

ORDINANCE NO. xxxx-18

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 3, SECTION 3-804, TO PROVIDE CLARITY WITH REGARD TO THE INSTALLATION OF LANDSCAPING FOR FENCES; AMENDING ARTICLE 3, SECTIONS 3-804 AND 3-805 TO PROVIDE THE COMMUNITY DEVELOPMENT COORDINATOR WITH AUTHORITY TO GRANT FLEXIBILITY IN THE PROVISION OF LANDSCAPING FOR FENCES; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Clearwater has determined where the Community Development Code and Code of Ordinances needs clarification and revision; now therefore,

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

Section 1. That Article 3, Development Standards, Section 3-804, Height requirements, Community Development Code, be amended to read as follows:

Section 3-804. - Height requirements.

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

1. Any fence or wall that exceeds three feet in height and is located between a principal structure and any right-of-way shall be landscaped with a continuous hedge or a non-deciduous robust growing vine at frequent intervals on the right-of-way side of the fence.

2. The community development coordinator may grant flexibility from the requirements of Section 3-804.C.1., above, as a Level One (minimum standard) approval. Applications for flexibility may be approved by the community development coordinator through a Level One (flexible standard) approval process based upon one of the following:

a. That the provision of landscaping would be inconsistent with the established pattern of the surrounding neighborhood; or

b. That it would result in an undue hardship, such as requiring existing fencing to be relocated or removed.

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Section 2. That Article 3, Development Standards, Section 3-805, Chainlink fences, Community Development Code, be amended to read as follows:

Section 3-805. – Chain-link fences.

The following requirements shall apply to chain link fences.

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D. ~~Landscaping requirements. Chainlink fences shall be landscaped with a continuous hedge or a nondeciduous robust growing vine at frequent intervals. Such landscaping may be located on the external or internal side of the fence along the entire length of the fence.~~

1. Chain-link fences shall be landscaped with a continuous hedge or a nondeciduous robust growing vine at frequent intervals. Such landscaping may be located on the external or internal side of the fence along the entire length of the fence.

2. The community development coordinator may grant flexibility from the requirements of Section 3-805.D.1., above, as a Level One (minimum standard) approval provided that signed and notarized statements of no objection are submitted from adjacent property owners. In the event that such statements cannot be obtained, applications for flexibility may be approved by the community development coordinator through a Level One (flexible standard) approval process based upon one of the following:

a. That the provision of landscaping would be inconsistent with the established pattern of the surrounding neighborhood; or

b. That it would result in an undue hardship, such as requiring existing fencing to be relocated or removed.

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Section 3. 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 4. 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 5. 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 6. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 7. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos
Mayor

Approved as to form:

Attest:

Pamela Akin
City Attorney

Rosemarie Call
City Clerk