

**ORDINANCE NO. 9042-17**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AN AMENDMENT TO THE COMMUNITY DEVELOPMENT CODE BY MODIFYING ARTICLE 2, SECTION 2-702, ADDING A FOOTNOTE FOR RETAIL PLAZAS AND RETAIL SALES AND SERVICES USES PERTAINING TO MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING ARTICLE 2, SECTIONS 2-703, 2-704, 2-802, 2-803, 2-902, 2-903 AND 2-1203, ADDING FLEXIBLE DEVELOPMENT CRITERIA FOR RETAIL PLAZAS AND RETAIL SALES AND SERVICES USES PERTAINING TO MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; AMENDING ARTICLE 2, SECTION 2-1204, ADDING RETAIL SALES AND SERVICE USES; AMENDING ARTICLE 2, SECTION 2-1302, ADDING A FOOTNOTE FOR URBAN FARM USES PERTAINING TO MEDICAL MARIJUANA TREATMENT CENTER PROCESSING AND CULTIVATING FACILITIES; AMENDING ARTICLE 4, SECTION 4-206, TO CHANGE THE NOTICE REQUIREMENTS FOR LEVEL THREE APPLICATIONS; AMENDING ARTICLE 8, SECTION 8-102, MODIFYING THE DEFINITIONS FOR RETAIL SALES AND SERVICES AND URBAN FARMS; AMENDING APPENDIX B, US 19 ZONING DISTRICT AND DEVELOPMENT STANDARDS, SECTION B-303, PERMITTED USES AND PARKING, MODIFYING THE CRITERIA FOR RETAIL PLAZAS AND ADDING A CRITERION FOR RETAIL SALES AND SERVICES USES PERTAINING TO MEDICAL MARIJUANA TREATMENT CENTER DISPENSING FACILITIES; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 8, 2016, Florida voters approved an amendment to the Florida Constitution, titled "Use of Marijuana for Debilitating Medical Conditions" ("Amendment 2"), which became effective on January 3, 2017; and

WHEREAS, Amendment 2 required the Florida Department of Health (the "Department") to adopt specified regulations pertaining to Medical Marijuana Treatment Centers ("MMTCs") within six months from the effective date of the amendment, such as procedures for the registration of MMTCs that include procedures pertaining to the issuance, renewal, suspension and revocation of registration, and standards ensuring proper security, record keeping, testing, labeling, inspection, and safety, as well as regulations defining the amount of marijuana that could reasonably be presumed to be an adequate supply for qualifying patients' medical use, based on the best available evidence; and

WHEREAS, on June 23, 2017 the Governor signed into law Special Session Senate Bill 8A, Chapter number 2017-232 of the Laws of Florida ("the Bill"); and

WHEREAS, the Bill provides that regulation of cultivation, processing, and delivery of medical marijuana is preempted to the state, except as provided in the legislation, and states that a local government may ban medical marijuana dispensing facilities from locating within that local governments' boundaries; and

WHEREAS, the Department has filed for adoption of the regulations pertaining to MMTCs with the Department Agency Clerk, and such regulations have not been implemented as of the drafting of this ordinance; and

WHEREAS, Amendment 2 authorized the Florida Legislature to enact laws with the Department's constitutional duties; and

WHEREAS, if a local government does not exercise its option to ban dispensaries, the local government's criteria for locating and regulating dispensing facilities shall not be more restrictive than its zoning regulations applying to pharmacies; and

WHEREAS, this ordinance complies with the Bill; and

WHEREAS, Florida laws relating to the cultivation, production, and dispensation of cannabis products could evolve subsequent to the Bill, and future legislation may further expand the legal use of cannabis in Florida; and

WHEREAS, the City of Clearwater has determined where the Community Development Code (the "Development Code") needs clarification and revision not only to accommodate the adoption of the Bill but also facilitate any subsequent amendments to the Development Code that could result from evolving legislation relating to the cultivation, production, and dispensation of cannabis products; now therefore,

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

Section 1. That Article 2, Zoning Districts, Division 7, Commercial District, Section 2-702, Minimum Standard Development, Community Development Code be amended to read as follows:

\* \* \* \* \*

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

Funeral Homes	10,000	100	25	25	10	20	0.25 per seat
Governmental Uses(1)	10,000	100	25	25	10	20	4/1,000 SF GFA
Indoor Recreation/ Entertainment	10,000	100	25	25	10	20	5/1000 SF GFA or 5/lane, 2/court or 1/machine
Medical Clinic (1)	10,000	100	25	25	10	20	5/1,000 GFA
Mixed Use	10,000	100	25	25	10	20	Based upon specific use requirements
Offices	10,000	100	25	25	10	20	3/1,000 SF GFA
Overnight Accommodations	40,000	200	25	25	10	20	1/unit
Parks and Recreational Facilities	n/a	n/a	25	25	10	20	1 per 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	1 per 2 seats
Restaurants	10,000	100	25	25	10	20	12/1,000 SF GFA
Retail Plazas(2) (3)	15,000	100	25	25	10	20	4/1,000 SF GFA
Retail Sales and Services (3)	10,000	100	25	25	10	20	5/1,000 SF GFA
Social and Community Centers	10,000	100	25	25	10	20	5/1,000 SF GFA
Vehicle Sales/Display	40,000	200	25	25	10	20	2.5/1,000 SF Lot Sales Area
Veterinary Offices	10,000	100	25	25	10	20	4 spaces per 1,000 GFA

(1) Governmental uses and medical clinics shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan map amendment to Institutional which shall include such uses and all contiguous like uses.

\* \* \* \* \*

(3) Medical marijuana treatment center dispensing facilities shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

\* \* \* \* \*

Section 2. That Article 2, Zoning Districts, Division 7, Commercial District, Section 2-703, Flexible Standard Development, Community Development Code, be amended to read as follows:

\* \* \* \* \*

T. *Retail plazas.*

\* \* \* \* \*

5. Medical marijuana treatment center dispensing facilities: Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

\* \* \* \* \*

W. *Retail sales and service.*

\* \* \* \* \*

5. Medical marijuana treatment center dispensing facilities: Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

\* \* \* \* \*

Section 3. That Article 2, Zoning Districts, Division 7, Commercial District, Section 2-704, Flexible Development, Community Development Code be amended to read as follows:

\* \* \* \* \*

S. *Retail plazas.*

\* \* \* \* \*

6. Medical marijuana treatment center dispensing facilities:

- a. Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended;
- b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

T. *Retail sales and service.*

\* \* \* \* \*

7. Medical marijuana treatment center dispensing facilities:

- a. Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended;
- b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

\* \* \* \* \*

Section 4. That Article 2, Zoning Districts, Division 8, Tourist District, Section 2-802, Flexible Standard Development, Community Development Code be amended to read as follows:

\* \* \* \* \*

T. *Retail plazas.*

\* \* \* \* \*

6. Medical marijuana treatment center dispensing facilities: Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

U. *Retail sales and service.*

\* \* \* \* \*

6. Medical marijuana treatment center dispensing facilities: Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

\* \* \* \* \*

Section 5. That Article 2, Zoning Districts, Division 8, Tourist District, Section 2-803, Flexible Development, Community Development Code be amended to read as follows:

\* \* \* \* \*

N. *Retail plazas.*

\* \* \* \* \*

6. Medical marijuana treatment center dispensing facilities:

- a. Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended;
- b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

O. *Retail sales and service.*

\* \* \* \* \*

7. Medical marijuana treatment center dispensing facilities:

- a. Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended;
- b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

\* \* \* \* \*

Section 6. That Article 2, Zoning Districts, Division 9, Downtown District, Section 2-902, Flexible Standard Development, Community Development Code be amended to read as follows:

\* \* \* \* \*

T. *Retail plazas.*

\* \* \* \* \*

5 Medical marijuana treatment center dispensing facilities: Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

U. *Retail sales and service.*

\* \* \* \* \*

4. Medical marijuana treatment center dispensing facilities: Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

\* \* \* \* \*

Section 7. That Article 2, Zoning Districts, Division 9, Downtown District, Section 2-903, Flexible Development, Community Development Code be amended to read as follows:

\* \* \* \* \*

P. *Retail sales and services.*

\* \* \* \* \*

4. Medical marijuana treatment center dispensing facilities:

- a. Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended;
- b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

\* \* \* \* \*

Section 8. That Article 2, Zoning Districts, Division 12, Institutional District, Section 2-1203, Flexible Standard Development, Community Development Code be amended to read as follows:

\* \* \* \* \*

N. *Retail sales and service.*

\* \* \* \* \*

6. Medical marijuana treatment center dispensing facilities: Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

\* \* \* \* \*

Section 9. That Article 2, Zoning Districts, Division 12, Institutional District, Section 2-1204, Flexible Development, Community Development Code be amended to read as follows, with subsequent sections renumbered as necessary:

\* \* \* \* \*

Table 2-1204. "I" District Flexible Development Standards							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Setbacks (ft.)			Min. Off-Street Parking Spaces
				Front	Side	Rear	
Comprehensive Infill Redevelopment	n/a	n/a	n/a	n/a	n/a	n/a	Determined by the community development

Project							coordinator based on the specific use and/or ITE Manual standards
Marinas and Marina Facilities	5,000	50	15—25	10—15	0—20	30	1 per 2 slips
Planned Medical Campus	50 acres	250	25	25	25	60—110	Determined by the community development coordinator based on the specific use and/or ITE Manual standards
<u>Retail Sales and Service</u>	<u>10,000</u>	<u>100</u>	<u>15 – 25</u>	<u>10</u>	<u>15 – 20</u>	<u>50</u>	<u>5 per 1,000 SF GFA</u>
Social/Public Service Agencies	10,000—20,000	100	15—25	10	15—20	50	2—3 per 1,000 GFA

\* \* \* \* \*

D. Retail sales and service.

1. The goods and services which are available are limited to goods and services directly related to the physical health and well-being of persons;
2. The retail sales and service use is located in a building which is used for a principal use which is otherwise permitted and the retail sales and service use occupies no more than ten percent of the gross floor area of the building;
3. Outdoor signage related to the retail sales and service use is limited to 12 square feet of total sign face or 25 percent of the face of a sign for the principal use;
4. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance and landscaping exceeds the minimum required; and
5. Rear setback: The reduction in rear setback is necessary to preserve protected trees and/or results in an improved site plan or more efficient design and appearance and landscaping exceeds the minimum required.
6. Medical marijuana treatment center dispensing facilities:
  - a. Shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended;
  - b. May be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater.

DE. Social/public service agencies.

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Section 10. That Article 2, Zoning Districts, Division 13, Industrial, Research and Technology District, Section 2-1302, Minimum Standard Development, Community Development Code be amended to read as follows:

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<b>Table 2-1302. "IRT" District Minimum Development Standards</b>						
<b>Uses</b>	<b>Min. Lot Area&gt; (sq. ft.)</b>	<b>Min. Lot Width (ft.)</b>	<b>Min. Setbacks (ft.)</b>		<b>Max. Height (ft.)</b>	<b>Min. Off-Street Parking</b>
			<b>Front</b>	<b>Side/Rear</b>		
Accessory Dwellings	5,000	50	20	15	50	1/unit
Governmental Uses(1)	20,000	200	20	15	50	3/1,000 SF GFA
Indoor Recreation/Entertainment(2)	20,000	200	20	15	50	5/1,000 SF GFA or 5/lane, 2/court or 1/machine
Manufacturing(3)	20,000	200	20	15	50	1.5/1,000 SF GFA
Offices(4)	n/a	n/a	n/a	n/a	n/a	n/a
Parks and Recreation Facilities	n/a	n/a	25	10/20	50	1 per 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	50	3/1,000 SF GFA
Research and Technology	20,000	200	20	15	50	2/1,000 SF GFA
Restaurants(65)	10,000	100	20	15	50	12 spaces per 1,000 SF GFA
Self Storage	20,000	200	20	15	50	1 per 20 units plus 2 for manager's office
TV/Radio Studios	20,000	200	20	15	50	4/1000 SF GFA
Urban Farms (6)	n/a	n/a	20	15	50	2 per acre or fraction thereof
Vehicle Service(7)	20,000	200	20	15	50	1.5/1,000 SF GFA
Wholesale/Distribution/Warehouse Facility	20,000	200	20	15	50	1.5/1,000 SF GFA

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(6) Medical marijuana treatment center processing and cultivating facilities shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.

(67) Vehicle service located in the Industrial General (IG) future land use category shall be allowed only as an accessory use, located within the structure to which it is accessory, and shall not exceed 25 percent of the floor area of the principal use to which it is accessory. Vehicle service located in the Industrial Limited (IL) future land use category shall not exceed five acres. Any such use, alone or when added to contiguous like uses which exceed five acres shall require a land use plan map amendment to Commercial General which shall include such uses and all contiguous like uses.

\* \* \* \* \*

Section 11. That Article 4, Development Review and Other Procedures, Section 4-206, Notices and public hearings, Community Development Code be amended to read as follows:

C. *Notice of hearings.* The city clerk shall be responsible for providing notices for all required public hearings.

\* \* \* \* \*

2. All notices of public hearings shall be provided:

\* \* \* \* \*

b. For Level Three approvals:

\* \* \* \* \*

3. By posting a sign at least three square feet in area and not exceeding six feet in height facing the street(s) on the parcel proposed for development. However, if a single application includes more than 25 contiguous parcels and / or is greater than ten acres, then no sign shall be required to be posted.

\* \* \* \* \*

Section 12. That Article 8, Definitions and Rules of Construction, Section 8-102, Definitions, Community Development Code be amended to read as follows:

\* \* \* \* \*

*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, 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.

\* \* \* \* \*

*Urban farms* means a use of property where the growing, washing, packaging and storage of produce and/or plants for wholesale or retail sales occurs. For the purposes of this Code, an

aquaponic or hydroponic system, or a medical marijuana treatment center processing and cultivating facility shall constitute an urban farm.

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**Section 13.** That Appendix B, US 19 Zoning District and Development Standards, Section B-303. Permitted Uses and Parking, be amended to read as follows:

\* \* \* \* \*

Use	Regional	Neighborhood	Corridor	Use Specific Standards	Minimum Off-Street Parking Spaces
RESIDENTIAL USES					
Attached dwellings	BCP	BCP	BCP	None	1.5/unit
NONRESIDENTIAL USES					
Adult uses	FLS	FLS	FLS	1. The use complies with the requirements in Article 3, Division 3.	4/1,000 SF GFA
Alcoholic beverage sales	BCP	BCP	BCP	1. See footnote 2.	4/1,000 SF GFA
Animal boarding	X	FLS	FLS	1. See footnote 1. 2. The use of the parcel does not involve animal confinement facilities that are open to the outside. 3. Animals may have supervised outdoor exercise but only between 7:00 a.m.—9:00 p.m. In no case shall animals be left unsupervised while outdoors.	4/1,000 SF GFA
Assisted living facilities	BCP	BCP	BCP	None	1 per 4 beds
Automobile service stations	FLD	FLS	FLS	1. See footnote 1.	4/1,000 SF GFA
Bars	BCP	BCP	BCP	1. See footnote 1. 2. See footnote 2.	4/1,000 SF GFA
Brewpubs	BCP	BCP	BCP	1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks.	4/1,000 SF GFA
Community gardens	BCP	BCP	BCP	None	Not applicable
Congregate care	BCP	BCP	BCP	None	1 per 4 beds
Educational facilities	BCP	BCP	BCP	None	4/1,000 SF GFA
Governmental uses	FLS	FLS	FLS	None	4/1,000 SF GFA
Indoor recreation/entertainment	BCP	BCP	BCP	None	4/1,000 SF GFA
Light assembly	BCP	BCP	BCP	None	4/1,000 SF GFA
Marinas and marina facilities	FLD	FLD	FLD	1. No commercial activities other than the mooring of boats on a rental basis shall be permitted on any parcel of land which is contiguous to a parcel of land which is designated as residential in the Zoning Atlas, unless the marina facility is totally screened from view from the contiguous land which is designated as residential and the hours of operation of the commercial activities are limited to the time period between sunrise and sunset. 2. All marina facilities shall comply with the commercial dock requirements set forth in Section 3-601.C.3 and the marina and marina facilities requirements set forth in Section 3-603.	1 space/2 slips

Medical clinic	FLS	BCP	BCP	None	4/1,000 SF GFA
Microbreweries	FLS	FLS	FLS	1. See footnote 1. 2. See footnote 2.	4/1,000 SF GFA
Nightclubs	FLS	FLS	FLS	1. See footnote 1.	
Nursing homes	X	X	FLS	None	1 per 4 beds
Offices	BCP	BCP	BCP	None	4/1,000 SF GFA
Outdoor recreation/ entertainment	X	X	FLD	1. See footnote 1.	1-10/1,000 SF of land area or as determined by the community development coordinator based on the ITE Manual standards.
Overnight accommodations	BCP	BCP	BCP	1. The parcel proposed for development shall, if located within the coastal storm area, have a hurricane evacuation plan requiring the use close when a hurricane watch is posted. 2. Signage for any accessory use shall be subordinate to and incorporated into the primary freestanding signage for the overnight accommodation use. In no case shall more than 25 percent of the sign area be dedicated to the accessory uses.	1/unit
Parking garages and lots	FLS	FLS	FLS	None	Not applicable
Parks and recreation facilities	BCP	BCP	BCP	None	1/20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Places of worship	FLD	FLD	FLS	None	1 per 2 seats
Problematic uses	X	X	FLD	1. See footnote 1. 2. The use is not located within 500 feet of another problematic use. 3. The building in which the use is located is a building which is conforming to all current land development and building regulations.	4/1,000 SF GFA
Public transportation facilities	FLS	FLS	FLS	None	Not applicable
Research and technology	BCP	BCP	BCP	None	2/1,000 SF GFA
Restaurants	BCP	BCP	BCP	None	4/1,000 SF GFA
Retail plazas	BCP	BCP	BCP	1. Restaurants within the retail plaza may occupy up to 25 percent of the total gross floor area of the retail plaza. Any restaurant, or fraction thereof, that exceeds 25 percent must provide off-street parking at a rate consistent with the parking requirement for the restaurant use in the district. <u>2. Medical marijuana treatment center dispensing facilities shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.</u> <u>3. Medical marijuana treatment center dispensing facilities may be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater. Level II Flexible Development application shall be required.</u>	4/1,000 SF GFA
Retail sales and services	BCP	BCP	BCP	<u>1. Medical marijuana treatment center dispensing facilities shall comply with the requirements set forth in section 381.986, Florida Statutes, as amended.</u> <u>2. Medical marijuana treatment center dispensing facilities may be permitted to be located within 500 feet of a public or private school, if the location of such dispensing facility is determined to promote the public health, safety, and general welfare of Clearwater. Level II Flexible Development application shall be required.</u>	4/1,000 SF GFA

