



# CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT  
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748  
MUNICIPAL SERVICES BUILDING, 100 S. MYRTLE AVENUE  
TELEPHONE (727) 562-4567

Holly Postler  
Planning Assistant  
Molloy & James  
325 S. Boulevard  
Tampa FL 33606

June 15, 2021

via email: [wmolloy@mjlw.us](mailto:wmolloy@mjlw.us)

**Re: Zoning Interpretation Letter, MIS2021-05016**  
**900 S. Highland Avenue**  
**New Motives Incorporated**  
**Parcel ID No: 14-29-15-38790-000-0030**

Dear Ms. Postler:

This letter is in response to your request for a zoning interpretation letter for the above referenced property to interpret if the current use of the property can be classified as a halfway house or a community residential home.

The subject property is entirely located within the Low Medium Residential (LMDR) District and has an underlying and compatible future land use plan designation of Residential Urban (RU). (copy attached).

The chart below details the surrounding properties zoning and future land use designations:

	<b>Zoning District(s)</b>	<b>Future Land Use Designation(s)</b>
North	Low Medium Density Residential (LMDR) District	Residential Urban (RU)
South	Low Medium Density Residential (LMDR) District	Residential Urban (RU)
East	Office (O) and Institutional (I) Districts	Residential/Office General (R/OG) and Institutional (I)
West	Low Medium Density Residential (LMDR) District	Residential Urban (RU)

Permitted uses in the Low Medium Density Residential (LMDR) District are listed in Community Development Code (CDC) Section 2-202 (copy attached). Minimum standard development uses that meet the required development parameters and other applicable sections of the CDC including community gardens, community residential homes (up to six residents) and detached dwellings may go directly to building construction permit (BCP) or obtain a Business Tax Receipt (BTR) as required

The requested use has been reviewed against the following uses defined in Article 8 of the CDC:

*Community residential home* means a dwelling unit which provides a living environment for up to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. Community residential homes shall not be located within 1,000 feet of one another.

*Resident of a community residential home* means any of the following: an aged person, a physically disabled or handicapped person, a non-dangerous mentally ill person or a child as defined in the Florida Statutes.

*Halfway house* means a residential use providing transitional housing for persons needing substance abuse treatment, criminal incarceration and similar environments.

The definition of community residential home use includes a living environment with people who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional and social needs of the residents. The clarification of operation letter dated May 13, 2021 details that support staff is limited to minimal oversight only and the property has seven units. Community residential homes in the LMDR district are limited to six residents. Further it details that none of the occupants are under any form of or are required to be under any form of treatment pertaining to substance use, mental health, or medical by New Motives, Inc. It also details that New Motives provides services contained to housing only. As the use does not include support staff to meet the physical, emotional, and social needs of the residents, the use is not considered a community residential home.

The definition of halfway house includes a residential use providing transitional housing for persons needing substance abuse treatment, criminal incarceration, and similar environments. It should be noted that for this use the substance abuse treatment does not need to occur on the premises, only that the persons are in need of it. The clarification of operations letter dated May 13, 2021 details that a non-specified time frame financial agreement for a weekly/monthly fee is used for up to seven units. The time frame sounds transitional; however, if none of the persons need substance abuse treatment, criminal incarceration, or similar environments then the use is not considered a halfway house.

Should you need further assistance, please contact Ellen Crandall, Development Review Manager, at (727) 562-4836 or via email at [Ellen.Crandall@myclearwater.com](mailto:Ellen.Crandall@myclearwater.com).

Respectfully,



Gina L. Clayton  
Planning and Development Director