

**ORDINANCE NO. 9775-24**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 3, DEVELOPMENT STANDARDS, DIVISION 12. LANDSCAPING/TREE PROTECTION, SECTIONS 3-1201, 3-1202, 3-1203, 3-1204, 3-1205, 3-1206, 3-1206, AND 3-1207 TO ESTABLISH MINIMUM STANDARDS FOR ARTIFICIAL TURF USED IN LANDSCAPED AREAS AND RENUMBERING SECTIONS ACCORDINGLY; BY AMENDING ARTICLE 3, DEVELOPMENT STANDARDS, DIVISION 15. PROPERTY MAINTENANCE, SECTIONS 3-1502.H. AND 3-1502.K, TO PROVIDE MAINTENANCE REQUIREMENTS FOR ARTIFICIAL TURF; SECTION 3-1503.B TO PROVIDE NUISANCE REQUIREMENTS FOR ARTIFICIAL TURF; BY AMENDING ARTICLE 8, DEFINITIONS AND RULES OF CONSTRUCTION, SECTION 8-102, DEFINITIONS, BY PROVIDING A DEFINITION FOR ARTIFICIAL TURF, LANDSCAPED AREAS, LANDSCAPED MATERIAL, AND NATURAL TURF, BY REVISING THE DEFINITIONS FOR IMPERVIOUS AND MULCH, AND BY DELETING THE DEFINITION FOR LANDSCAPING; AND AMENDING APPENDIX A, SECTION VIII, LAND DEVELOPMENT, TO ADD A PERMIT FEE FOR ARTIFICIAL TURF; 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 was effective 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, due to concerns for excess water consumption, the use of artificial turf has become more commonplace; and

WHEREAS, the City of Clearwater desires to ensure that artificial turf meets minimum material, installation and maintenance standards; and

WHEREAS, the City of Clearwater desires for the Community Development Code to function effectively and equitably throughout the City; 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. Article 3, Development Standards, Division 9, General Applicability Standards, of the Community Development code is hereby amended as follows:

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

\* \* \* \* \*

- F. Except for driveway access to garages, vehicular cross-access and shared parking, all of which are regulated by Subsection A., above; parking lots shall be set back from front property lines a distance of 15 feet; and shall be set back from all other property lines a distance that is consistent with the required perimeter landscape buffer width.
  - 1. While perimeter landscape buffers are not required in the Tourist (T) District, the above referenced setback shall be based upon Section 3-1202.D.1., or at a dimension consistent with the existing/proposed building setback, or at a dimension consistent with setbacks required or otherwise established by Beach by Design, whichever is less.
  - 2. As perimeter landscape buffers are not required in the Downtown (D) District, compliance with the above provision is not required. However, compliance with the applicable Development Standards as set forth in the Downtown District and Development Standards in this Development Code must still be achieved.
  - 3. *Exceptions.* Those setbacks to parking lots established above may be modified as part of a Comprehensive Landscape Program pursuant to the criteria set forth in Section 3-1202.4.G.

Section 2. Article 3, Development Standards, Division 12, Landscaping/Tree Protection, of the Community Development code is hereby amended as follows:

**DIVISION 12. LANDSCAPING/TREE PROTECTION/NONLIVING LANDSCAPE MATERIALS**

**Section 3-1201. Purpose.**

It is the purpose of this division to establish minimum landscaping/tree protection standards in order to promote the preservation of existing tree canopies, ~~to promote~~ the expansion of that canopy and ~~to promote~~ the enhancement of the quality of existing and future development in the city. This division also establishes parameters for the use of artificial turf and other nonliving landscape materials.

**Section 3-1202. - General landscaping standards.**

\* \* \* \* \*

B. Residential Open Space Requirement. New residential construction on properties within residential zoning districts shall set aside a minimum of 25% of the gross land area of the front yard for open space, which shall contain living plant materials.

BC. Plant material specifications. Except as provided in subsection (6) below, plant materials which are utilized to satisfy the landscaping required by this development code shall comply with the following minimum standards:

1. *Minimum plant material standards:*

PLANT	SIZE (at installation)	OTHER REQUIREMENTS
Shade Tree	10' height 2.5" caliper	All materials shall be Florida Grade #1 and be planted a minimum of five feet from any impervious area.
Accent Tree	8' height 2" caliper	2 accent trees = 1 shade tree; unless overhead lines are unavoidable; no more than 25% of required trees may be accent trees. All materials shall be Florida Grade #1.
Palm Tree	10' clear trunk	Can be used to satisfy 75% of tree requirements on Beach, Sand Key & Island Estates, 25% elsewhere in the City. Staggered clusters of 3 palm trees = 1 shade tree, except for specimen palm trees such as: phoenix canariensis (canary island date palm), phoenix dactylifera (edible date palm) and phoenix reclinata (senegal date palm), which count as shade trees on a 1:1 ratio. All materials shall be Florida Grade #1.
Shrubs	A.) 18—24" in height when used in a perimeter buffer - planted every 36", (measured from the center of the shrub) providing a 100% continuous hedge which will be 36", high and 80% opaque 12 months from the time a certificate of occupancy is received (excluding drives and visibility triangles where applicable) B.) 14—24" in height when used for interior - planted every 30"—36", respectively (measured from the center of the shrub) with a 3 gallon minimum	
Ground Cover	1 gallon minimum - planted a maximum of 24" O.C.	Encouraged in lieu of turf to reduce irrigation needs.

PLANT	SIZE (at installation)	OTHER REQUIREMENTS
<u>Natural Turf</u>	N/A	Natural <del>T</del> turf areas should be consolidated and limited to areas of pedestrian traffic, recreation and erosion control, and shall be a drought tolerant species.

2. *Exceptions.*

- a. Single-family detached and two-family attached dwellings. The above size requirements with regard to shade trees and accent trees shall not be applied to single-family detached dwellings and two-family attached dwellings. For those uses shade trees shall have minimum height of eight feet and minimum caliper of two inches, and accent trees shall have minimum height of six feet and minimum caliper of one inch.
- ~~b. Parks and athletic fields. Artificial turf may be used in lieu of plant materials in parks and athletic fields.~~

\* \* \* \* \*

CD. *Irrigation.*

\* \* \* \* \*

- 9. Natural Tturf grass areas shall be irrigated on separate irrigation zones from tree, shrub and groundcover beds.
- 10. Retained trees, shrubs and native plant communities shall not be required to be irrigated, unless directed to do so by the cCommunity dDevelopment cCoordinator.

DE. *Perimeter buffers.* Except in the dDowntown or tTourist dDistricts, excluding the Old Florida District where landscaping requirements are defined in Beach By Design: A Preliminary Design for Clearwater Beach and Design Guidelines, or in designated scenic corridors with approved special plans, landscaping shall be installed in a perimeter buffer in accordance with the standards in this division and the following table:

1. Perimeter landscaping requirements:

ADJACENT USE					
	Detached Dwellings	Attached Dwellings or Residential Equivalent	Non-Residential	Arterial or Collector Rights-of-Way	Local Rights-of-Way

ADJACENT USE							
		Detached Dwellings	Attached Dwellings or Residential Equivalent	Non-Residential	Arterial or Collector Rights-of-Way	Local Rights-of-Way	
PROPOSED USE	Non-Residential	Min. 10' wide buffer	Min. 10' wide buffer	Min. 5' wide buffer	Min. 15' wide buffer	Min. 10' wide buffer	
		1 Tree / 35'					
		100% Shrubs (6' high within 3 years)	100% Shrubs				
	Attached Dwellings or Residential Equivalent	Min. 10' wide buffer	Min. 10' wide buffer	Min. 10' wide buffer	Min. 15' wide buffer	Min. 10' wide buffer	
		1 Tree / 35'					
		100% Shrubs (6' high within 3 years)	100% Shrubs				

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7. The use of artificial turf in required landscape buffers is prohibited.

EF. Interior landscaping.

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2. *Parking lots.* If the paved vehicular use area is greater than 4,000 square feet, then landscaping for the interior of parking lots shall be provided in accordance with the following:

a. *Required interior islands.*

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6. *Required trees/plants.*

- i. A minimum of one shade tree, or accent/palm equivalent, shall be provided in each interior landscape island.
- ii. One shade tree, or accent/palm equivalent, shall be provided per 300 square feet of required greenspace.
- iii. Shrubs shall be provided in an amount to equal or exceed 50 percent of the required greenspace.

- iv. Groundcover shall be utilized for required greenspace in-lieu of natural turf.
- v. The use of artificial turf in landscaped islands is prohibited.

\* \* \* \* \*

b. *Central landscape island.*

\* \* \* \* \*

3. *Required trees/plants.*

- i. One shade tree, or accent/palm equivalent, shall be provided per 300 square feet of island area.
- ii. Shrubs shall be provided in an amount to equal or exceed 50 percent of the required greenspace.
- iii. Groundcover shall be utilized for required greenspace in-lieu of natural turf.

\* \* \* \* \*

\*\* RELETTER SUBSEQUENT SECTION UPON APPROVAL OF CRITERIA B ABOVE\*\*

**Section 3-1203. – Scenic corridors.**

~~A. *Purpose.* The purpose of designating primary and secondary scenic corridors is to establish areas in the city which have particular significance, in terms of tourism, economic development or community character, and which therefore should have enhanced and differentiated landscaping requirements. It is anticipated that specific corridor plans will be approved by the city commission for each corridor and that when such plans are adopted, they shall constitute the requirements for landscaping along these corridors.~~

~~B. *Primary corridors.*~~

- ~~1. Bayshore Boulevard~~
- ~~2. Belcher Road~~
- ~~3. Causeway Boulevard~~
- ~~4. Chestnut Street~~
- ~~5. Cleveland Street~~
- ~~6. Coronado Drive~~
- ~~7. Court Street~~
- ~~8. Courtney Campbell Causeway~~
- ~~9. Druid Road~~
- ~~10. East Shore Drive~~
- ~~11. Fort Harrison Avenue~~
- ~~12. Gulf Boulevard~~
- ~~13. Gulf to Bay Boulevard~~
- ~~14. Gulfview Boulevard~~
- ~~15. Hamden Drive~~
- ~~16. Mandalay Avenue~~

17. Marianne Street
18. McMullen-Booth Road
19. Memorial Causeway
20. Missouri Avenue
21. Pierce Boulevard
22. Poinsetta Street
23. State Road 580
24. U.S. 19

~~C. Secondary corridors.~~

1. Bayshore Drive
2. Belleair Road
3. Countryside Boulevard
4. Curlow Road
5. Drew Street
6. East Avenue
7. Edgewater Drive
8. Enterprise Road
9. Hampton Road
10. Hercules Avenue
11. Highland Avenue
12. Keene Road
13. Lakeview Road
14. Landmark Drive
15. Myrtle Avenue
16. Northeast Coachman Road
17. Nursery Road
18. Old Coachman Road
19. State Road 590
20. Sunset Point Road

**Section 3-1203. – Artificial Turf.**

- A. The use of artificial turf is permitted on all properties subject to obtaining a Level One approval in accordance with the provisions of Article 4, Division 3, and meeting and maintaining compliance with the provisions of this section.
- B. Artificial turf shall not be counted towards the minimum required open space.
- C. Artificial turf may be used in lieu of plant materials required in Section 2-1202.B.1 for parks and athletic fields.
- D. Location.
  1. Artificial turf shall not be installed in perimeter buffers required by Section 3-1202.D or vegetative buffers adjacent to the Preservation District or jurisdictional wetlands required by Section 3.907.A.

2. Artificial turf shall not be installed under the dripline of any tree on the property or of any tree within an adjacent right-of-way that overhangs the property.
3. Artificial turf shall not be installed within 24 inches of the base of the trunk of any protected palm tree.
4. Artificial turf may not be installed in the right-of-way unless otherwise approved by the City Engineer.
  - a. If artificial turf is to be installed in the city right-of-way, a separate right-of-way permit must be obtained prior to commencing work.
  - b. If maintenance is required, the city may remove any artificial turf that is placed in the right-of-way and it shall be the responsibility of the property owner to repair and replace any artificial turf per Section 3-1203H, at the owner's expense.
5. Artificial turf may not be installed in permanent drainage features such as drainage swales unless otherwise approved by the City Engineer.
6. Artificial turf shall not be installed directly adjacent to the primary structure on the property.

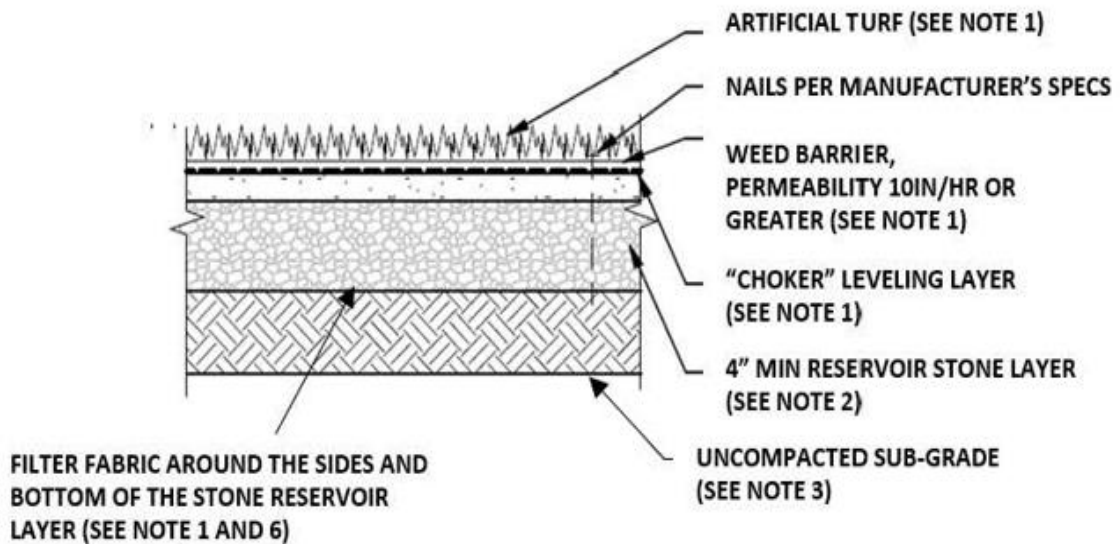
E. *Minimum design standards.*

1. Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color.
2. Artificial turf shall have a pile height of:
  - a. 1.75 inches minimum and 2.5 inches maximum for residential installations.
  - b. 0.75 inch minimum and 1.5 inches maximum for nonresidential installations.
3. Artificial turf shall have a minimum face weight of 65 ounces per square yard.
4. A minimum eight-year manufacturer's warranty that protects against color fading and a decrease in pile height is required for all artificial turf.
5. Artificial turf shall be lead and PFAS free and flame retardant.
6. The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.

F. *Permitting and inspections.*

1. Artificial turf may be installed by licensed contractors, artificial turf installers or homeowners. Installation requires a clearing and grubbing permit as well as a building permit and the following:
  - a. A current Business Tax Receipt (BTR), Worker's Compensation Insurance policy, and Liability Insurance policy with the City of Clearwater named as an insured (required for contractors and artificial turf installers only); and
  - b. A site plan or survey showing the property boundaries, all improvements, on-site trees, trees within 25 feet of the property, and areas where artificial turf is proposed to be installed; and
  - c. Impervious surface ratio (ISR) and required open space calculations; and
  - d. A scaled cross section and details of the proposed materials and installation including but not limited to subgrade, reservoir layer, drainage, leveling layer, and infill; and





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- e. Manufacturer's specifications and warranty for artificial turf being installed.
  - 2. Tree barricades are required for any tree impacted by the artificial turf and an inspection of the tree barricades must occur prior to installation.
  - 3. Upon completion of installation, submit the following information prior to requesting a final inspection, a final inspection will not be scheduled until all information has been received:
    - a. A copy of the aggregate testing report (from the aggregate supplier) to document the clean stone used in the subgrade meets FDOT gradation requirements (if pervious).
    - b. A Verification Form stating the artificial turf was installed pursuant to this section and the manufacturer's specifications and indicate whether the installation meets this Code's definitions of impervious or pervious.
    - c. In lieu of a rough in inspection, photos of the reservoir and leveling layers prior to covering each layer.
    - d. Photos of project area post installation including any areas where tree barricades were previously installed.
  - 4. Installation of less than 50 square feet of artificial turf on private property will be counted towards the property's impervious surface ratio (ISR) and does not require a permit if the installation complies with Sections 3-1203.D and 3-1203.E. Only one installation of less than 50 square feet will be allowed on a property.

**G. Installation.**

- 1. If the property owner chooses to install the artificial turf, it shall be counted towards the property's ISR.
- 2. Installation must be in accordance with the manufacturer's specifications/recommendations.

3. Artificial turf shall be separated from landscaped areas (living plant material) by a concrete mow strip, bender board, or other barrier with to prevent intrusion of living plant material into the artificial turf.
4. There shall be no tree removal as a result of or in order to install artificial turf.
5. A reservoir layer shall be provided consisting of four inches or more of clean stone, which consists of granite, limestone, or crushed concrete that is washed and meets FDOT #4, #57, or #89 stone specifications. No screening shall be permitted.
6. To ensure adequate retention volume in the reservoir layer, a minimum size of FDOT #89 stone is required.
7. If filter fabric is proposed, as part of the building permit approval process, a copy of the manufacturer's specifications shall be provided to document permeability is 10 inches per hour or greater.
8. The underlying soils must remain uncompacted to be considered pervious.
9. Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.
10. All seams shall be nailed and glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look and be tucked in and anchored with the use of bender board.
11. If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
12. Infill is required and shall consist of clean silica sand or sand-based product with no plastic or rubber pellets. Infill shall be installed pursuant to the manufacturer's specifications.
13. After installation, artificial turf shall be visually level with the grain pointing in a single direction.

#### H. Maintenance.

1. Artificial turf shall be maintained by the property owner in a green fadeless condition and shall be maintained free of dirt, sand, stains, odors, weeds, debris, tears, holes, seam separations, excessive wear, and impressions.
2. Artificial turf must be replaced if it falls into disrepair with fading/discoloration, excessive wear, holes, or surfaces that are no longer level due to depressions, ruts, air pockets, or loose areas.
  - a. Repair of artificial turf areas shall be performed with like for like materials from the same manufacturer and done in a manner that results in a repair that blends in with the existing artificial turf.
  - b. In the event that a like material cannot be obtained, then the most similar material which still meets installation standards may be used; however, evidence that supports the unavailability of a like material from the same manufacturer must be provided.
- I. Within one year of the effective date of this ordinance, properties that have previously installed artificial turf shall provide proof, satisfactory to the city, that the property is in compliance with this section. Failure to provide satisfactory proof of compliance with this

section shall constitute a violation of the Code and the property owner shall be required to immediately remove the artificial turf.

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**Section 3-1204. – Other Nonliving Landscape Material.**

The use of *nonliving landscape material* such as shell, rock, gravel, or inorganic mulch shall be limited to the uses described in this section.

- A. *Rights-of-way.* The use of nonliving landscape material in the right-of-way shall be prohibited.
- B. *Private Property.* Nonliving landscape materials shall be prohibited unless included as an integral, but minor, element of a landscaping plan.
- C. Nonliving landscape materials shall not be installed under the dripline of any tree on the property or of any tree within an adjacent right-of-way that overhangs the property.
- D. Nonliving landscape materials shall not be installed within 24 inches of the trunk of any palm tree.
- E. The use of shell is prohibited except for installation on walkways in rear or side yards on residential properties, public trails or pathways, or athletic fields.

**Section 3-12054. - Installation and maintenance.**

- A. All required landscaping shall be installed in accordance with an approved landscape plan, including all specified conditions to a particular development approval, and inspected prior to the issuance of a certificate of occupancy or certificate of completion. In the event there are any changes to the approved landscape plan, such changes must be reviewed and approved and noted on the plan prior to notification for the final inspection for a certificate of occupancy or certificate of completion.
- B. All landscaped areas must be covered with shrubs, ground cover, natural turf, three inches of organic mulch, artificial turf (where permissible), or other suitable material which permits percolation.
  - 1. Where mulch is used, it must be protected from washing out of the planting bed.
  - 2. ~~Inorganic mulch, such as gravel or rock,~~ should only be used where washouts occur.
  - 3. Plastic sheets shall not be installed under mulches.
  - 4. Artificial turf shall be installed according to the standards in Section 3-1203.

