

**ORDINANCE NO. 8157-10**

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: BEACH BY DESIGN: DESIGN OBJECTIVES AND SUBSECTION D. SETBACKS, ESTABLISHING BUILDING STEPBACKS FOR OVERNIGHT ACCOMMODATION USES BEING ALLOCATED ADDITIONAL DENSITY VIA THE HOTEL DENSITY RESERVE ALONG CORONADO DRIVE; 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 established the hotel density reserve in *Beach by Design* to incentivize hotel development on Clearwater Beach; and

WHEREAS, site conditions on Coronado Drive call for special regulations for properties using the hotel density reserve in order to minimize building mass along the Coronado Drive frontage and make development compatible with human scale; 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. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section VII. Design Guidelines, *Beach by Design: Design Objectives*, is amended as follows:

The design guidelines are intended to address and promote the following principles and are intended to be administered in a flexible manner to achieve the highest quality built environment for Clearwater Beach. They are not intended to serve as regulations requiring specific relief except with regard to building height and spacing between buildings exceeding 100 feet in height and setbacks for buildings located along Coronado Drive.

Section 2. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section VII Design Guidelines, Subsection D. Setbacks, is amended as follows:

**D. Setbacks and Stepbacks**

1. Rights-of-way.

The area between the building and the edge of the pavement as existing and planned should be sufficiently wide to create a pedestrian-friendly environment. The distances from structures to the edge of the right-of-way should be:

- a. Fifteen feet (15') along arterials, and
- b. Twelve feet (12') along local streets.

A ten foot (10') pedestrian path is key to establishing a pedestrian-friendly place in the nonresidential environment. Accordingly, arcades may be constructed in the public space, but may not narrow the pedestrian path to less than ten feet (10'). Decorative awnings and arcades and public balconies may extend into the public space, and even into the right-of-way (provided they do not obstruct vehicular traffic). Outdoor café tables are also permitted in the public space, subject to the requirements in Section H, Sidewalks, ~~infra.~~

2. Side and Rear Setbacks.

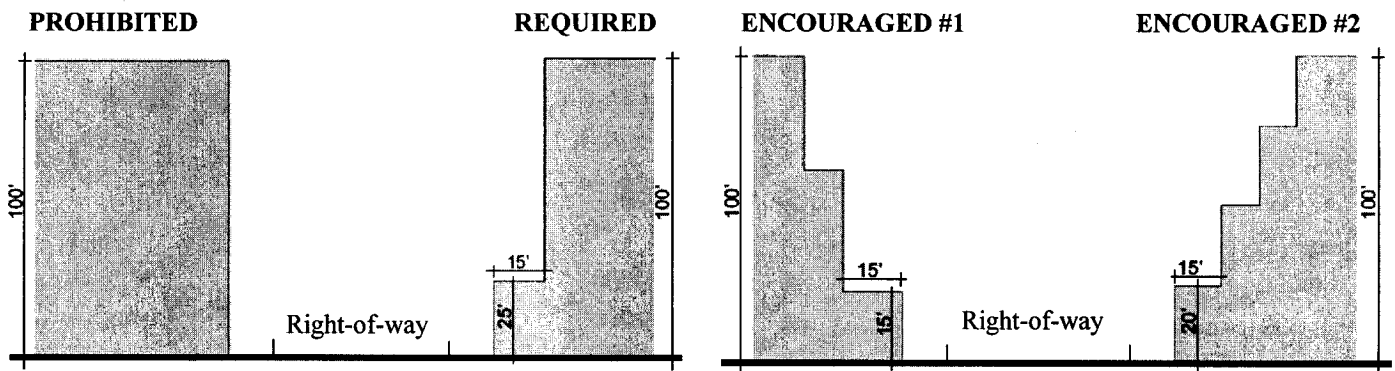
Except for the setbacks set forth above, no side or rear setback lines are recommended, except as may be required to comply with the City's Fire Code.

3. Coronado Drive Setbacks and Stepbacks.

To reduce upper story massing along the street and ensure a human scale street environment, buildings with frontage along Coronado Drive shall be constructed in accordance with the following:

- a. Buildings constructed with a front setback of fifteen feet (15') or more shall stepback with a minimum depth of fifteen feet (15') from the setback line at a height not more than twenty-five feet (25').
- b. Buildings constructed with a front setback greater than or equal to ten feet (10') and less than fifteen feet (15') shall stepback at a height not more than twenty feet (20'). The required stepback/ setback ratio is one and one-half feet (1.5') for every one foot (1') reduction in setback in addition to the minimum stepback of fifteen feet (15').

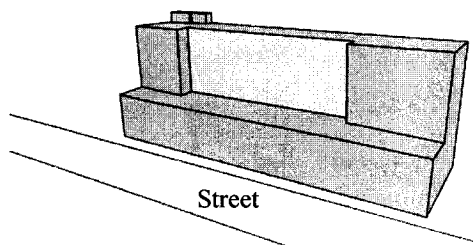
- c. Buildings constructed with a front setback of less than ten feet (10') shall provide a building stepback at a height not more than fifteen feet (15'). The required stepback/ setback ratio is two and one-half feet (2.5') for every one foot (1') reduction in setback in addition to the minimum setback of fifteen feet (15').
- d. To achieve upper story facade variety and articulation, additional stepbacks may be required. To avoid a monotonous streetscape, a building shall not replicate the stepback configuration of the adjacent- ~~abutting~~ buildings as well as those including these directly across any street rights-of-way.



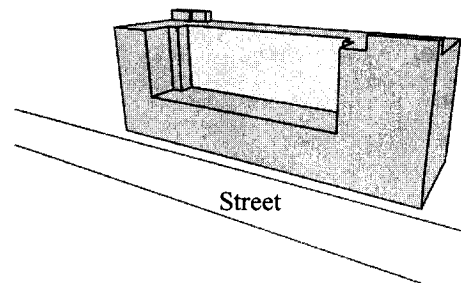
Application of stepback standard

Examples of façade design

- e. Required stepbacks shall span a minimum of 75% of the building frontage width.



The entire façade stepped back horizontally



75% of the façade stepped back horizontally

Section 3. 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 4. The City Manager or designee shall forward said plan to any agency required by law or rule to review or approve same; and

Section 5. 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 6. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING  
AS AMENDED

May 20, 2010

PASSED ON SECOND AND FINAL  
READING AND ADOPTED

June 3, 2010

*Frank V. Hibbard*

Frank V. Hibbard  
Mayor-Councilmember

Approved as to form:

Attest:

*Leslie K. Dougall-Sides*

Leslie K. Dougall-Sides  
Assistant City Attorney

*Cynthia E. Goudeau*, Deputy Clerk

Cynthia E. Goudeau  
City Clerk

