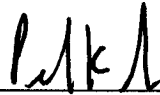


MOTION TO AMEND ORDINANCE NO. 7967-08 ON SECOND READING

On page 2, amend the ordinance as follows:

Delete Section 2 in its entirety and renumber the remaining sections.

~~Section 2. This ordinance shall become effective when the Department of Community Affairs (DCA) issues a final order determining the adopted amendment to be in compliance, or the Administration Commission issues a final order determining the adopted amendments to be in compliance, in accordance with Section 163.3184, 163.3187, or 163.3189, F.S., as amended.~~



Pamela K. Akin
City Attorney
July 17, 2008

ORDINANCE NO. 7967-08

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO BEACH BY DESIGN: A PRELIMINARY DESIGN FOR CLEARWATER BEACH AND DESIGN GUIDELINES; BY AMENDING SECTION VII. DESIGN GUIDELINES; SUBSECTION B. HEIGHT, ALLOWING FOR INCREASED HEIGHT FOR OVERNIGHT ACCOMMODATION USES BEING ALLOCATED ADDITIONAL DENSITY VIA THE HOTEL DENSITY RESERVE IN LIMITED LOCATIONS; AMENDING SECTION VII. DESIGN GUIDELINES; SUBSECTION C. DESIGN, SCALE AND MASS OF BUILDINGS, MODIFYING THE DESIGN GUIDELINE GOVERNING THE THEORETICAL MAXIMUM BUILDING ENVELOPE AS IT PERTAINS TO OVERNIGHT ACCOMMODATION USES BEING ALLOCATED ADDITIONAL DENSITY VIA THE HOTEL DENSITY RESERVE; AND MAKING MINOR EDITORIAL CHANGES; PROVIDING THAT SAID PROVISIONS SUPPLEMENT THE CLEARWATER COMMUNITY DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the economic vitality of Clearwater Beach is a major contributor to the economic health of the City overall and the City desires to support the tourism industry; and

WHEREAS, the City of Clearwater desires to restore those mid-priced overnight accommodation units that were lost to redevelopment on Clearwater Beach and foresees that increases in height may be necessary to accommodate those additional overnight accommodation units; and

WHEREAS, the City of Clearwater recognizes that existing regulations within *Beach by Design* are potentially restrictive as they pertain to the actual design and construction of a project that accommodates additional overnight accommodation units; and

WHEREAS, the proposed amendments to *Beach by Design* have been submitted to the Community Development Board acting as the Local Planning Authority (LPA) for the City of Clearwater; and

WHEREAS, the Local Planning Agency (LPA) for the City of Clearwater held a duly noticed public hearing and found that amendments to *Beach by Design* are consistent with the Clearwater Comprehensive Plan; and

WHEREAS, *Beach by Design* was originally adopted on February 15, 2001, and subsequently amended, now therefore,

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

Section 1. Amendments 1 – 2 to *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines* attached hereto as Exhibit "A" are hereby adopted.

Section 2. This ordinance shall become effective when the Department of Community Affairs (DCA) issues a final order determining the adopted amendment to be in compliance, or the Administration Commission issues a final order determining the adopted amendments to be in compliance, in accordance with Section 163.3184, 163.3187, or 163.3189, F.S., as amended.

Section 3. The City Manager or designee shall forward said plan to any agency required by law or rule to review or approve same; and

Section 4. It is the intention of the City Council that this ordinance and plan and every provision thereof, shall be considered severable; and the invalidity of any section or provision of this ordinance shall not affect the validity of any other provision of this ordinance and plan; and

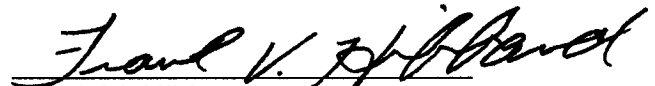
Section 5. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

June 19, 2008

PASSED ON SECOND AND FINAL
READING AND ADOPTED

July 17, 2008


Frank V. Hibbard
Mayor

Approved as to form:

Attest:


Leslie K. Dougal Sides
Assistant City Attorney

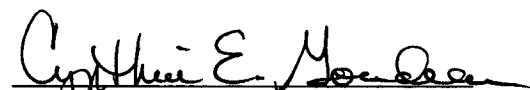

Cynthia E. Goudeau
City Clerk



EXHIBIT A
ATTACHMENT TO ORDINANCE 7967-08

AMENDMENT 1 – BEACH BY DESIGN: A PRELIMINARY DESIGN FOR CLEARWATER BEACH AND DESIGN GUIDELINES, SECTION VII. DESIGN GUIDELINES

Amend Subsection B. Height on page 65 as follows:

* * * * *

Maximum height is prescribed by the respective zoning districts in the Community Development Code unless otherwise restricted by Beach by Design. The height may be increased, however, to one hundred fifty feet (150') if:

1. additional density is allocated to the development either by transferred development rights, or via the Destination Resort Density Pool pursuant to the CRD designation, or via the Hotel Density Reserve where the subject property is located between South Gulfview Boulevard and the Gulf of Mexico or on the west side of Coronado Drive;
2. portions of any structures which exceed one hundred feet (100') are spaced at least one hundred feet (100') apart (with no more than two (2) structures which exceed one hundred feet (100') within five hundred feet (500'); or four (4) structures which exceed one hundred feet (100') within eight hundred feet (800') so long as the elevations of all structures which exceed one hundred feet (100') when such structures are viewed from the east do not occupy a total of forty percent (40%) of a north south vertical plane which is parallel to the alignment of Coronado and North Mandalay of the building envelope above one hundred feet (100'); and
3. the floorplate of any portion of a building that exceeds forty-five feet (45') in height is limited as follows:
 - a) between forty-five feet (45') and one hundred feet (100'), the floorplate will be no greater than 25,000 square feet except for parking structures open to the public;
 - b) between one hundred feet (100') and one hundred fifty feet (150'), the floorplate will be no greater than 10,000 square feet; and
 - c) deviations to the above floorplate requirements may be approved provided the mass and scale of the design creates a tiered effect and complies with the maximum building envelop allowance above 45' as described in section C. 1.4 below.

* * * * *

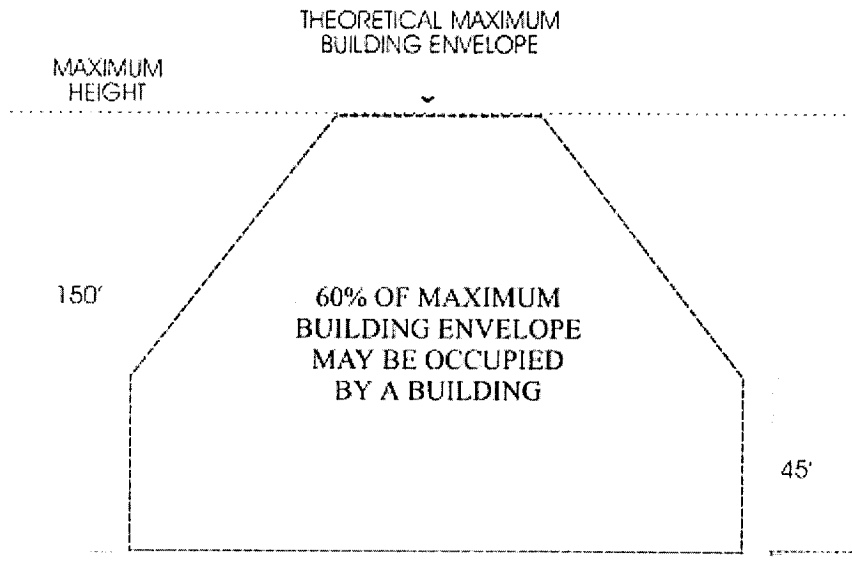
AMENDMENT 2 – BEACH BY DESIGN: A PRELIMINARY DESIGN FOR CLEARWATER BEACH AND DESIGN GUIDELINES, SECTION VII. DESIGN GUIDELINES

Amend Subsection C. Design, Scale and Mass of Buildings starting from page 68 as follows:

* * * * *

4. No more than sixty percent (60%) of the theoretical maximum building envelope located above forty-two-five feet (42'-45") will be occupied by a building. However, in those instances where an overnight accommodations use on less than 2.0 acres that has been allocated additional density via the Hotel Density Reserve, no more than seventy-five percent (75%) of the theoretical maximum building envelope located above forty-five feet (45') may be occupied by a building unless the property is located between Gulfview Boulevard and the Gulf of Mexico, then no more than 70% may be occupied by a building.

For the purpose of this standard, theoretical maximum building envelope is the maximum permitted building volume that could be theoretically occupied by a building and occupied by a building includes any portion of the maximum possible building envelope that is not visible from a public street.



Application of quantifiable architectural standard (4)

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