Project	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Determined by the community development coordinator based on the specific use and/or ITE Manual standards
Indoor Recreation/Entertainment	3,500— 10,000	30— 100	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	3—5/1,000 SF GFA or 3—5/lane, 1—2/court or 1/machine
Light Assembly	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	25	4—5/ <del>spaces per</del> 1,000 GFA
Limited Vehicle Service	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	25	4—5/ <del>spaces per</del> 1,000 GFA
Marinas and Marina Facilities	5,000— 20,000	50	25	25	10	20	25	1/ <del>space per</del> 2 slips
Microbreweries	3,500— 10,000	30— 100	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	1.5/1,000 SF GFA dedicated to brewery operations and support services; and 7—12/1,000 SF GFA for all other use area
Mixed Use	5,000— 10,000	50— 100	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	Based upon specific use requirements
Nightclubs	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	25	10/ <del>per</del> 1,000 SF GFA
Offices	3,500— 10,000	30— 100	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	3/1,000 SF GFA
Off-Street Parking	10,000	100	n/a	15— 25	0— 10	10— 20	n/a	n/a
Outdoor Recreation/Entertainment	20,000	100	25	15— 25	10	10— 20	25	1—10/ <del>per</del> 1,000 SQ-FT of land area or as determined by the community development coordinator based on ITE Manual standards
Overnight Accommodations	20,000— 40,000	100— 200	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	1/ <del>per</del> unit
Problematic Uses	5,000	50	25	15— 25	10	10— 20	25	5/ <del>spaces per</del> 1,000 SF GFA
Restaurants	3,500— 10,000	35— 100	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	7—12/ <del>spaces per</del> 1,000 SF GFA
Retail Plazas	15,000	100	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	4/ <del>spaces per</del> 1,000 SF GFA
Retail Sales and Services	3,500— 10,000	30— 100	<del>25</del> 50	15— 25	0— 10	10— 20	<del>25</del> 50	4—5/ <del>spaces per</del> 1,000 SF GFA
RV Parks	40,000	200	25	15— 25	20	10— 20	25	1/ <del>space per</del> RV space

Schools (2)	30,000— 40,000	100— 200	25— 50	15— 25	0— 10	10— 20	25— 50	1/3 per 3 students
Self Storage	20,000	100	25	15— 25	10	10— 20	25	1/20 per 20 units plus 2 for manager's office
Social/Public Service Agencies(1)	5,000— 10,000	50— 100	25— 50	15— 25	0— 10	10— 20	25— 50	3—4/ spaces per 1,000 SF GFA
Vehicle Sales/Displays	10,000— 40,000	100— 200	25	15— 25	10	10— 20	25	2.5/ spaces per 1,000 SQ-FT of lot area

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**Flexibility criteria:**

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I. *Limited vehicle service.*

1. *Lot area and width:* The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
2. *Front setback:* The reduction in front setback results in an improved site plan or improved design and appearance and landscaped areas are in excess of the minimum required.
3. *Side and rear setback:*
  - a. The reduction in side and/or rear setback does not prevent access to the rear of any building by emergency vehicles;
  - b. The reduction in side and/or rear setback results in an improved site plan, more efficient parking, or improved design and appearance and landscaped areas are in excess of the minimum required.
4. *Off-street parking:* The physical characteristics of a proposed building are such that the likely uses of the property will require fewer parking spaces per floor area than otherwise required or that the use of significant portions of the building will be used for storage or other non-parking demand-generating purposes.
5. Garage doors and bays shall be located perpendicular to the abutting streets. Bays shall be screened from adjacent property by landscaped walls or fences.
6. Tunnels associated with car washes shall be located parallel to the abutting street.
7. Vacuums and similar equipment accessory to car washes shall meet applicable side and rear setbacks, consist of muted colors, and shall not be placed between the principal structure and the right-of-way.
78. The façade of the building which fronts on public roads are designed with windows, cornices or other architectural features or treatments.
79. The use does not involve the overnight, outdoor storage of automobiles.

810. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas.

911. The design of the parcel proposed for development is compatible with the surrounding area.

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Section 8. That Article 2, Zoning Districts, Division 8, Tourist District (“T”), Community Development Code, be amended to read as follows:

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**Section 2-802. – Flexible standard development.**

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<b>Table 2-802. “T” District Flexible Standard Development Standards</b>								
<b>Use<sup>(4)</sup>(1)</b>	<b>Min. Lot Area (sq. ft.)</b>	<b>Min. Lot Width (ft.)</b>	<b>Max. Height<sup>(4)</sup> (ft.)</b>	<b>Min. Setbacks<sup>(4)</sup>(1) (ft.)</b>			<b>Max Height(1) (ft.)</b>	<b>Min. Off-Street Parking</b>
				<b>Front</b>	<b>Side</b>	<b>Rear</b>		
Accessory Dwellings Unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1/unit
Alcoholic/Beverage/Sales	5,000	50	35	10—15	10	20	35	5/per 1,000 SF GFA
Attached/ Dwellings (6)	10,000	100	35—50	10—15	10	10—20	35—50	2/per-unit
Bars	5,000	50	35	15	10	20	35	10/per 1,000 SF GFA
Brewpubs	5,000—10,000	50—100	35—50	0—15	0—10	10—20	35—50	1.5/1,000 SF GFA dedicated to brewery operations and support services; and 7—12/1,000 SF GFA for all other use area
Governmental Uses (2)	10,000	100	35—50	10—15	0—10	10—20	35—50	3—4/1,000 SF GFA
Indoor Recreation/Entertainment	5,000	50	35—50	0—15	0—10	20	35—50	10/per 1,000 SF GFA
Medical Clinic	10,000	100	35—50	10—15	10	20	35—50	5/1,000 SF GFA
Mixed Use	5,000—10,000	50—100	35—50	0—15	0—10	10—20	35—50	Based upon specific use requirements
Museums	10,000	100	35—50	10—15	0—10	10—20	35—50	1—3/1,000 SF GFA
Nightclubs	5,000	50	35	15	10	20	35	10/per 1,000 SF GFA
Offices	5,000—10,000	50—100	35—50	0—15	0—10	10—20	35—50	3/1,000 SF GFA

Outdoor Recreation/Entertainment	5,000	50	35	10—15	10	20	35	2.5/ spaces per 1,000 sq. ft. SF of lot area or as determined by the community development <del>director</del> <u>coordinator</u> based on ITE Manual standards
Overnight Accommodations	20,000	100—150	35—50	10—15	0—10	10—20	35—50	1.2/ per unit
Parking Garages and Lots	20,000	100	50	15—25	10	10—20	50	n/a
Parks and Recreation Facilities	n/a	n/a	50	25	10	20	50	1/ per 20,000 SF of land area or as determined by the community development coordinator based on ITE Manual standards
Public Transportation Facilities(3)	n/a	n/a	40	n/a	n/a	n/a	10	n/a
Resort Attached Dwellings(6)	10,000	100	35—50	10—15	10	10—20	35—50	1.5/ per unit
Restaurants	5,000—10,000	50—100	35—50	0—15	0—10	10—20	35—50	7—12/ spaces per 1,000 SF GFA(5)
Retail Plazas	15,000	100	35—50	0—15	0—10	10—20	35—50	4/ spaces per 1,000 SF GFA
Retail Sales and Services	5,000—10,000	50—100	35—50	0—15	0—10	10—20	35—50	4—5/ spaces per 1,000 SF GFA (5)
Social and Community Center	5,000—10,000	50—100	35—50	10—15	0—10	10—20	35—50	4—5/ spaces per 1,000 SF GFA
Utility/Infrastructure Facilities(4)	n/a	n/a	n/a	25	10	10	n/a	n/a

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**Flexibility criteria:**

A. Accessory dwellings unit. One accessory dwelling unit, which is subordinate and accessory to a principal permitted use is allowed provided that:

- ~~1.~~ One accessory dwelling that is subordinate and accessory to a principal permitted use.
- ~~2.~~ Title to the accessory dwelling unit is vested in the ownership of the principal use.
- ~~3.~~ The floor area of the accessory dwelling unit does not exceed 25 percent of the floor area of the principal use.

3. The unit complies with the development standards established for the principal use.

4. The unit shall be constructed with a similar architectural style as the principal use.

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**Section 2-803. – Flexible development.**

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<b>Table 2-803. “T” Flexible Development Standards</b>								
<b>Use<sup>(4)</sup>(1)</b>	<b>Min. Lot Area (sq. ft.)</b>	<b>Min. Lot Width (ft.)</b>	<b>Max. Height<sup>(4)</sup> (ft.)</b>	<b>Min. Setbacks(1) (ft.)</b>			<b>Max. Height(1) (ft.)</b>	<b>Min. Off-Street Parking</b>
				<b>Min. Front<sup>(4)</sup> (ft.)</b>	<b>Min. Side<sup>(4)</sup> (ft.)</b>	<b>Min. Rear<sup>(4)</sup> (ft.)</b>		
Alcoholic Beverage Sales	5,000	50	35—100	0—15	0—10	10—20	35—100	5/—per 1,000 SF GFA
Attached Dwellings(3)	5,000—10,000	50—100	35—100	0—15	0—10	10—20	35—100	2/—per-unit
Bars	5,000	50	35—100	0—15	0—10	10—20	35—100	10/—per 1,000 SF GFA
Brewpubs	5,000—10,000	50—100	35—100	0—15	0—10	10—20	35—100	1,5/1,000 SF GFA dedicated to brewery operations and support services; and 7-12/1,000 SF GFA for all other use area
Comprehensive Infill Redevelopment Project	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Determined by the community development coordinator for all other uses based on the specific use and/or ITE Manual standards
Limited Vehicle Sales and Display	5,000	50	35—100	0—15	0—10	10—20	35—100	4—5/—spaces per 1,000 SF GFA
Marinas and Marina Facilities	5,000	50	25	10—15	0—10	10—20	25	1/—space per 2 slips

Mixed Use	5,000— 10,000	50— 100	<del>35—100</del>	0—15	0—10	0—20	<u>35—100</u>	Based upon specific use requirements
Nightclubs	5,000	50	<del>35—100</del>	0—15	0—10	10— 20	<u>35—100</u>	10/ <del>per</del> -1,000 <u>SF</u> GFA
Offices	5,000— 10,000	50— 100	<del>35—100</del>	0—15	0—10	10— 20	<u>35—100</u>	3/1,000 SF GFA
Outdoor Recreation/Entertainment	5,000	50	<del>35</del>	5—15	0—10	10— 20	<u>35</u>	2.5/ <del>spaces</del> <u>per</u> -1,000 SQ FF of lot area or as determined by the community development coordinator based on ITE Manual standards
Overnight Accommodations(3)	10,000— 20,000	100— 150	<del>35—100</del>	0—15	0—10	0—20	<u>35—100</u>	1—1.2/ <del>per</del> <u>per</u> unit
Resort Attached Dwellings(3)	5,000— 10,000	50— 100	<del>35—100</del>	0—15	0—10	10— 20	<u>35—100</u>	1.5/ <del>per</del> -unit
Restaurants	5,000— 10,000	50— 100	<del>25—100</del>	0—15	0—10	10— 20	<u>25—100</u>	7—12/ <u>spaces per</u> 1,000 <u>SF</u> GFA(2)
Retail Plazas	15,000	100	<del>35—100</del>	0—15	0—10	10— 20	<u>35—100</u>	4/ <del>spaces per</del> <u>per</u> 1,000 <u>SF</u> GFA
Retail Sales and Services	5,000— 10,000	50— 100	<del>35—100</del>	0—15	0—10	10— 20	<u>35—100</u>	4—5/ <del>spaces</del> <u>per</u> -1,000 <u>SF</u> GFA(2)

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Section 9. That Article 2, Zoning Districts, Division 10, Office District (“O”), Community Development Code, be amended to read as follows:

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**Section 2-1002. – Minimum standard development.**

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<b>Table 2-1002. “O” District Minimum Development Standards</b>								
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking Spaces
				Front	Side	Rear		
Funeral Homes	10,000	100	30	25	10	20	30	0.25/per-seat
Medical Clinic	10,000	100	30	25	10	20	30	5/1,000 SF GFA
Offices	10,000	100	30	25	10	20	30	3/1,000 sq. ft. SF GFA
Parks and Recreation Facilities	n/a	n/a	50	25	10	20	50	1/per-20,000 SF of land area or as determined by the community development director based on ITE Manual standards
Places of Worship(1)	40,000	200	30	35	20	20	30	1/per-2 seats
Schools	40,000	200	30	35	20	20	30	1/3 students
Telecommunication Towers	10,000	100	Refer to Section 3-2001	25	10	20	Refer to Section 3-2001	n/a

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**Section 2-1003. – Flexible standard development.**

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<b>Table 2-1003. “O” District Flexible Standard Development Standards</b>								
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
				Front	Side	Rear		
Accessory Dwellings Unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	1/unit
Community Residential Homes	6,000	60	30	25	10	10	30	1/per-2 residents
Educational Facilities	3,500	50	30—50	25	10	20	30—50	2—3/1,000 SF GFA
Funeral Homes	3,500—10,000	50-100	30-50	15-25	10	10-20	30-50	0.25/per-seat
Medical Clinic	10,000	100	30-50	15-25	10	10-20	30-50	5/1,000 SF GFA
Nursing Homes	20,000	100	30	35	20	20	30	1/per-2 residents
Offices	3,500—10,000	50—100	30—50	15—25	10	10—20	30—50	2—3/1,000 SF GFA
Off-Street Parking	3,500	50	n/a	25	10	20	n/a	n/a

Places of Worship(1)	20,000— 40,000	100— 200	<del>30—</del> 50	25— 35	10— 20	10— 20	<u>30—50</u>	1/ <del>per</del> -2 seats
Public Transportation Facilities(2)	n/a	n/a	<del>40</del>	n/a	n/a	n/a	<u>10</u>	n/a
Restaurants	n/a	n/a	<del>n/a</del>	n/a	n/a	n/a	<u>n/a</u>	n/a
Retail Sales and Services	n/a	n/a	<del>n/a</del>	n/a	n/a	n/a	<u>n/a</u>	n/a
TV/Radio Studios	40,000	200	<del>35</del>	35	20	20	<u>35</u>	5/1,000 <u>SF</u> GFA
Utility/Infrastructure Facilities(3)	n/a	n/a	<del>n/a</del>	35	20	20	<u>n/a</u>	n/a
Veterinary Offices	5,000	50	<del>30</del>	25	10	20	<u>30</u>	4/1,000 <u>SF</u> GFA

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**Flexibility criteria:**

- A. Accessory dwellings unit. One accessory dwelling unit, which is subordinate and accessory to a principal permitted use is allowed~~shall be permitted~~ provided that:
1. Title to the accessory dwelling unit is vested in the ownership of the principal use;
  2. The floor area of the accessory dwelling unit does not exceed 25 percent of the floor area of the principal use;
  3. The unit complies with the development standards established for the principal use.
  4. The unit shall be constructed with a similar architectural style as the principal use.

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**Section 2-1004. – Flexible development.**

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Table 2-1004. “O” District Flexible Development Standards								
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking Spaces
				Front	Side	Rear		
Comprehensive Infill Redevelopment Project	n/a	n/a	<del>n/a</del>	n/a	n/a	n/a	<u>n/a</u>	Determined by the community development <del>director</del> <u>coordinator</u> based on the specific use and/or ITE Manual standards
Mixed Use	3,500	50	<del>30—</del> 80	15— 35	10— 20	10— 20	<u>30—80</u>	Based upon specific use requirements
Nursing Homes	20,000	100	<del>30—</del> 50	15— 35	10— 20	10— 20	<u>30—50</u>	1/ <del>per</del> -2 residents
TV/Radio Studios	20,000— 40,000	100— 200	<del>35—</del> 80	15— 35	10— 20	10— 20	<u>35—80</u>	3—5/1,000 <u>SF</u> GFA

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Section 10. Article 2, Zoning Districts, Division 11, US 19 District (“US 19”), Community Development Code, be amended to read as follows:

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**Section 2-1101.1. – Maximum development potential.**

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B. Residential density on those portions of property located within the coastal storm area shall be limited to the density in place prior to the adoption of this Code, consistent with ~~Policy A.1.1.2 and Map A-16~~ of the Comprehensive Plan.

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Section 11. That Article 2, Zoning Districts, Division 12, Institutional District (“I”), Community Development Code, be amended to read as follows:

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**Section 2-1203. – Flexible standard development.**

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Table 2-1203. “I” District Flexible Standard 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		
Accessory Dwellings <u>Unit</u>	n/a	n/a	n/a	n/a	n/a	n/a	1/unit

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**Flexibility criteria:**

A. Accessory dwellings unit. One accessory dwelling unit, which is subordinate and accessory to a principal permitted use is allowed provided that:

1. Title to the ~~accessory dwelling unit~~ is vested in the ownership of the principal use;
2. The floor area of the ~~accessory dwelling unit~~ does not exceed 25 percent of the floor area of the principal use.
3. The unit complies with the development standards established for the principal use.
4. The unit shall be constructed with a similar architectural style as the principal use.

B. Airport. All development activity identified in the ~~1999~~ Airport Master Plan (as amended) ~~study as short term development projects shall be processed as Flexible Standard Development Projects, and all mid-term development projects shall be processed as Flexible Development Projects.~~ All development projects at the city’s Airpark must be consistent with the ~~1999~~ approved Airport Master Plan.

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Section 12. Article 2, Zoning Districts, Division 13, Industrial, Research and Technology District (“IRT”), Community Development Code, be amended to read as follows:

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**Section 2-1302. – Minimum standard development.**

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Table 2-1302. “IRT” District Minimum Development Standards							
Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking Spaces
			Front	Side/Rear	Rear		
Accessory Dwellings Unit	5,000	50	20	15	<u>15</u>	50	1/unit
Governmental Uses (1)	20,000	200	20	15	<u>15</u>	50	3/1,000 SF GFA
Indoor Recreation/Entertainment (2)	20,000	200	20	15	<u>15</u>	50	5/1,000 SF GFA or 5/lane, 2/court or 1/machine
Manufacturing (3)	20,000	200	20	15	<u>15</u>	50	1.5/1,000 SF GFA
Offices (4)	n/a	n/a	n/a	n/a	<u>n/a</u>	n/a	n/a
Parks and Recreation Facilities	n/a	n/a	25	10/20	<u>20</u>	50	1/20,000 SF land area or as determined by the community development coordinator based on the ITE Manual standards
Publishing and Printing	20,000	200	20	15	<u>15</u>	50	3/1,000 SF GFA
Research and Technology	20,000	200	20	15	<u>15</u>	50	2/1,000 SF GFA
Restaurants (5)	10,000	100	20	15	<u>15</u>	50	12/spaces per 1,000 SF GFA
Self Storage	20,000	200	20	15	<u>15</u>	50	1/20 units plus 2 for manager’s office
Telecommunication Towers	10,000	50	25	10/20	<u>20</u>	Refer to Section 3-2001	n/a
TV/Radio Studios	20,000	200	20	15	<u>15</u>	50	4/1,000 SF GFA

Urban Farms (6)	n/a	n/a	20	15	<u>15</u>	50	2/ per-acre or fraction thereof
Vehicle Service (7)	20,000	200	20	15	<u>15</u>	50	1.5/1,000 SF GFA
Wholesale/Distribution/Warehouse Facility	20,000	200	20	15	<u>15</u>	50	1.5/1,000 SF GFA

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**Section 2-1303. – Flexible standard development.**

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Table 2-1303. "IRT" District Flexible Standard Development Standards							
Uses	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side/Rear	Rear		
Animal Boarding	10,000	100	20	15	<u>15</u>	30	5/1,000 SF GFA
Automobile Service Stations (1)	20,000	100	20	15	<u>15</u>	30	4/1,000 SF GFA
Major Vehicle Service (1)	20,000	100	20	15	<u>15</u>	30	4/1,000 SF GFA
Manufacturing (2)	10,000	100	20	15	<u>15</u>	50	1.5/1,000 SF GFA
Microbreweries	5,000—10,000	50—100	20	15	<u>15</u>	50	1.5/1,000 GFA dedicated to brewery operations and support services; and 7—12/1,000 GFA for all other use area
Offices	20,000	200	20	15	<u>15</u>	50	3/1,000 SF GFA
Outdoor Recreation/Entertainment (3)	40,000	200	20	15	<u>15</u>	30	1—10/1,000 SF Land Area or as determined by the community development coordinator based on ITE Manual standards
Outdoor Storage	10,000	100	20	15	<u>15</u>	30	3/1,000 SF GFA
Parking Lots	10,000	100	20	15	<u>15</u>	n/a	n/a
Public Facilities	10,000	100	20	15	<u>15</u>	50	1—2 per 1,000 GFA

Public Transportation Facilities (4)	n/a	n/a	n/a	n/a	<u>n/a</u>	10	n/a
Publishing and Printing	10,000— 20,000	100— 200	20	15	<u>15</u>	50	3/1,000 SF GFA
Research and Technology	10,000	100	20	15	<u>15</u>	50	2/1,000 SF GFA
Residential Shelters (5)	5,000	50	20	15	<u>15</u>	30	3/1,000 SF GFA
Retail Sales and Services (1)	n/a	n/a	n/a	n/a	<u>n/a</u>	n/a	n/a
Restaurants (6)	5,000— 10,000	50 -100	20	15	<u>15</u>	50	7—12 spaces per 1,000 GFA
Self Storage	10,000	100	20	15	<u>15</u>	50	1/—per 20—25 units plus 2 for manager's office
TV/Radio Studios	10,000	100	20	15	<u>15</u>	50	4/1,000 SF GFA
Utility/Infrastructure Facilities (7)	n/a	n/a	20	15	<u>15</u>	n/a	n/a
Vehicle Sales/Displays and Major Vehicle Sales/Displays (8)	40,000	200	20	15	<u>15</u>	30	1.5/1,000 SF Lot Sales Area
Vehicle Service (8)	10,000	100	20	15	<u>15</u>	50	1.5/1,000 SF GFA
Veterinary Offices	10,000	100	20	15	<u>15</u>	30	5/1,000 SF GFA
Wholesale/Distribution/Warehouse Facility	10,000	100	20	15	<u>15</u>	50	1.5/1,000 SF GFA

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Section 13. That Article 3, Development Standards, Division 1, Access Management Standards, Community Development Code, be amended to read as follows:

**Section 3-102. – Access management classification system and standards.**

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E. *Measurement of driveway spacing.* Driveway spacing shall be measured from the closest edge of the pavement to the next closest edge of the pavement. ~~The projected future edge of the pavement of the intersecting road shall be used in measuring corner clearance, where widening, relocation, or other improvement is indicated on the Future Traffic Circulation Map in the City's Comprehensive Plan.~~

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Section 14. That Article 3, Development Standards, Division 2, Accessory Use/Structures, Community Development Code, be amended to read as follows:

\*\*\*\*\*

**Section 3-202. – Exemptions.**

A. For the purpose of calculating the gross floor area of the principal use as set forth in Section 3-203.C., the floor area of any attached garage or carport shall be included.

- B. A detached two-car garage that is accessory to a detached dwelling shall be exempt from the size limitations set forth in Section 3-203.C., provided there is no other garage located on the site.
- C. Garden centers shall be exempt from the size limitations set forth in Section 3-203.C.
- D. Swimming pools shall be exempt from the size limitations set forth in Section 3-203.C.
- E. A screen enclosure around a swimming pool shall be exempt from the maximum height requirement set forth in Section 3-203.D., with the limitation that it not exceed the height of the principal structure.
- F. Picnic tables, sheds, water pumps, etc., that are accessory to a community garden shall be exempt from the location requirement set forth in Section 3-203.A.
- G. Recreation equipment, including but not limited to: play apparatus, swing sets, slides, sandboxes, play houses and basketball hoops shall be exempt from the location requirement set forth in Section 3-203.A., as well as the size limitations set forth in Section 3-203.C. All such recreation equipment, however, must still meet applicable setbacks.
- I. Accessory dwelling units shall be exempt from the standards in this Article, with the exception of Sections 3-203.A and 3-203.D and shall comply with the applicable standards in Article 2, Zoning Districts, for the zoning district in which it is located.

\* \* \* \* \*

**Section 3-203. – General standards.**

\* \* \* \* \*

- E. Carports, garages or any structure used or intended to be used for the storage of any vehicle shall include a permanent and solid roof deck constructed with material such as asphalt shingles, metal, concrete tile, ~~or wood,~~ or photovoltaic (PV) panels. Fabric, canvas, and canvas/fabric-like materials are prohibited.
- H. Accessory uses shall not cumulatively exceed ~~ten~~25 percent of the gross floor area of the principal use, except as may otherwise be permitted in this Code.

\* \* \* \* \*

\* \* \* \* \*

**Section 3-204. – Specific standards.**

\* \* \* \* \*

- D. ~~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:~~
  - 1. Equipment shall be placed on roofs or to the rear or side of buildings and shall not be placed between any right-of-way and the principal structure(s).
  - 2. Equipment screening:

- a. Ground-mounted mechanical equipment shall be screened from public view by landscape materials or architecturally finished walls and enclosures designed consistent with the exterior façade of the building or other fencing as approved by the Community Development Coordinator.
  - b. Rooftop-mounted mechanical 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 equipment being screened.
  - c. Elevator equipment rooms or similar mechanical equipment enclosures shall be designed to complement the design of the street-facing building facades and shall be clad on all sides in material used on street-facing facades. Equipment shall be exempt from side and rear setback requirements. However, no mechanical equipment shall be permitted within a side setback which has been reduced as part of a Level One or Level Two application.
3. ~~Equipment shall be screened from public view by landscaping, fencing, or architecturally finished walls and/or enclosures designed to be compatible with the exterior façade of the building. Rooftop mechanical and elevator penthouses shall complement the design of street-facing building façades and shall be clad on all sides in the same or a material complementary to that used on street-facing façades.~~

\* \* \* \* \*

J. Solar energy systems.

1. Roof mounted solar energy system.

- a. Panels shall be installed in a horizontal configuration and meet the following:
  - i. On pitched roofs, panels shall be parallel to the roof and not project more than 12 inches above the roof.
  - ii. On flat roofs, panels shall not exceed five feet in height when at maximum tilt angle and shall be set back from the edge of the roof to minimize visibility from the street, where technically feasible.
- b. Panels shall not exceed the maximum height permitted in the applicable zoning district, whether installed on a pitched or flat roof.
- c. Systems shall meet applicable building and fire codes.

2. Floating solar energy system.

- a. At the time of application, a professional engineer shall provide a statement ensuring the proposed system will not cause degradation to the performance or any negative impacts to the biological community of the body of water in which the system will be located.
- b. Systems shall not exceed three feet in height above the surface of the body of water in which it is located.

\* \* \* \* \*

Section 15. That Article 3, Development Standards, Division 8, Fences and Walls, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section 3-804. – Height requirements.**

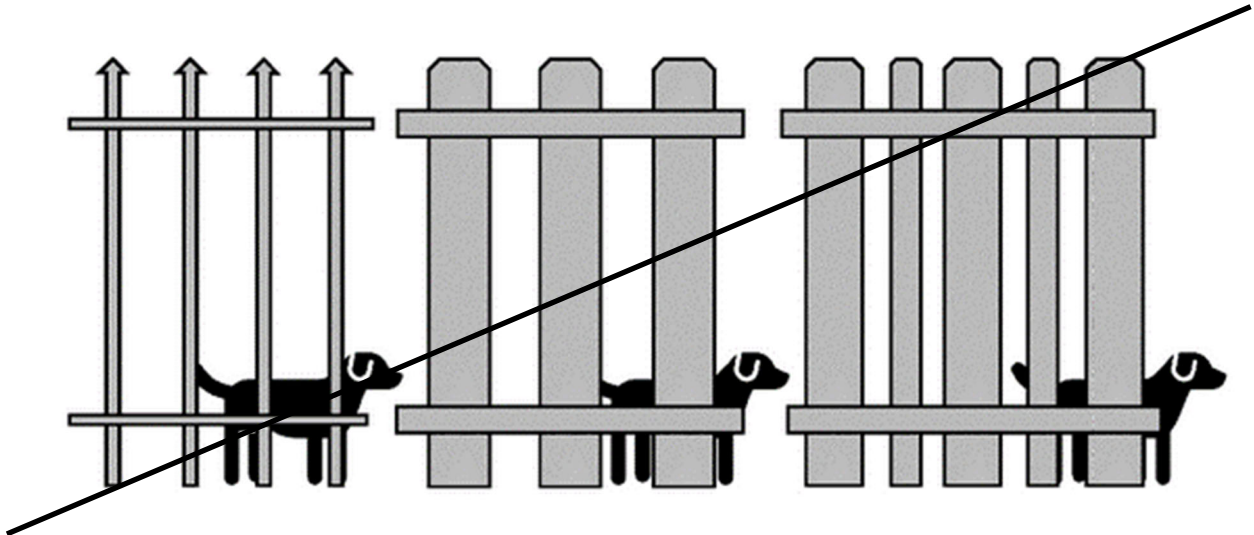
\* \* \* \* \*

C. *Corner and multi-frontage lots.* For the purposes of fence or wall placement on corner or multi-frontage lots, the front shall be 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 the front of the property shall adhere to the provisions in Section 3-804.A.1 through 3, above. A fence or wall may be permitted on the side property line in compliance with the provisions in Section 3-804.B., above, provided:

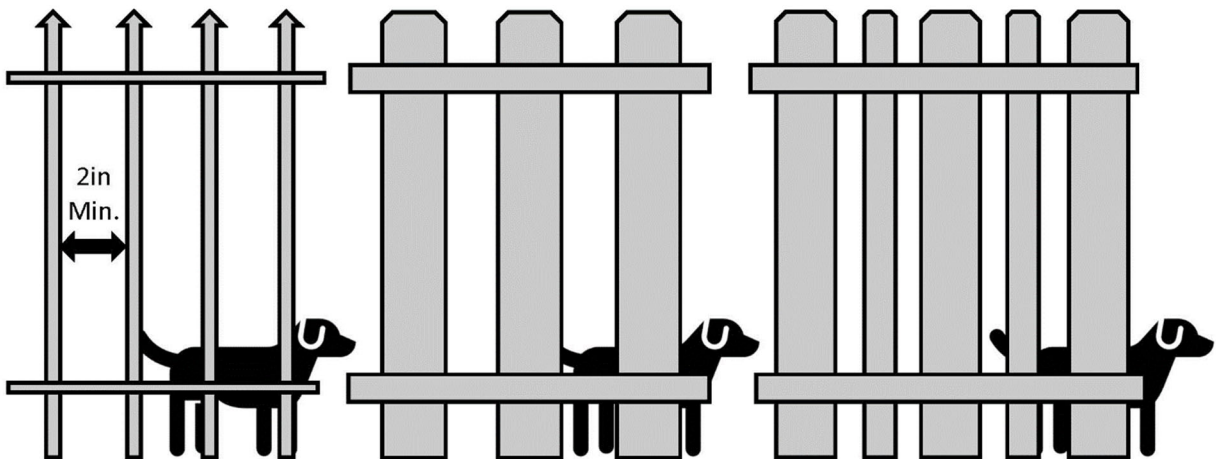
1. The fence is consistent with the character and placement of any structures and setbacks on the adjoining properties, including the placement of the fence on the property line, as determined by the Community Development Coordinator.
2. The fence or wall shall be primarily open style, with separated pickets.
3. 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 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.

\* \* \* \* \*

**Non-opaque/open style or picket fence examples**



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**Minimum spacing between fencing slats/pickets: 2 inches**

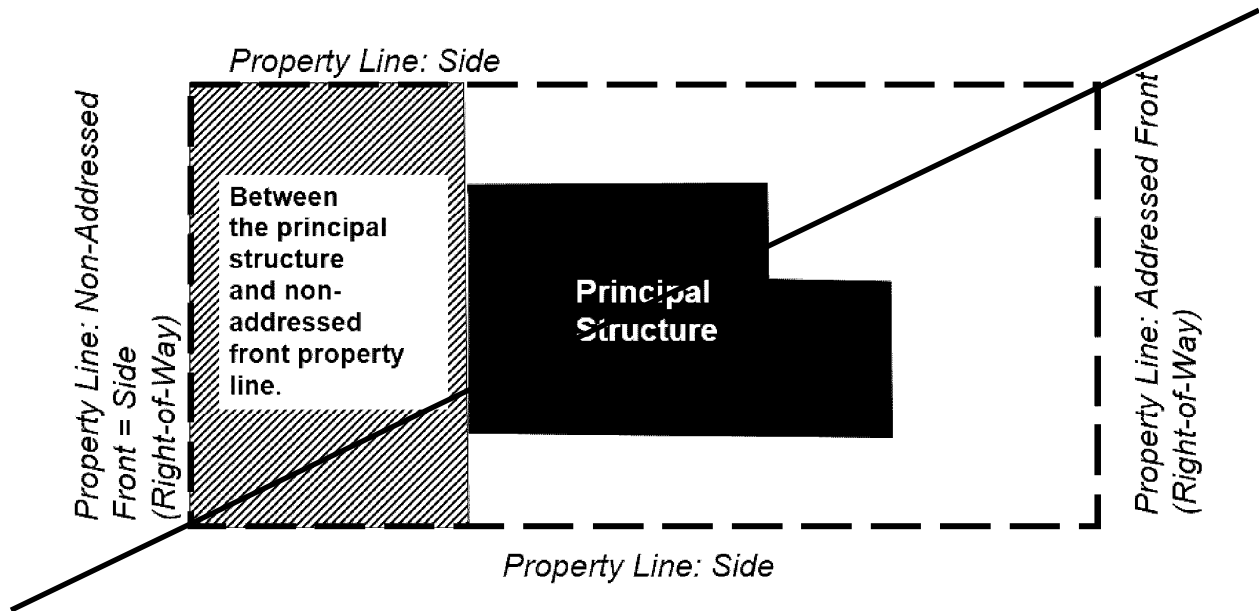
D. *Double frontage lots.* For the purposes of fence or wall placement on double frontage lots, the front shall be the front property line from which the property is addressed, and the opposite front property line will be treated as a rear property line for the purpose of fencing as illustrated below. The placement of any fence or wall on the front of the property shall adhere to the provisions in Section 3-804.A., above. A fence may be 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.

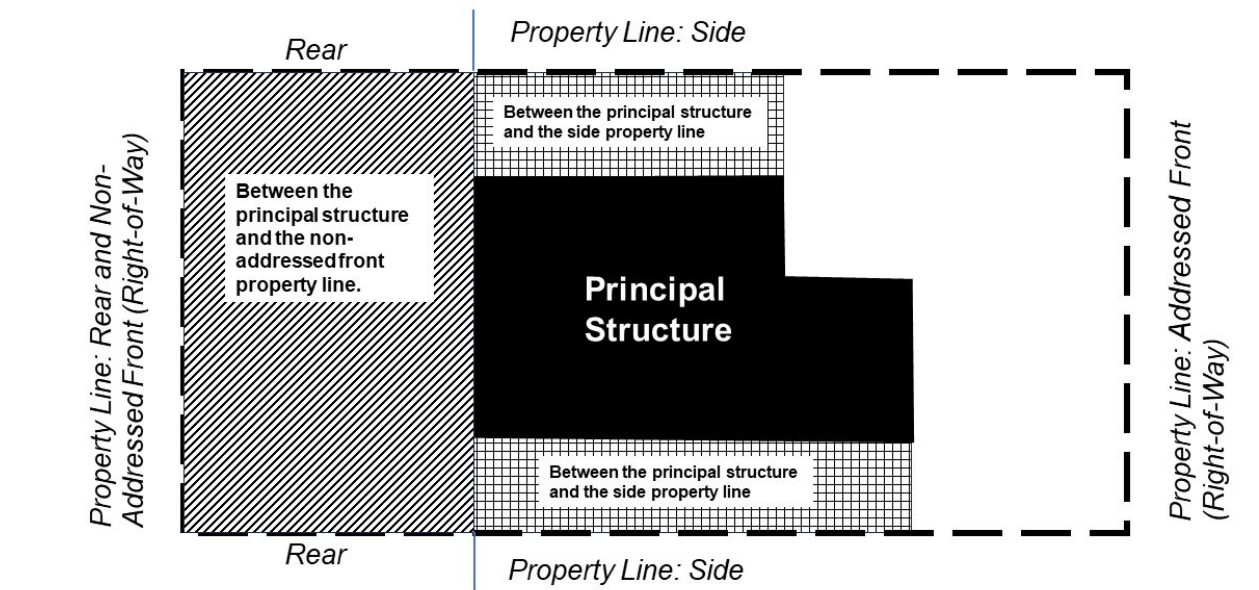


3. If both of the above conditions cannot be met, such fence or wall in the rear shall not exceed four feet in height.
4. If the rear is adjacent to a right-of-way that would be classified as an arterial or collector right-of-way by the city engineer, then the fence or wall may be constructed consistent with the provisions in Section 3-804.B., above, regardless of any of the above conditions.

