

**ORDINANCE NO. 9703-23**

AN ORDINANCE OF THE CITY OF CLEARWATER (THE "CITY"), FLORIDA, RELATING TO THE CLEARWATER COMPREHENSIVE PLAN (THE "PLAN"), REPEALING THE PLAN'S FUTURE LAND USE, TRANSPORTATION, HOUSING, UTILITIES, COASTAL MANAGEMENT, CONSERVATION, RECREATION/ OPEN SPACE, INTERGOVERNMENTAL COORDINATION, CAPITAL IMPROVEMENTS, PUBLIC SCHOOL FACILITIES, AND PROPERTY RIGHTS ELEMENTS; AND ADOPTING CLEARWATER 2045, THE CITY OF CLEARWATER'S NEW COMPREHENSIVE PLAN, INCLUDING THE QUALITY PLACES, MOBILITY, PARKS AND PUBLIC PLACES, CONSERVATION AND COASTAL MANAGEMENT, SUPPORT SERVICES, AND PLAN IMPLEMENTATION CHAPTERS WHICH INCLUDE ALL REQUIRED PLAN ELEMENTS AND MAPS PURSUANT TO CHAPTER 163, PART II, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act of Florida empowers and requires the City of Clearwater City Council (the "City Council") to plan for the future development and growth, and to adopt and periodically amend the Comprehensive Plan; and

WHEREAS, certain amendments are statutorily required, and others are advisable in order to harmonize the comprehensive plan with state law and good planning practice; and

WHEREAS, this amendment has been authorized to follow the expedited amendment process established under to Florida Statute § 163.3184(3) and repeals and replaces the Plan to capture updated conditions and data which will help appropriately plan for and guide future development and capital expenditures within the city; and

WHEREAS, the new Clearwater 2045 comprehensive plan is organized into chapters as follows: Quality Places, comprised of the Future Land Use and Housing Elements; Mobility, comprised of the Transportation Element; Parks & Public Places, comprised of the Recreation and Open Space Element; Conservation & Coastal Management, comprised of the Conservation and Coastal Management Elements; Support Services, comprised of the Public Utilities Element; and Plan Implementation, comprised of the Property Rights, Capital Improvement, and Intergovernmental Coordination Elements; and

WHEREAS, amendments to the Comprehensive Plan of the city have been prepared in accordance with the applicable requirements of law, after conducting the appropriate planning analysis, and public participation through public hearings, opportunity for written comments, open discussion, and the consideration of public and official comments; and

WHEREAS, public input was gained through virtual listening sessions with various groups in May 2021, virtual conversations between May 26 and June 15, 2021, in-person youth engagement in June 2021, in-person community conversations in July 2021, and website activities between May and September 2021; and

WHEREAS, the city also presented draft chapters to the public between April and June 2023 to reaffirm the updated vision statement and chapter goals; and

WHEREAS, the Community Development Board, serving as the designated Local Planning Agency for the city, has held a public hearing on the proposed amendments and has recommended adoption of the proposed Comprehensive Plan amendments; and

WHEREAS, the proposed amendments have been transmitted to the Florida Department of Commerce for review and comments, and the objections, recommendations and comments received from the Florida Department of Commerce have been considered by the City Council, together with all comments from local regional agencies and other persons, in preparing the final draft of the amendments; 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. Clearwater 2045 the city's Comprehensive Plan is attached hereto as Exhibit "A".

Section 2. The City Manager or designee shall forward the proposed Clearwater 2045 Comprehensive Plan as detailed in exhibit "A" to any agency required by law or rule to review and approve same.

Section 3. 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 4. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Florida Department of Commerce notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Florida Department of Commerce, or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Florida Department of Commerce.

PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL  
READING AND ADOPTED

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Brian J. Aungst Sr.  
Mayor

Approved as to form:

Attest:

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Matthew J. Mytych, