

ORDINANCE NO. 9387-20

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING SECTION 3-1202.G TO ALLOW THE COMPREHENSIVE LANDSCAPING PROGRAM TO BE UTILIZED IN THE US 19 DISTRICT; AMENDING SECTION 3-1401.C TO REQUIRE CITY ENGINEER APPROVAL FOR METHDOLOGY OF PARKING DEMAND STUDY; AMENDING SECTION 3-2103 TO PERMIT CERTAIN TEMPORARY USES WITHIN THE US 19 DISTRICT WHERE PREVIOUSLY NONE WERE PERMITTED, AND TO ALLOW ALL DETACHED DWELLINGS AND DUPLEXES TO HAVE GARAGE, YARD OR ESTATE SALES; AMENDING APPENDIX B, SECTION B-103 TO PROVIDE ADDITIONAL DESCRIPTIONS OF DEVELOPMENT STANDARDS WITHIN THE APPENDIX; RENAMING AND AMENDING APPENDIX B, SECTION B-104 TO CLARIFY EXEMPTIONS FOR IMPROVEMENT, REMODEL OR RECONSTRUCTION PROJECTS AND INTERNAL BUILDING AND ADDITIONS WITHIN THE US 19 DISTRICT AND TO INCORPORATE ADDITIONAL DESCRIPTIONS SECTION REFERENCES; AMENDING APPENDIX B, FIGURE 1. REGULATING PLAN TO DEPICT KEY CORNERS ON THE MAP AND TO CHANGE THE STREET FRONTAGE TYPE FOR PROPERTIES LOCATED ON THE EAST AND WEST SIDE OF RIGHT-OF-WAY LOCATED GENERALLY ON THE SOUTH SIDE OF DREW STREET, APPROXIMATELY 140 FEET WEST OF US 19 FROM TYPE B TO TYPE D; AMENDING APPENDIX B, DIVISION 7. TO ADD NEW FLEXIBILITY FOR PARKING, PERMIT REDUCED SETBACKS UNDER CERTAIN CIRCUMSTANCES, MODIFY FLEXIBILITY FOR SPECIAL PROJECT TYPES, REORGANIZE CERTAIN LANGUAGE, AND PROVIDE ADDITIONAL DESCRIPTIONS FOR CLARITY; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater adopted the Community Development Code on January 21, 1999 which took effect on March 8, 1999; and

WHEREAS, on February 2, 2017 the City of Clearwater established a new US 19 District and adopted the US 19 Zoning District and Development Standards as Appendix B of the Community Development Code; and

WHEREAS, this new zoning code for the US Highway 19 corridor ensures redevelopment along the corridor contributes to the creation of a more compact, accessible and attractive pedestrian- and transit-friendly destinations, which is critical to maintaining and improving the city's economy and quality of life; and

WHEREAS, since 2017 the City has reviewed and issued development orders and permits for a variety of development projects in the US 19 District including changes of use, rehabilitation of existing structures, and new construction for various uses and project sizes; and

WHEREAS, through the development review and building permit review process, the new US 19 District standards have been applied to projects and the City has determined that revisions to the Code would provide clarity and support redevelopment opportunities; 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 3, Development Standards, Section 3-1202.G, Comprehensive landscaping program, Community Development Code, be amended to read as follows:

Section 3-1202. - General landscaping standards.

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G. *Comprehensive landscaping program.* ~~Except for properties located within the US 19 District, the~~ landscaping requirements of this division may be waived or modified as a part of a Level One or Level Two approval, as the case may be, if the application for development approval includes a comprehensive landscape program which satisfies each of the following criteria:

1. *Architectural theme.*
 - a. The landscaping in a comprehensive landscape program shall be designed as a part of the architectural theme of the principal buildings proposed or developed on the parcel proposed for development; or
 - b. The design, character, location and/or materials of the landscape treatment proposed in the comprehensive landscape program shall be demonstrably more attractive than landscaping otherwise permitted on the parcel proposed for development under the minimum landscape standards.
2. *Lighting.* Any lighting proposed as a part of a comprehensive landscape program is automatically controlled so that the lighting is turned off when the business is closed.
3. *Community character.* The landscape treatment proposed in the comprehensive landscape program will enhance the community character of the City of Clearwater.

4. *Property values.* The landscape treatment proposed in the comprehensive landscape program will have a beneficial impact on the value of property in the immediate vicinity of the parcel proposed for development.
5. *Special area or scenic corridor plan.* The landscape treatment proposed in the comprehensive landscape program is consistent with any special area or scenic corridor plan which the City of Clearwater has prepared and adopted for the area in which the parcel proposed for development is located.
6. *Properties within the US 19 District.* The landscape treatment proposed in the comprehensive landscape program for properties in the US 19 District shall not result in the reduction of the pedestrian and landscape improvements required in Appendix B, Division 4. Street Frontage Standards, except as provided for in Appendix B, Division 7. Flexibility.

Section 2. That Article 3, Development Standards, Section 3-1401.C, Parking demand study, Community Development Code, be amended to read as follows:

C. *Parking demand study.*

1. If flexibility of the parking standards is requested that is greater than 50 percent of the top end of the range (excluding those standards where the difference between the top and bottom of the range is one parking space), then a parking demand study will need to be provided. Prior to the preparation of such study, the methodology shall be approved by the Community Development Coordinator and City Engineer, and in accordance with accepted traffic engineering principles~~principals~~. The findings of the study will be used in determining whether or not flexibility~~deviations~~ to the parking standards are approved.

Section 3. That Article 3, Development Standards, Section 3-2103, Temporary uses, Community Development Code, be amended to read as follows:

Section 3-2103. - Allowable temporary uses.

Unless otherwise noted, the following temporary uses are permitted subject to obtaining a Level One approval in accordance with the provisions of Article 4, Division 3 as well as the specific criteria pertaining to each temporary use:

A. *Block ~~and~~ neighborhood parties.*

1. Allowable within all residential zoning districts and within the US 19 District; and
2. Maximum of two days, per calendar year.
3. May be subject to review by the special events committee.

B. *Circuses or carnivals.*

1. Allowable within the C, US 19, IRT and I Districts; and
2. Maximum of 14 days per property, per calendar year.

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- D. *Evangelical and religious revivals or assemblies.*
1. Allowable within the C, D, T, US 19, I and IRT Districts; and
 2. Maximum of seven days per property, per calendar year.
- E. *Garage, yard or estate sales.*
1. Allowable within all residential zoning districts and for all detached dwellings and duplexes;
 2. Allowable twice per property, per calendar year, but for no longer than three days per occurrence;
 3. Individual occurrences may not be consecutive; and
 4. Provided all of the applicable standards of this division are met, a permit is not required for this temporary use.
- F. *Outdoor automobile, boat ~~and~~ recreational vehicle shows.*
1. Allowable only on properties located in the C and US 19 Districts that is/are at least 75 contiguous acres in size;
 2. Allowable four times per property, per calendar year, but for no longer than seven days per occurrence, inclusive of set-up and take down time for all related facilities. Individual occurrences may not be consecutive; and
 3. The sale of products displayed at the show is permitted, without regard to the primary use of the property.

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- K. *Temporary buildings during construction.*
1. Allowable within the C, T, D, O, US 19, I and IRT Districts;
 2. Allowable only for the duration of an active building construction permit. All temporary buildings must be removed prior to the issuance of a Certificate of Completion or Certificate of Occupancy, as applicable, for the permanent building;
 3. All temporary buildings must meet the setbacks applicable to the permanent building;
 4. An adequate area for parking must be provided on-site that would accommodate the parking needs of the temporary building; and
 5. The temporary use permit may be revoked if it should be determined that construction on the permanent building has ceased.

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- P. *Temporary retail sales and displays.*
1. Allowable within the C, T and D, and US 19 Districts;
 2. Allowable four times per property, per calendar year, but for no longer than seven days per occurrence; and
 3. Individual occurrences may not be consecutive, and must be separated by at least one day.

Section 4. That Appendix B, US 19 Zoning District and Development Standards, Section B-103, Organization of Standards, Community Development Code, be amended to read as follows:

SECTION B-103. ORGANIZATION OF STANDARDS

~~These Development Standards are organized in five sections~~ regulating development in the US 19 District are organized as follows:-

A) Regulating Plan

The regulating plan consists of maps indicating subdistrict limits and street frontage type assignments. Subdistrict standards regulate development intensity, building heights, uses, and parking requirements. The regulating plan also identifies the location of key corners which are subject to special requirements.

B) Street Frontage Development Standards

Standards regulating development in the US 19 District are included in Divisions 3, 4, 5, and 6 and are summarized below:

1. The Subdistrict Standards in Division 3 regulate development potential, building heights, permitted uses, and parking requirements and reduction factors.
2. The Street Frontage Standards in Division 4 regulate building location and facade treatments, landscaping, pedestrian improvements, and parking treatments along street frontages.

C) ~~Site Design~~

3. The Site Design Standards in Division 5 regulate the configuration of improvements on sites, project phasing, pedestrian and vehicular circulation, parking and service areas, landscaping, and other features.

D) ~~Building Design~~

4. The Building Design Standards in Division 6 regulate the treatment of front building facades, building entries, and other features related to the architectural design of buildings.

CE) Flexibility Provisions

Division 7~~The flexibility section~~ provides processes and standards for the approval of flexibility in the application of the US 19 Zoning District & Development design~~standards~~.

Section 5. That Appendix B, US 19 Zoning District and Development Standards, Section B-104, Applicability of Design Standards, Community Development Code, be renamed and amended to read as follows:

SECTION B-104. APPLICABILITY OF DEVELOPMENT~~DESIGN~~ STANDARDS

A) General

The Development Standards in Appendix B, Divisions 3, 4, 5, and 6~~US 19 District street frontage, site design, and building design standards~~ (“~~Design Standards~~”) are intended to ensure that new development~~buildings~~ and significant renovations and additions to existing developments are designed in accordance with the vision described in the US 19 Corridor Redevelopment Plan, while allowing for incremental improvements to existing buildings and sites. Provisions addressing flexibility in the application of these Development ~~Design~~ Standards are included in Appendix B, Division 7.

B) Conformity of Existing Structures

Existing structures within the US 19 District, including buildings and parking, shall not be considered nonconforming under the standards for nonconforming structures in Section 6-102.

C) Exemptions

The following types of development are exempt from all or a portion of the Development Design Standards as follows.