\* \* \* \* \*

**Section 3-12065. - Tree protection.**

\* \* \* \* \*

- B. *Criteria for issuance of a removal permit.*
  - 1. No permit shall be granted for the removal of a specimen or historic tree.
  - 2. In determining whether or not a required removal permit shall be granted, the community development coordinator shall consider the following:

- a. The condition and location of the protected tree, specimen tree stand, or palm with respect to species, tree structure, competition, disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.
- b. Protected trees, specimen tree stands, and palms shall be preserved to the maximum extent possible and reasonable flexibility in the design of permitted uses shall be granted, within the parameters of the zoning district within which the property is located, in order to ensure such preservation.
- c. Whether protected trees or palms can be successfully relocated on-site in order to accommodate the proposed development.
- d. If a protected tree or palm must be removed in order to permit an economic use of the property which would otherwise be permitted, the applicant must give the city a reasonable opportunity to relocate the tree to another site in accordance with the provisions of Section 3-12065(C) and replace protected trees on-site in accordance with the provisions of Section 3-12065(D) or pay into the city's tree bank for every protected tree that is removed in accordance with the provisions in Section 3-12065(D).

\* \* \* \* \*

D. *Tree and palm requirements and replacements.* Tree and palm replacements shall be in compliance with Section 3-1202.B. and the following:

\* \* \* \* \*

5. *Conditions and specifications.*

\* \* \* \* \*

- a. *Credit for required landscaping.* Any landscaping required to be installed by Section 3-1202 or 3-12053 may be used as credit against tree replacement requirements.

**Section 3-1207. - Scenic corridors.**

A. *Purpose.* The purpose of designating primary and secondary scenic corridors is to establish areas in the city which have particular significance, in terms of tourism, economic development or community character, and which therefore should have enhanced and differentiated landscaping requirements. It is anticipated that specific corridor plans will be approved by the city commission for each corridor and that when such plans are adopted, they shall constitute the requirements for landscaping along these corridors.

B. *Primary corridors.*

- 1. Bayshore Boulevard
- 2. Belcher Road
- 3. Causeway Boulevard
- 4. Chestnut Street
- 5. Cleveland Street
- 6. Coronado Drive
- 7. Court Street

8. Courtney Campbell Causeway
9. Druid Road
10. East Shore Drive
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18. McMullen-Booth Road
19. Memorial Causeway
20. Missouri Avenue
21. Pierce Boulevard
22. Poinsetta Street
23. State Road 580
24. U.S. 19

C. Secondary corridors.

1. Bayshore Drive
2. Belleair Road
3. Countryside Boulevard
4. Curlew Road
5. Drew Street
6. East Avenue
7. Edgewater Drive
8. Enterprise Road
9. Hampton Road
10. Hercules Avenue
11. Highland Avenue
12. Keene Road
13. Lakeview Road
14. Landmark Drive
15. Myrtle Avenue
16. Northeast Coachman Road
17. Nursery Road
18. Old Coachman Road
19. State Road 590
20. Sunset Point Road

Section 3. Article 3, Development Standards, Division 15, Property Maintenance Standards, of the Community Development code is hereby amended as follows:

**Section 3-1502. - Property maintenance requirements.**

\* \* \* \* \*

H. Yards, and landscape areas, and artificial turf areas.

1. All required landscaping materials shall be maintained in accordance with the provisions of Article 3, Division 12.
2. Any portion of a lot not covered by a building or structure or otherwise devoted to parking, a service drive or a walkway shall be landscaped with grass or other appropriate ground cover and shall be maintained in a neat and orderly manner.
3. All landscape materials, including natural turf, shrubs, and trees, excluding artificial turf, whether required or optional, shall be maintained in a healthy live condition so as to present a neat and attractive appearance and so as to discourage the accumulation of trash or debris and/or infestation by pests.
4. Artificial turf shall be maintained according to Section 3-1203.G.
54. No yard, landscape area ~~or~~, growth of landscape material, or artificial turf area (unless previously approved by the City Engineer) shall encroach upon the public right-of-way so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way.
65. No yard shall be used for dumping or accumulation of any garbage, rubbish, dead animals, trash, waste vegetable or animal matter of any kind or construction debris.