**Fences and Walls: Double Frontage Lots**



Delete existing image and replace with the below image.



Section 16. That Article 3, Development Standards, Division 9, General Applicability Standards, Community Development Code, be amended to read as follows, and by adding new Section 3-921:

\* \* \* \* \*

**Section 3-903. – Required setbacks.**

A. Except for fences, walls, outdoor lighting, signs, minimum door landing required by the Florida Building Code, walkways leading to building entrances, driveway access to garages, and/or vehicular cross access (driveways), shared parking, and trash staging areas, no building or structure shall be permitted in a setback required by the applicable zoning district. Sidewalks shall be no greater than 42~~8~~ inches in width, nor greater in width than that required by the Florida Building Code.

\* \* \* \* \*

**Section 3-904. – Sight visibility triangle.**

A. To minimize traffic hazards at street or driveway intersections, no structure or landscaping may be installed which will obstruct views at a level between 30 inches above grade and eight feet above grade within the sight visibility triangle described in the following figure-1, unless otherwise approved by the City Engineer.

\* \* \* \* \*

**Section 3-920. – Affordable housing incentives.**

- A. *Affordable housing density dwelling units.*
  - 1. *City review and approval process.*
    - a. *City approval procedures.* Such approval shall be considered a Level ~~Two~~One (flexible standard development) approval in accordance with the provisions of Article 4 Division ~~43~~ of the Community Development Code. The use of the density bonus as provided within this section shall not be considered a land use plan amendment.

\* \* \* \* \*

**Section 3-921. – Graywater system incentives.**

- A. Graywater system density bonuses.
  - 1. City approval procedures. Such approval shall be considered a Level One (flexible standard development) approval in accordance with the provisions of Article 4, Division 3 of the Community Development Code.
  - 2. Requirements.
    - a. Graywater system density bonuses shall be provided for a proposed or existing development that contains at least 25 detached dwellings or 25 attached dwelling units and shall not apply to those attached dwelling developments greater than five stories in height.
    - b. Graywater technologies shall meet all applicable requirements provided under or by F.S. § 403.892, as amended, the Florida Building Code, the Department of Health, and any other applicable federal, state, or local governing law.

c. The following bonuses shall be provided to the developer or homebuilder:

- i. A 25 percent density or intensity bonus for projects where a minimum of 75 percent of the development will have a graywater system installed; or
- ii. A 35 percent density or intensity bonus for projects where 100 percent of the development will have a graywater system installed.
- iii. Graywater density or intensity bonuses can be applied in addition to other density or intensity bonuses provided for in this code.

Section 17. That Article 3, Development Standards, Division 12, Landscaping/Tree Protection, Community Development Code, be amended to read as follows:

**Section 3-1202. – General Landscaping Standards.**

A. *Applicability.*

\* \* \* \* \*

- 3. *Existing developed lots.* Existing lots not meeting the requirements contained in this division shall be brought into ~~full compliance under~~ compliance to the greatest extent practicable as determined by the Community Development Coordinator under one or more of the following conditions:
  - a. If an existing use is improved or remodeled in a value of 25 percent or more of the valuation of the principal structure as reflected on the property appraiser's current records.
  - b. If an amendment, other than a minor amendment, is required to an existing approved site plan.
  - c. If a parking lot requires additional landscaping pursuant to the provisions of Article 3, Division 14.

\* \* \* \* \*

Section 18. That Article 3, Development Standards, Division 14, Parking and Loading, Community Development Code, be amended as follows:

\* \* \* \* \*

**Section 3-1401. – Parking.**

\* \* \* \* \*

B. *Applicability.*

\* \* \* \* \*

- 3. *Existing parking lots.* Existing parking lots not meeting the requirements contained in this division shall be brought into ~~full compliance under~~ compliance to the greatest extent practicable as determined by the Community Development Coordinator under one or more of the following conditions:
  - a. If an existing use is improved or remodeled in a value of 25 percent or more of the valuation of the existing principal structure as reflected on the property appraiser's current records.

- b. If an amendment, other than a minor amendment, is required to an existing approved site plan.

\* \* \* \* \*

Section 19. That Article 3, Development Standards, Division 18, Signs, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section 3-1803. Exempt signs.**

The following signs are exempt from regulations under this Division 18:

\* \* \* \* \*

- G. Banners erected within the public right-of-way or on public property if part of a city banner program.

\* \* \* \* \*

Section 20. Article 3, Development Standards, Division 21, Temporary Uses, Section 3-2103, Allowable Temporary Uses, Community Development Code, be amended to read as follow:

\* \* \* \* \*

Section 3-2103. – Allowable temporary uses.

\* \* \* \* \*

N. Temporary emergency housing.

- 1. Upon declaration of a state of ~~housing~~-emergency by ~~either~~ the Pinellas County Board of County Commissioners, ~~or the City of Clearwater City Council,~~ or the Governor, those provisions set forth in Chapter 34, Article II, of the Pinellas County Code of Ordinances with regard to emergency housing shall be applicable in those areas encompassed by the declaration, with the exception that the emergency housing shall be permitted for up to 36 months after the date of declaration or until a certificate of occupancy is issued on the permanent residential structure, whichever occurs first.

\* \* \* \* \*

Section 21. That Article 4, Development Review and Other Procedures, Division 2, General Procedures, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section 4-202. – Applications for development approval.**

\* \* \* \* \*

C. *Determination of completeness.*

- 1. *Determination of completeness.* Within seven working days after the published application deadline, the community development coordinator shall determine whether an application is complete.

\* \* \* \* \*

- b. Notice of application to abutting property owners. After the community development coordinator has accepted a Level One (flexible standard development) or Level Two (flexible development) application for filing, ~~he shall~~ notice of the application shall be mailed to each owner of record of any land within a 200-foot radius of the perimeter

boundaries of the subject property. Notice shall also be mailed to any affected registered local neighborhood association and to any citywide neighborhood association. Notice shall be provided no less than ten days prior to the review of the application before the development review committee (determination of sufficiency). All notices shall include a summary of the proposal under consideration, the procedure for consideration of the application, the address of the subject property, and contact information for both the applicant and the city.

\* \* \* \* \*

Section 22. That Article 4, Development Review and Other Procedures, Division 8, Traffic Impact Study, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section 4-801. – Purpose and applicability.**

- A. The purpose of the traffic impact study is to examine the effect of a proposed development on the roadways of the city in accordance with an established methodology. If a traffic impact study is required pursuant to ~~this division~~ Article 4. Division 9, the methodology to be used shall be discussed and agreed upon at a pre-application conference held in accordance with Section 4-201.
  
- B. Except as provided in subsection C below, a traffic impact study shall be required for development projects within a deficient road corridor pursuant to Article 4. Division 9, which may degrade the acceptable level of service for any roadway as adopted in the Comprehensive Plan. Trip generation shall be based on the most recent edition of the Institute of Transportation Engineers Trip Generation Manual.

\* \* \* \* \*

**Section 4-802. – Procedures.**

\* \* \* \* \*

- B. Typically, the examination shall be made for the a.m. and p.m. peak hours of the roadway; if a proposed use or mix of uses has peaking characteristics which fall outside of the normal a.m. and p. m. peak hours, the traffic engineer may require an analysis of the particular peak period of the proposed use or mix of uses.