1. Structures Damaged by Force Majeure. Notwithstanding anything to the contrary contained or implied herein, if a lawfully constructed structure is damaged or destroyed by fire, casualty or act of God, the owner of record on the date of the event may repair or rebuild said structure on the same building site and with the same building footprint by right. To qualify, the structure must have been legally permitted to have been built under this or other Codes, or have legally existed as a non-conforming structure prior to the causative event. The structure shall not be added to or altered in any way, except to remedy the effects of such damage or destruction, unless such additions or alterations cause the structure to conform more closely with the provisions of ~~this Code~~ these Development Standards. Permits for repair or replacement of such structures must be obtained within one year of the causative event.
2. Restricted Access Sites. ~~Parcels~~ Developments for which public access is prohibited due to health, safety, public security, and welfare reasons are exempt from ~~these the Development Design Standards~~ in Appendix B, Divisions 4, 5 and 6.
3. Detached Dwellings. Detached dwellings lawfully existing on the date of the original adoption of these Development Standards may continue to be repaired, remodeled and expanded consistent with the ~~provisions set forth~~ standards for detached dwellings in the Low Medium Density Residential District (LMDR) in Article 2, Division 2, provided that any enlargement or alteration to the structure does not create any additional dwelling units. New accessory structures may be constructed consistent with the setbacks for accessory structures in the LMDR District and standards in Article 3, Division 2 ~~Section 3-204~~. No lot of record upon which a detached dwelling existed on the date of adoption of these Development Standards may be expanded or reduced in size while occupied with a detached dwelling.
4. Mobile Homes and Mobile Home Parks. Mobile homes and mobile home parks lawfully existing on the date of adoption of these Development Standards may continue to be repaired, remodeled and/or replaced consistent with the ~~provisions set forth~~ standards for mobile homes in Article 2, Division 6, or those standards in place at the time of mobile home park approval, provided that any modifications do not create any additional dwelling units. New accessory structures may be constructed consistent with the setbacks for accessory structures in Article 2, Division 6 and the standards for accessory structures in Article 3, Division 2 ~~Section 3-204~~. No lot of record upon which a mobile home or mobile home park existed on the date of adoption of these Development Standards may be expanded or reduced in size.
5. Change of Use. Projects involving only a change in use are exempt from the ~~Development Design Standards~~ in Appendix B, Divisions 4, 5 and 6.
6. Improvement, Remodel, or Reconstruction. Building improvement and remodel projects, including reconstruction of buildings in the general location or footprint of buildings being replaced, with up to 5 percent additional gross floor area, shall be exempt from the ~~Development Design Standards~~ as follows.
 - a. Building improvement, remodel, or reconstruction projects valued at less than 25 percent of the total assessed building value as reflected in the Property Appraiser's

current records at the time of application are exempt from the DevelopmentDesign Standards in Appendix B, Divisions 4, 5 and 6, except that the location of any new floor area, including accessory structures, shall be compliant with the setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator.

- b. Building improvement, remodel, or reconstruction projects valued at 25 percent or more of the total assessed building value as reflected in the Property Appraiser's current records at the time of application, are exempt from all but Sectionthe pedestrian walkway standards in B-503.C, the surface parking and service area standards in B-504.A.1, the bicycle parking standards in B-504.C, and the landscape requirements in B-505.A of these Design Sstandards, which. The provisions of Sections B-503.C, B-504.A.1, B-504.C, and B-505.A of the Design Standards shall be brought into compliance to the greatest extent practicable as determined by the Community Development Coordinator apply to the area of the site within reasonable proximity to the improved, remodeled, or reconstructed area of the building. Additionally, the location of any new floor area, including accessory structures, shall be compliant with the setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator. Landscape requirements in B.504.A.1 and B.505.A may be modified as part of a comprehensive landscape program pursuant to the criteria set forth in Section 3-1204.G.
7. Internal Buildings and Additions. New buildings or additions to existing buildings located 200 feet minimum from the front property line shall be exempt from the street frontage standards in Division 4, except for side and rear setbacks, and the development pattern standards in Sections B-502, the access and driveway consolidation standards in Section B-503.A, reconstruction of sidewalks and landscaping in Section B-503.B, and building entry location standards in Section B-604.A. The location of any new floor area as part of an addition shall be compliant with the setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator. Additionally, tThe location of new buildings or additions to existing buildings shall allow for future development compliant with all setback requirements.
8. Parking and Landscaping. The following Community Development Code sections shall not apply: 3-1202.A.2, ~~3-1202.A.3, and 3-1401.B.2 and 3-1401.B.3.~~

Section 6. That Appendix B, US 19 Zoning District and Development Standards, Division 2, Regulating Plan, Community Development Code, be amended to add Key Corners to Figure 1. Regulating Plan, consistent with the Key Corners identified in Division 3. Subdistrict Standards, and to amend the Street Frontage Type for properties on the east and west side of right-of-way located generally on the south side of Drew Street, approximately 140 feet west of US 19, from Street Frontage Type B to D as follows:

(Remove existing Figure 1. Comprised of 6 maps and replace with the following 6 maps)

Figure 1. Regulating Plan

US 19 Subdistricts

US 19 Regional Center

	City
	Unincorporated

US 19 Neighborhood Center

	City
	Unincorporated

US 19 Corridor

	City
	Unincorporated


Preservation

	City
	Unincorporated

Outside US 19 Corridor District

	City
	Unincorporated

Street Frontage Types

	A
	B
	C
	D
	E

Key Corners

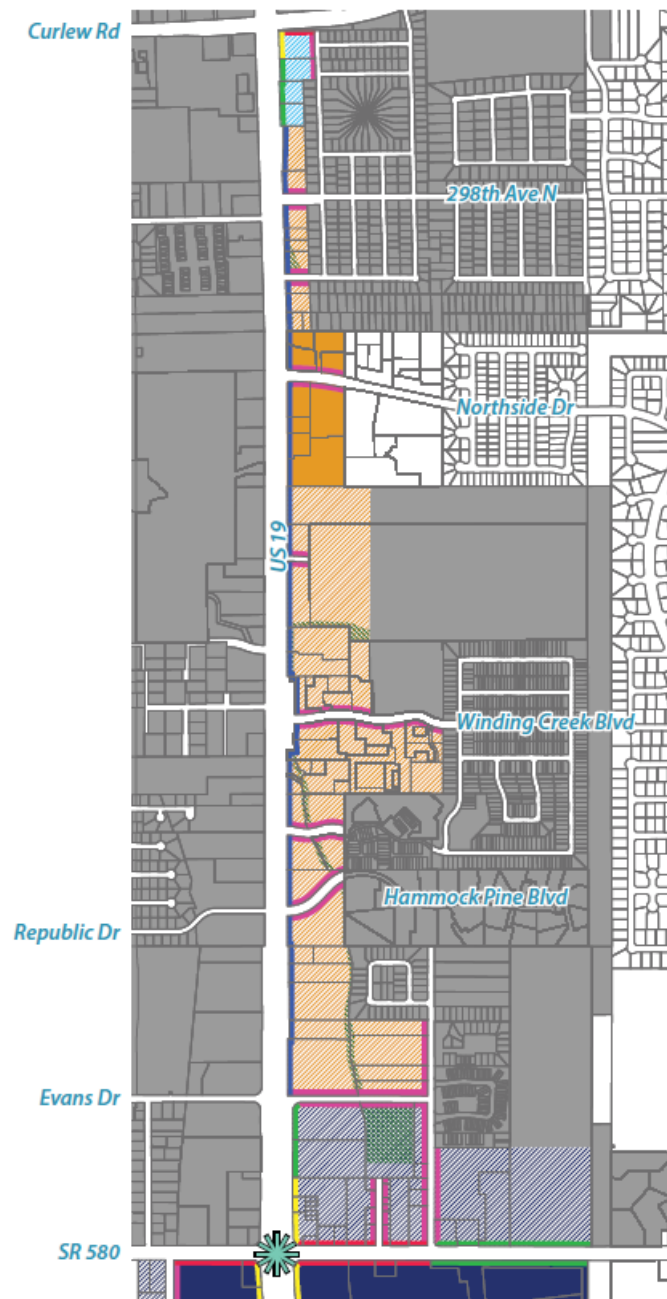


Figure 1. Regulating Plan (continued)

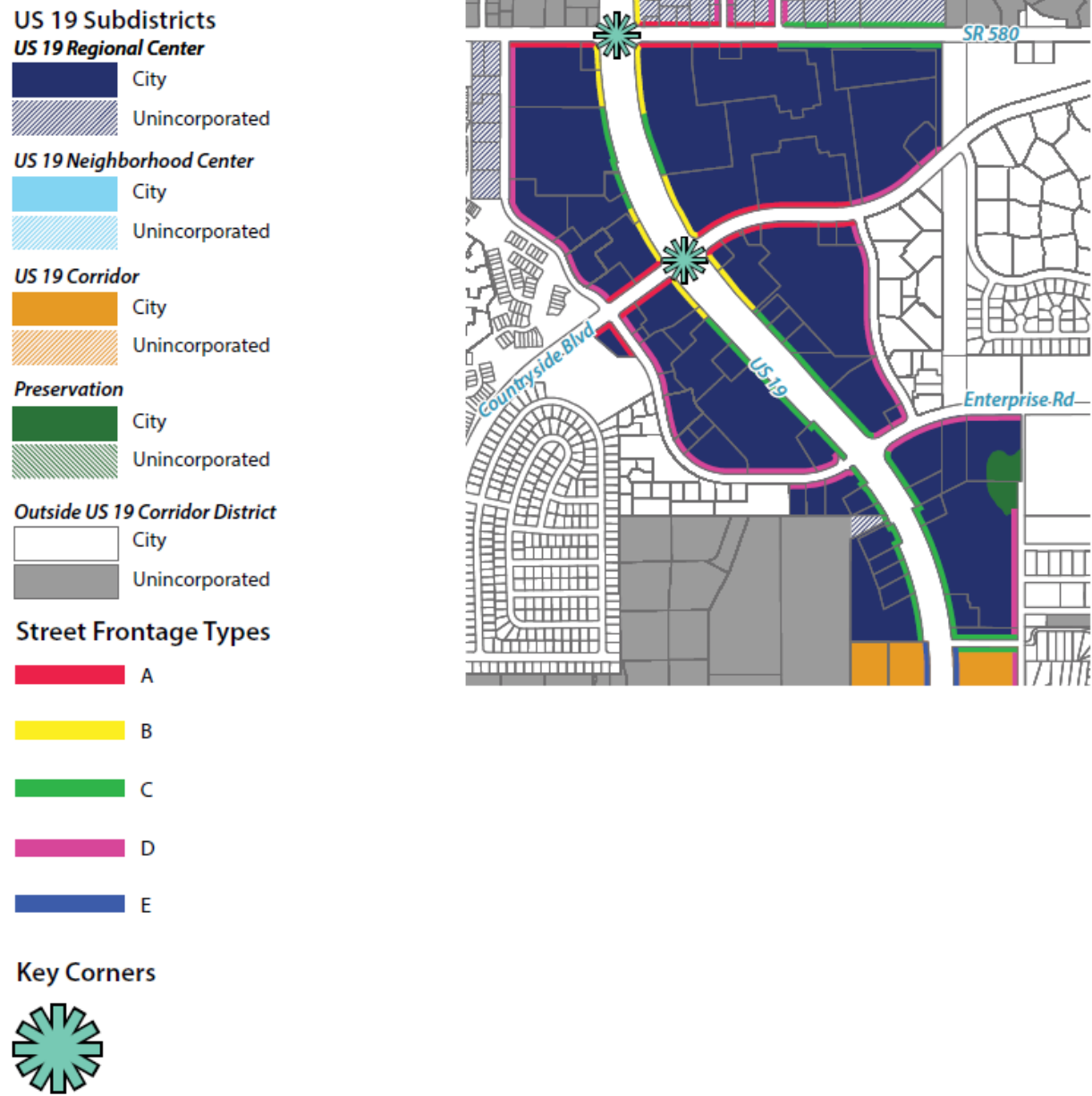


Figure 1. Regulating Plan (continued)

US 19 Subdistricts

US 19 Regional Center

- City
- Unincorporated

US 19 Neighborhood Center

- City
- Unincorporated

US 19 Corridor

- City
- Unincorporated

Preservation

- City
- Unincorporated

Outside US 19 Corridor District

- City
- Unincorporated

Street Frontage Types

- A
- B
- C
- D
- E

Key Corners

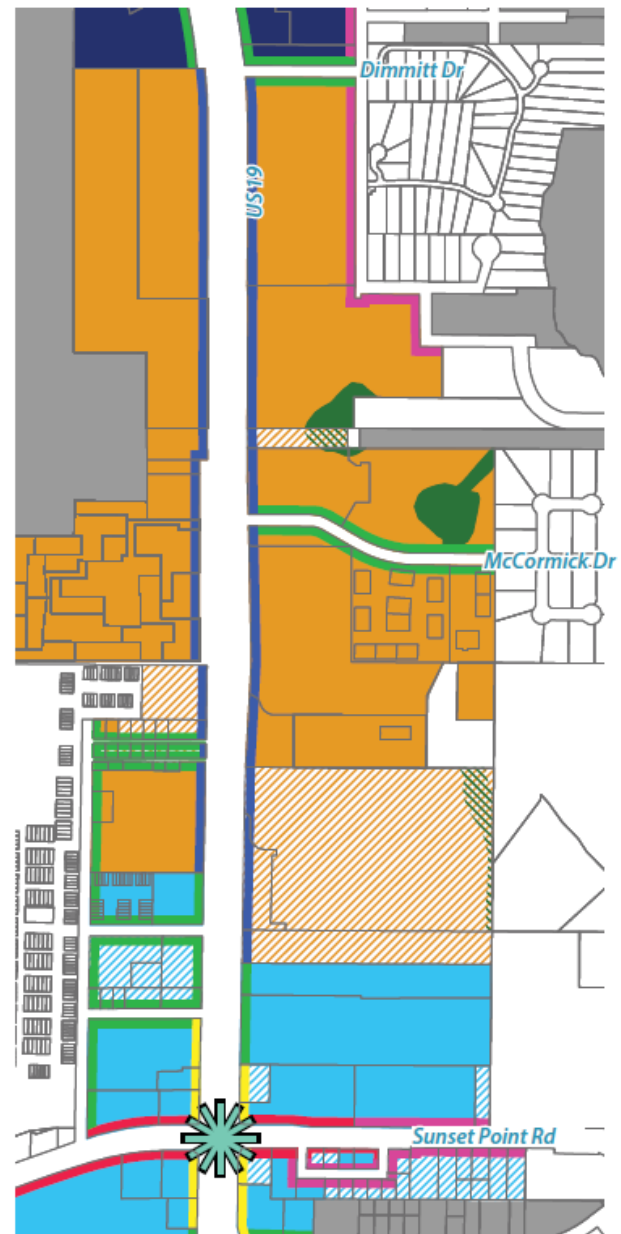


Figure 1. Regulating Plan (continued)