Schools	FLD	FLD	FLD	1. All off-street parking is located at least 200 feet from any property designated as residential in the Zoning Atlas.	1 per 3 students
Self-storage warehouse	X	X	FLS	1. Access doors to individual storage units are located within a building or are screened from view from adjacent property or public rights-of-way by landscaped walls or fences located no closer to the property lines of the parcel proposed for development than five feet.	1/20 units plus 2 for manager's office
Social and community centers	X	X	FLS	1. See footnote 1.	4/1,000 SF GFA
Social/public service agencies	X	X	FLS	1. See footnote 1. 2. The social/public service agency shall not be located within 1,500 feet of another social/public service agency.	4/1,000 SF GFA
Telecommunications towers	BCP	BCP	BCP	None	Not applicable
TV/radio stations	FLD	BCP	BCP	1. All buildings are designed and located so that no building is closer than 100 feet from a parcel of land which is designated as residential in the Zoning Atlas.	4/1,000 SF GFA
Utility/ infrastructure facilities	FLS	FLS	FLS	1. Any above ground structure other than permitted telecommunication towers and utility distribution lines located on or along a rear lot line shall be screened from view by a landscaped opaque wall or fence which is at least two-thirds the height of the above ground structure and shall be landscaped with trees and hedges which five years after installation will substantially obscure the fence or wall and the above ground structure.	Not applicable
Vehicle sales/ displays	FLS	FLS	FLS	1. See footnote 1. 2. Minimum lot area: 2.5 acres (108,900 square feet). Contiguous parcels of land under common ownership or consolidated for the purposes of development may be exempt from this requirement so long as the combined lot area meets or exceeds the minimum. 3. The gross floor area of enclosed buildings is at least 7,000 square feet. 4. Provision is made to dim outdoor lighting at all times when the automobile sales and service uses is not open to the public to that level necessary to maintain the security of the premises. 5. The use of the parcel proposed for development fronts on but will not involve direct access to a major arterial street.	2.5/1,000 lot sales area
Vehicle sales/ displays, limited	FLS	FLS	FLS	1. See footnote 1. 2. The gross floor area of enclosed buildings is at least 7,000 square feet. 3. Provision is made to dim outdoor lighting at all times when the automobile sales and service uses is not open to the public to that level necessary to maintain the security of the premises. 4. Within Regional Center or Neighborhood Center Subdistricts, the use shall be located in an enclosed structure and shall have no outdoor displays.	4/1,000 SF GFA
Vehicle service, limited	X	FLD	FLS	1. See footnote 1. 2. The use does not involve the overnight, outdoor storage of automobiles.	4/1,000 SF GFA
Veterinary offices	BCP	BCP	BCP	1. See footnote 1.	4/1,000 SF GFA
<p><i>Footnotes:</i>  1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas.  2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the use is unlikely to have an adverse impact on such school or use as a place of worship.  <i>Key:</i>  BCP = Level 1 Minimum Standard (Building Construction Permit).  FLS = Level 1 Flexible Standard Development (Community Development Coordinator approval required).  FLD = Level 2 Flexible Development (Community Development Board approval required).  X = Not Allowed</p>					

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Section 14. 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 15. 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 16. 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 17. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 18. 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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\_\_\_\_\_  
George N. Cretekos  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Camilo A. Soto  
Assistant City Attorney

\_\_\_\_\_  
Rosemarie Call  
City Clerk