\* \* \* \* \*

**Section 4-803. – Standards for study.**

- A. *Traffic characteristics to be analyzed.* The following traffic characteristics shall be analyzed for any development for which a traffic impact study is required:
  - 1. Study area roadways, intersections, and traffic study requirements shall be established during a pre-application conference.
  
  - 24. Existing (data collected within the last two years) and projected traffic volumes and levels of service.
  
  - 32. Trip distribution including origination and destination projections for the proposed development.

- ~~43.~~ Average daily trips and peak hour trips projected to be generated at buildout and full occupancy.
- ~~54.~~ Amounts and projected growth of background traffic in five years after build-out (including an annual growth rate and any developments specified by City of Clearwater staff).
- ~~65.~~ Existing and future, no-build and build, roadway, and intersection levels of service design capacities in five years.
- ~~76.~~ Proposed improvements or alterations to roadways, intersections, or traffic control in the study area serving the development.
- ~~87.~~ Appropriate trip generation adjustments including internal shared-use trips, pass-by trips, and transit mode share ~~Percentage of internal capture and passerby trips.~~

B. *Additional traffic analyses which may be required.* The following analyses of site-related traffic may be required by the traffic engineer as part of the traffic impact study:

\* \* \* \* \*

- 5. Accident rates, patterns, and crash mitigations at intersections.

\* \* \* \* \*

D. *Minimum required standards.* A traffic impact study for a development shall demonstrate that the infrastructure requirements and standards set forth in the ~~transportation and capital improvement elements of the eComprehensive pPlan~~ of the city are or shall be satisfied to the extent that such requirements apply to the development.

\* \* \* \* \*

Section 23. That Article 4, Development Review and Other Procedures, Division 9, Concurrency and Mobility Management, Community Development Code, be amended to read as follows:

**Division 9. ~~Concurrency and Mobility Management~~**

**Section 4-901. ~~Authority and applicability.~~ Reserved.**

~~A. *Certificate of concurrency/capacity required.* Unless exempted under the provisions of paragraph B below, all applications for development approval shall include an application for a certificate of concurrency/capacity or a nonconcurrency affidavit. No development approval shall be granted until a certificate of concurrency/capacity is issued or a nonconcurrency affidavit is executed.~~

- ~~B. *Exception.* No certificate of concurrency/capacity is required for the following:~~
- ~~1. Replacement of structures that do not increase the demand for public facilities.~~
  - ~~2. Room additions to residences.~~
  - ~~3. Accessory structures to residences, including swimming pools, fences and walls.~~
  - ~~4. Signs.~~
  - ~~5. Utility infrastructure facilities.~~
  - ~~6. Public transportation facilities.~~
  - ~~7. Telecommunication towers.~~

- ~~8. Parking garages and lots.~~
- ~~9. Fill in permits if the original shell permit is vested prior to May 31, 1990, or passed a concurrency determination on or after May 31, 1990.~~
- ~~10. Expansions that were previously disclosed by the applicant and subject to a concurrency test as part of the original application of a phased development.~~
- ~~11. Projects that are vested.~~
- ~~12. Roads.~~

**Section 4-902. Application and procedures. Reserved.**

- ~~A. An application for a certificate of concurrency/capacity shall be filed with the community development coordinator as part of an application for development approval and shall include such fees as are required by Section 4-202(F).~~
- ~~B. The community development coordinator shall review the application and determine whether the application complies with the standards in Section 4-903. If the community development coordinator determines that the application complies with the standards, a certificate of concurrency/capacity shall be issued and shall be valid for a period of two years or such later period as may be provided for in a development approval.~~
- ~~C. In the event that an application for a certificate of concurrency/capacity is approved, the applicant shall pay prior to the issuance of the certificate, a fee in the form of prepayment of the capacity being reserved, or some other financial assurance provided by the applicant that is acceptable to the city. The certificate of concurrency/capacity fee may be refunded if development does not proceed so long as the city has not expended or obligated the money for preconstruction costs or construction of the facility, if the road impact fee has not been transferred to the county. If the road impact fee portion has been transferred to the county, the applicant may request a refund from the county.~~
- ~~D. A certificate of concurrency/capacity may be extended according to the same terms and conditions as the underlying development approval. If a development approval is granted an extension, the certificate of concurrency/capacity, if any, shall also be extended.~~
- ~~E. A certificate of concurrency/capacity may be extended to remain in effect for the life of each subsequent development approval for the same parcel, as long as the applicant obtains a subsequent development approval prior to the expiration of the earlier development approval.~~
- ~~F. A certificate of concurrency/capacity runs with the land and is valid only for subsequent development approvals for the same parcel and to new owners of the original parcel for which it was issued.~~
- ~~G. A certificate of concurrency/capacity shall expire if the underlying development order expires or is revoked by the city and the capacity has not been extended to a subsequent development approval for the same parcel.~~
- ~~H. A denial of a certificate of concurrency/capacity may be appealed in the manner provided in Article 4, Division 5.~~

**Section 4-903. Standards for certificate of concurrency/capacity. Reserved.**

~~A. In determining whether a certificate of concurrency/capacity may be issued, the community development coordinator shall apply the level of service standards in the comprehensive plan according to the following measures for each public facility:~~

- ~~1. Potable water: water service area.~~
- ~~2. Sanitary sewer: sewer facility availability.~~
- ~~3. Drainage: drainage basin.~~
- ~~4. Solid waste: citywide.~~
- ~~5. Parks and recreation: citywide.~~

~~B. For public facilities provided by entities other than the city, the certificate may be issued subject to the availability of such public facilities consistent with policy I.1.3.3 of the comprehensive plan.~~

~~C. If the capacity of available public facilities is less than the capacity required to maintain the level of service standard for the impact of the development, the applicant may:~~

- ~~1. Accept a 15-day encumbrance of public facilities that are available and, within the same 15-day period, amend the application to reduce the needed public facilities to the capacity that is available.~~
- ~~2. Accept a 90-day encumbrance of public facilities that are available and, within the same 90-day period, arrange to provide for public facilities that are not otherwise available, to be in place or under construction not more than three years after permit issuance.~~
- ~~3. Reapply for a certificate of capacity not less than six months following the denial of an application for a certificate of capacity.~~

~~D. If the capacity of impacted roads is inadequate, the community development coordinator may consider the following forms of mitigation:~~

- ~~1. System improvements, including but not limited to turn lanes, signals, acceleration/deceleration lanes and intersection improvements.~~
- ~~2. Travel time/speed studies conducted using methodology and data acceptable to the community development coordinator.~~
- ~~3. Alternative transportation programs, incentives and disincentives, including but not limited to transit systems, car pools, van pools, limited parking, and staggered work hours.~~
- ~~4. The following are not generally acceptable mitigation strategies:
  - ~~a. Improvements to roads that are not below level of service standards.~~
  - ~~b. Diverted trips.~~
  - ~~c. Averaging, i.e., system analysis instead of by link.~~~~



\* \* \* \* \*

Section 24. That Article 8, Definitions and Rules of Construction, Section 8-102. Definitions, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section 8-102. Definitions.**

Blackwater means that part of domestic sewage carried off by toilets, urinals, and kitchen drains.