US 19 Subdistricts

US 19 Regional Center

	City
	Unincorporated

US 19 Neighborhood Center

	City
	Unincorporated


US 19 Corridor

	City
	Unincorporated

Preservation

	City
	Unincorporated

Outside US 19 Corridor District

	City
	Unincorporated

Street Frontage Types

	A
	B
	C
	D
	E

Key Corners

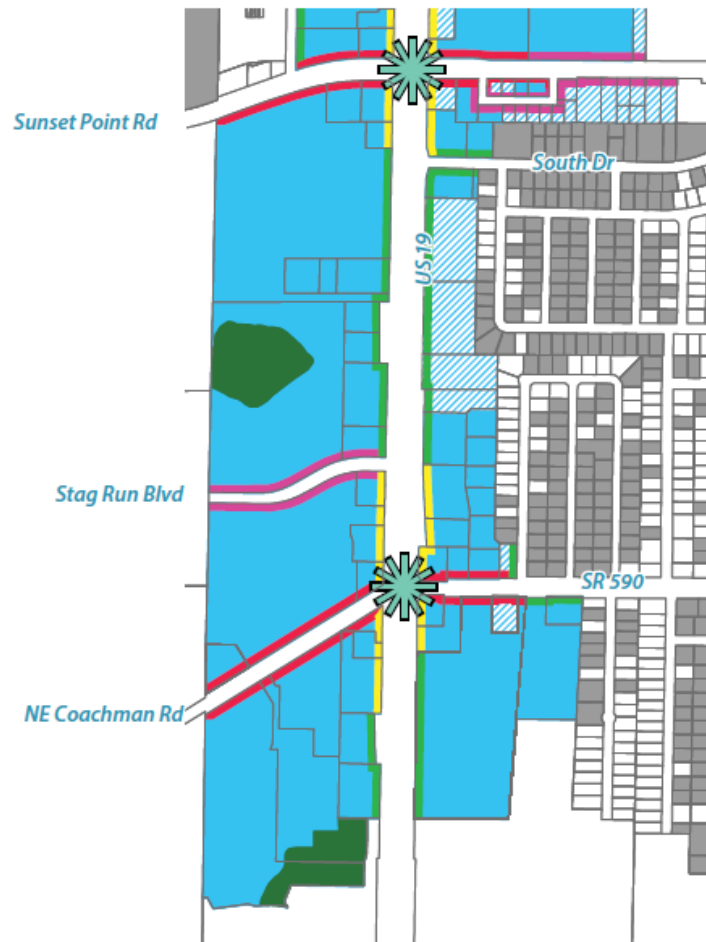
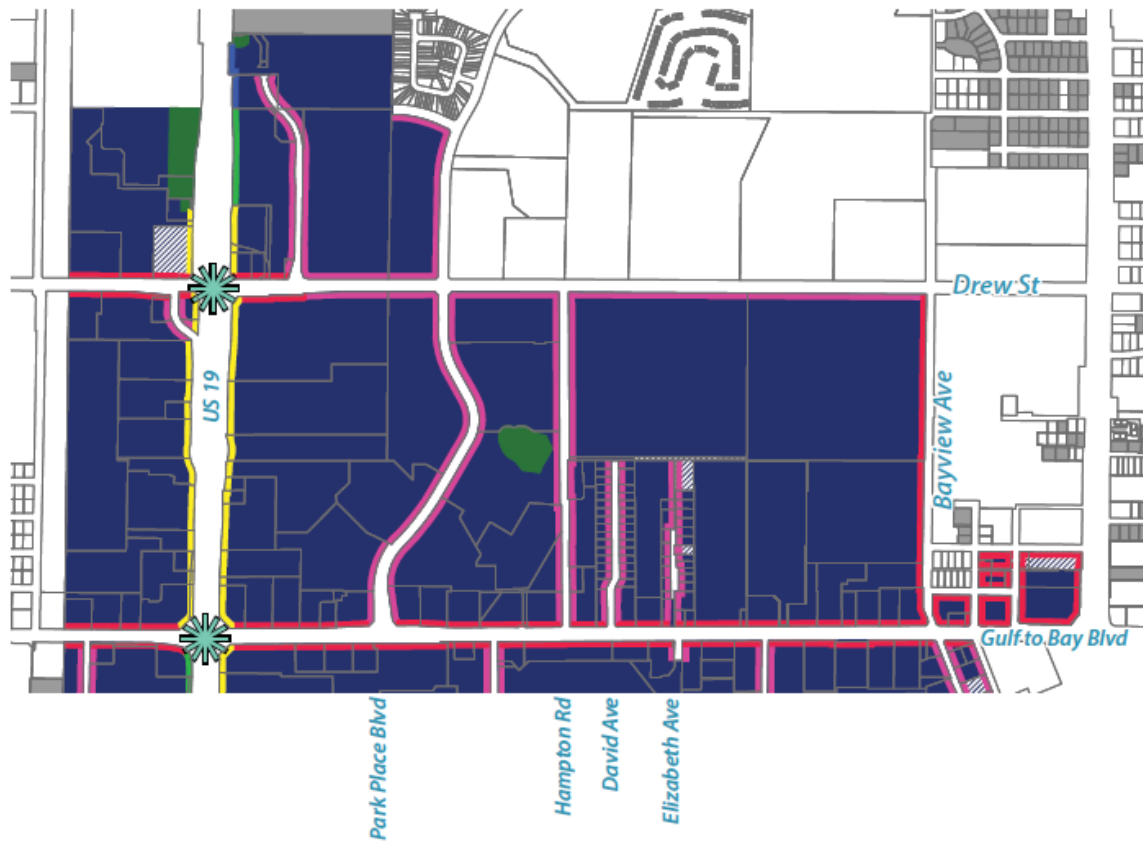


Figure 1. Regulating Plan (continued)