\* \* \* \* \*

K. Public rights-of-way and sidewalks and parking surfaces.

\* \* \* \* \*

1. Public rights-of-way and sidewalks adjoining an improved parcel of land which, because of its location and character, is used as if it were appurtenant to or an extension of the parcel of land, shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep such rights-of-way and sidewalks clear of litter, trash, debris, equipment, weeds, trees, shrubs and other vegetation and refuse and provide a height clearance of at least eight feet from the sidewalk pavement measured vertically from the pavement surface, unless an exception has been granted by the urban forester for protected trees. All unpaved areas shall be landscaped with grass or other ground cover and such areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

\* \* \* \* \*

**Section 3-1503. - Nuisances.**

\* \* \* \* \*

- B. The existence of any of the following specific conditions or conduct is hereby declared to constitute a public nuisance:

\* \* \* \* \*

8. The lack of maintenance by a property owner of property abutting any dedicated right-of-way in the city in a condition such that weeds or trash are found in and on the right-of-way or such that the weeds, shrubs, vegetation, trash, or any other accumulation extend over the sidewalk, bicycle path, curblin or edge of pavement of an improved right-of-way or private accessway or roadway by more than four inches.

\* \* \* \* \*

15. Artificial Turf. Any artificial turf that that does not comply with Section 3-1203.

Section 4. Article 8, Definitions and Rules of Construction, Section 8-102, Definitions, of the Community Development code is hereby amended as follows:

**Section 8-102. – Definitions.**

\* \* \* \* \*

Artificial turf means an artificial product manufactured from synthetic materials that effectively simulates the appearance of live/natural healthy turf, grass, sod, or lawn.

\* \* \* \* \*

~~Impermeable lot coverage~~ means any permanent installation on or improvement to the natural earth surface which completely or partially prevents the absorption of precipitation and surface water in a natural manner. Such coverage shall be expressed as a percentage of the area of the lot.

~~Impervious~~ means surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, means any permanent installation on or improvement to the natural earth surface which completely or partially prevents the absorption of precipitation and surface water in a natural manner including surfaces such as compacted sand, limerock, shell or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

\* \* \* \* \*

Landscaped Areas is a part of a site used for growing live plants such as groundcover, vines, shrubs, and trees.

Landscape Material means living material used in the landscape including but not limited to trees, shrubs, vines, natural turf, and groundcover.

~~Landscaping~~ means grasses, ground covers, vines, shrubs, trees including those and inanimate durable material such as organic mulches.

\* \* \* \* \*

Mulch means a natural layer of plant residue, such as ~~straw~~ pine needles or shredded bark, covering the land surface, which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

\* \* \* \* \*

Natural turf means a piece of grass-covered soil held together by the roots of the live grass.

\* \* \* \* \*

*Open space* means an area of a lot receiving permeable vegetative landscape treatment. For the purpose of computing the minimum open space of any lot or front yard, retention and detention areas may be counted as open space and grassed surface parking spaces which are required by this development code are not counted as open space.

\* \* \* \* \*

Section 5. Appendix A, VIII Land Development, (1) Level One, Community Development Code, is hereby amended to add subsection (m), to read as follows:

(n) Artificial turf permit.....100.00.

Section 6. 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 7. 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 8. 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 9. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 10. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING \_\_\_\_\_

PASSED ON SECOND AND FINAL  
READING AND ADOPTED \_\_\_\_\_

\_\_\_\_\_  
Bruce Rector  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Matthew J. Mytych, Esq.  
Senior Assistant City Attorney

\_\_\_\_\_  
Rosemarie Call, MPA, MMC  
City Clerk