\* \* \* \* \*

Coastal storm area means the area delineated in Map E-1 of the Coastal Management Element of the Clearwater Comprehensive Plan, which encompasses all of the following: (1) the Coastal High Hazard Area (CHHA), which shall be defined by the Sea, Lake and Overland Surges from Hurricanes (SLOSH) model to be inundated from a category one hurricane, as reflected in the most recent Regional Evacuation Study, Storm Tide Atlas, (2) all land connected to the mainland of Clearwater by bridges or causeways, (3) those isolated areas that are defined by the SLOSH model to be inundated by a category two hurricane or above and that are surrounded by the CHHA or by the CHHA and a body of water, and (4) all land located within the Velocity Zone as designated by the Federal Emergency Management Agency.

\* \* \* \* \*

Dog daycare means a short-term daytime care for dogs that does not include overnight boarding.

\* \* \* \* \*

Dwelling unit, accessory means a secondary dwelling unit that exists either within the same structure, or on the same lot as a detached dwelling or a dwelling unit accessory to and occupying the same lot as a nonresidential use. Mobile homes and recreational vehicles shall not be used as accessory dwelling units.

\* \* \* \* \*

Graywater means that part of domestic sewage that is not blackwater, including waste from the bath, lavatory, laundry, and sink, except kitchen sink waste.

\* \* \* \* \*

Maximum tilt angle means the angle at which a solar energy system produces the highest energy yield in converting solar energy into electrical energy. The maximum tilt angle for solar energy systems in the City of Clearwater is approximately 25°.

\* \* \* \* \*

Mechanical equipment means outdoor mechanical, electrical, and communication equipment including heating, air conditioning, and ventilation equipment; venting and vent terminations for commercial hoods; mechanical penthouses; electrical and communication equipment, panels, and cabinets; satellite dishes; pool equipment such as heaters, filters, and pumps; generators; propane tanks; and similar features.

\* \* \* \* \*

Nonresidentially zoned property means any parcel of property located in one of the following districts; Office ("O"); Tourism ("T"); Commercial ("C"); Downtown ("D"); Industrial, Research and Technology ("IRT"); Institutional ("I"); Open Space/Recreation ("OS/R"); or Preservation ("P"); ~~Mixed Use ("MU").~~

\* \* \* \* \*

Photovoltaic (PV) panel means a device that converts solar energy directly into electricity.

\* \* \* \* \*

Racking equipment means any and all equipment used during the installation of a solar energy system.

\* \* \* \* \*

Retail sales and services means a building, property, or activity the principle use or purpose of which is the sale or lease of goods, products, materials, or services directly to the consumer, including grocery stores, bicycle stores (sales, rentals and/or repair), adult day care, child care, dog daycare, personal services, tattoo parlor, animal grooming, art galleries, artisans, farmer markets, medical marijuana treatment center dispensing facilities, and including the sale of alcoholic beverages for off-premises consumption provided that the sale of alcoholic beverages is subordinate to the principal use and display of alcoholic beverages occupies less than 25 percent of the floor area of the use. Not including problematic uses, street vendors or the on-premises consumption of alcoholic beverages.

\* \* \* \* \*

Shipping container means a reusable transport and storage unit primarily used for moving products which can be used as a living space.

\* \* \* \* \*

Solar energy system means a system that converts the sun's light into electricity or thermal energy.

Solar energy system, floating means a solar energy system, that floats within a body of water.

Solar energy system, roof mounted means a solar energy system that is mounted to a roof, whether pitched or flat.

\* \* \* \* \*

Section 25. That Appendix B, US 19 Zoning District and Development Standards, Division 3, Subdistrict Standards, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section B-301. Development intensity.**

A) Maximum Development Potential

The maximum development potential set forth for each Subdistrict is shown in Table 1. Permitted Intensities by Future Land Use Category. All allowable uses, including residential and overnight accommodations, are regulated by Floor Area Ratio (FAR).

<b>Table 1. Permitted Intensities by Future Land Use Category</b>			
<b>Clearwater Future Land Use Category</b>	<b>Countywide Plan Map Category/Subcategory</b>	<b>US 19 Subdistrict</b>	<b>Maximum Floor Area Ratio (FAR)</b>
US 19 Regional Center	Activity Center (AC)/Major Center Subcategory	Regional Center	FAR 2.5
US 19 Neighborhood Center	Activity Center (AC)/Community Center Subcategory	Neighborhood Center	FAR 1.5
US 19 Corridor	Multimodal Corridor (MMC)/Primary Category	Corridor	FAR 1.5

B) Residential Density in Coastal Storm Area

Residential density on those portions of property located within the coastal storm area shall be limited to the density in place prior to the adoption of this Code, consistent with Policy ~~A.1.2.2~~CCM 2.4.3 and Map ~~A-16~~CCM 6 of the Comprehensive Plan.

\* \* \* \* \*

Section 26. That Appendix C, Downtown District and Development Standards, Division 2, Regulating Plan, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section C-202. – Character district regulating plan.**

Standards and regulations in Appendix C, Division 3 related to land use and parking, development density and intensity, and building height within the Downtown District apply to properties falling within one of five character districts illustrated in Figure 1. Character Districts.

A. Downtown Core Character District. The Downtown Core Character District is intended for high intensity mixed-use, office, and residential development in building with active ground floor uses opening onto pedestrian-friendly streetscapes. Standards are designed to support a dense urban pattern of development with buildings facades aligned along public sidewalks and parking primarily located within buildings behind active uses and behind buildings. Properties adjacent to the Pinellas Trail are designed to provide pedestrian and bicycle connections to the ~~trail~~trail.

\* \* \* \* \*

Section 27. That Appendix C, Downtown District and Development Standards, Division 3, Character District Standards, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**Section C-303. – Permitted uses and parking.**

\* \* \* \* \*

Table 2. Use and Off-Street Parking							
Use	Downtown Core	Old Bay	South Gateway	Prospect Lake	Downtown Gateway	Use Specific Criteria	Minimum Off-Street Parking Spaces
<b>RESIDENTIAL USES</b>							
<u>Accessory Dwelling Unit</u>	<u>BCP</u>	<u>BCP</u>	<u>BCP</u>	<u>BCP</u>	<u>BCP</u>	<u>One accessory dwelling unit, which is subordinate and accessory to a principal permitted use is allowed provided that:</u> <ol style="list-style-type: none"> <li>1. <u>Title to the unit is vested in the ownership of the principal use.</u></li> <li>2. <u>The floor area of the unit does not exceed 25 percent of the floor area of the principal use.</u></li> <li>3. <u>The unit complies with the development standards established for the principal use.</u></li> <li>4. <u>The unit shall be constructed with a similar architectural style as the principal use.</u></li> </ol>	<u>1/unit</u>

Section 28. That Appendix C, Downtown District and Development Standards, Division 6, Building Design Standards, Community Development Code, be amended to read as follows:

**Section C-606. – Mechanical equipment.**

~~Outdoor mechanical, electrical, and communication equipment, including heating, air conditioning, and ventilation equipment; venting and vent terminals 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.~~

\* \* \* \* \*

**B. Equipment Screening.**

\* \* \* \* \*

3. ~~Elevator penthouses~~Elevator equipment room or similar mechanical equipment enclosures 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 29. That Appendix C, Downtown District and Development Standards, Division 8, Flexibility, Community Development Code, be amended to read as follows:

\* \* \* \* \*

**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~~spatial relief similar to a step back, a varied an 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 30. 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 31. 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 32. 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 33. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 34. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL  
READING AND ADOPTED

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Bruce Rector  
Mayor

Approved as to form:

Attest:

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Matthew J. Mytych, Esq.  
Senior Assistant City Attorney

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Rosemarie Call, MPA, MMC  
City Clerk