US 19 Subdistricts

US 19 Regional Center

- City
- Unincorporated

US 19 Neighborhood Center

- City
- Unincorporated

US 19 Corridor

- City
- Unincorporated

Preservation

- City
- Unincorporated

Outside US 19 Corridor District

- City
- Unincorporated

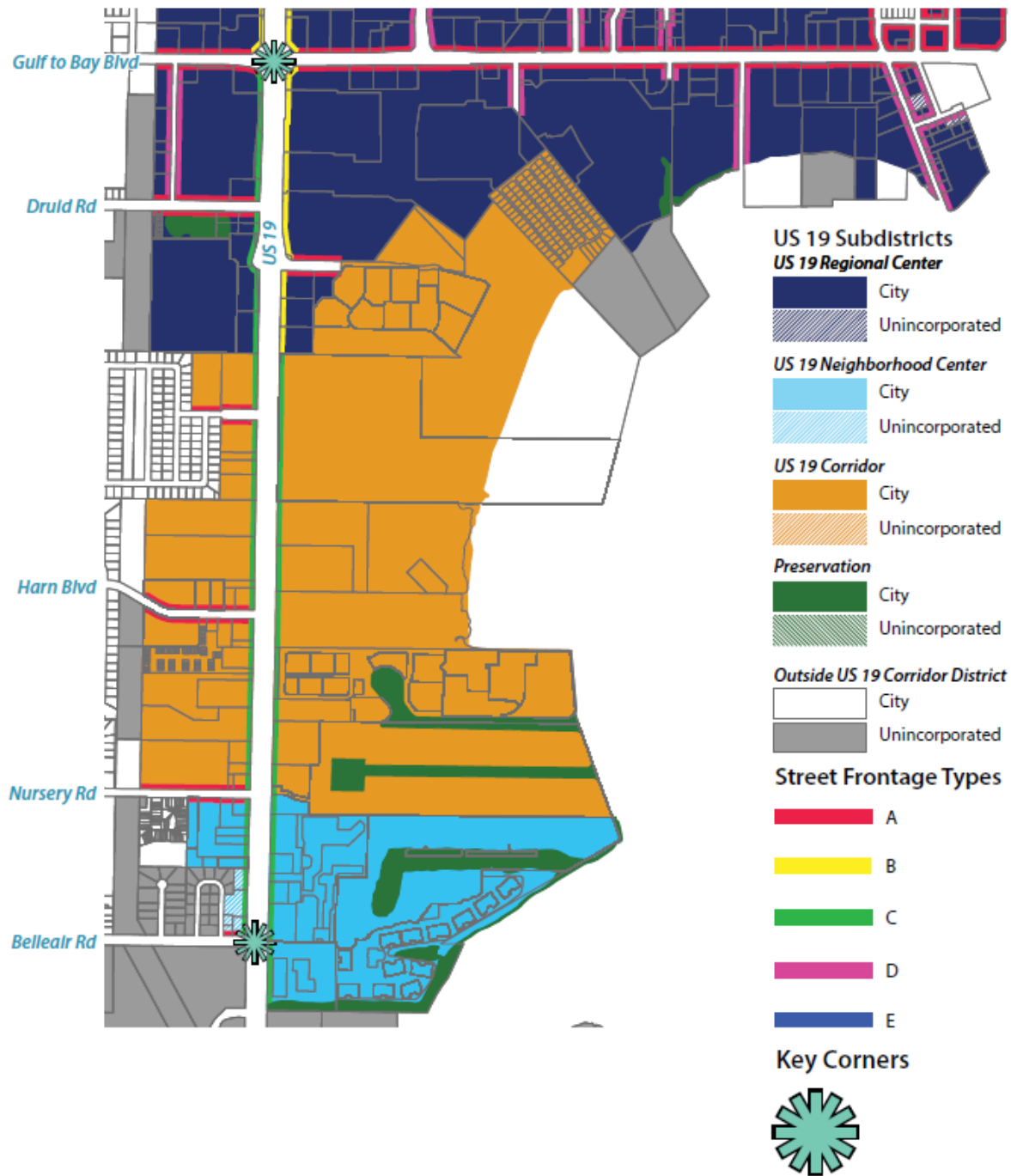
Street Frontage Types

- A
- B
- C
- D
- E

Key Corners



Figure 1. Regulating Plan (continued)



Section 7. That Appendix B, US 19 Zoning District and Development Standards, Division 7, Flexibility, Community Development Code, be amended to read as follows:

SECTION B-701. GENERAL

Flexibility in the application of Development~~Design~~ Standards may be approved by the Community Development Coordinator or Community Development Board as provided below. Where flexibility is allowed, the level of flexibility permitted shall be the minimum extent required to address flexibility standards and requirements.

SECTION B-702. PROCESS

Authority to grant flexibility shall follow the approval levels indicated by use in Table 2. Use & Parking and shall be administered consistent with the provisions of Article 4, Development Review and Other Standards. The Community Development Coordinator shall have authority to grant flexibility for Level One approvals and the Community Development Board shall have authority to grant flexibility for Level Two approvals. Where flexibility is being requested for a Level One Minimum Standard Development use, the request shall be processed as a Level One Flexible Standard Development.

SECTION B-703. FLEXIBILITY PROVISIONS

Flexibility may be approved subject to the standards below.

A) Subdistrict Standards – Parking

Flexibility to further reduce the minimum number of parking spaces to less than what may be approved through Table 3. Parking Reduction Factors in Section B-303.C may be requested with the provision of a parking demand study. Prior to the preparation of such study, the methodology shall be approved by the Community Development Coordinator and City Engineer, and in accordance with accepted traffic engineering principles. The findings of the study will be used in determining whether or not additional flexibility to the required parking may be approved.

BA) Street Frontage Standards - Building Setbacks

1. Front building setbacks less than the minimums or greater than the maximums allowed in Appendix B, Division 4 may be approved for projects with site constraints such as shape irregularities and/or the presence of natural features, existing utilities, utility easements, or access easements making meeting setback requirements impractical or infeasible. Where front building setbacks are reduced, required pedestrian areas along front building facades may be reduced by no more than 20 percent, and the landscape area may be modified as part of a comprehensive landscape program pursuant to the criteria set forth in Section 3-1204.G.
2. Existing developments with front building setbacks greater than the maximums allowed in Appendix B, Division 4 may be expanded in a manner that does not comply with front setback requirements provided the addition does not substantially change the general configuration of the site and meets the requirements of Section B-104.C.6.

CB) Street Frontage Standards - Building Spacing

4. The maximum spacing between individual buildings along Street Frontage Types A, B, and C may be increased or waived for projects ~~with~~ that meet the requirements of B-703.C.1, B-703.C.2, and B-703.C.3.

1. The project must have one or more of the following characteristics:-

- a. The proposed site configuration is designed to incorporate natural features such as a stand of mature trees, body of water, wetland or other similar feature.
 - b. Placement of existing buildings and/or site access and circulation constraints make it infeasible to meet the standard.
 - c. The placement of publicly-accessible outdoor plaza spaces to the side of the building results in increased building spacing to accommodate the plaza.
2. A plan for phased development shall be submitted that indicates how planned and future buildings will be placed consistent with the goals and policies of the Comprehensive Plan; the planning and design recommendations of the US 19 Corridor Redevelopment Plan; and the general purpose, intent and basic planning objectives of these Development Standards.
3. Where flexibility in the standard is allowed, enhanced landscaping and the use of low walls along street frontages to screen parking and define the edge of pedestrian ways shall be required.

DG) Street Frontage Standards - Parking & Vehicular Circulation

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ED) Street Frontage Standards - Front Building Facades & Entries

1. For buildings along Street Frontage Types A, B, and C, the extent of transparent glazing along a building's ground floor front facade may be reduced to 25 percent if the building's ground floor side facade is designed to meet standards applicable to the front facade, including requirements for pedestrian and landscape improvements.
2. For buildings at corner locations, the extent of transparent glazing along the front facade with the lowest level of existing or planned pedestrian activity may be reduced to 25 percent. These flexibility provisions are illustrated in Figure 16. Frontage Design Flexibility.
3. ~~2. As illustrated in Figure 16. Frontage Design Flexibility,~~ Flexibility in the application of entry location standards in Appendix B, Division 4 and in Section B-604.A may be approved consistent with one all of the following.
 - a. Building entries along a side facade may be approved in lieu of entries on the front facade if the entries are clearly visible from and within 40 feet of the street frontage and both facades are designed to meet standards applicable to front facades, including requirements for pedestrian and landscape improvements.
 - b. For buildings at corner locations, building entries along one front facade may be approved in lieu of entries on both front facades if the entries are clearly visible from and within 40 feet of the street frontage and both facades are designed to meet

standards applicable to front facades, including requirements for pedestrian and landscape improvements.

~~Flexibility in the application of entry location standards under this section may also be applied to building entry location standards in Section B-604.A.~~

EE) Site Design Standards - Development Pattern

Flexibility in the application of requirements found in Section B-502.A and Section B-502.B for new streets and drives and development blocks may be approved for projects on sites where the applicant demonstrates that site size, dimension, shape, or presence of constraints such as natural areas, utilities or utility easements, or other existing features make meeting these requirements infeasible.

GF) Site Design Standards - Cross Parcel Connections

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HG) Site Design Standards - Pedestrian Walkways through Parking Lots

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IH) Site Design Standards - Fences & Walls Along Street Frontages

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JH) Site Design Standards - Stormwater Facility Location

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KJ) Building Design Standards - Facade Design & Articulation

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SECTION B-704. FLEXIBILITY PROVISIONS FOR SPECIAL PROJECT TYPES

A) Special Project Types

1. Flexibility in meeting the frontage, site, and building standards in Divisions 4, 5, and 6 for large-scale mixed use projects and projects with employment-intensive land uses may be approved by the Community Development Board. Projects meeting the following criteria are defined as special project types for the purpose of this section.
 - a. Projects on sites greater than 20 acres with a mix of land uses including at least two of the following uses: retail, including restaurants, retail plazas, and retail sales and services; multi-family residential; overnight accommodations; or office.
 - b. Projects on sites greater than 10 acres with a proposed FAR greater than 1.25 and a mix of land uses including at least two of the following uses: retail, including restaurants, retail plazas, and retail sales and services; multi-family residential; overnight accommodations; or office.
 - c. Projects on sites greater than ~~5~~¹⁰ acres with employment-intensive land uses meeting the criteria for such uses as defined in the Economic Development Strategic Plan and providing opportunity for significant economic contribution to the City by diversifying the local economy; by creating jobs with average wages exceeding the annual average wage of Pinellas County; and which attract, retain, and expand primary industries.

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Section 8. 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 9. 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 10. 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 11. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 12. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING
AS AMENDED

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Frank V. Hibbard
Mayor

Approved as to form:

Attest:

Michael Fuino
Assistant City Attorney

Rosemarie Call
City Clerk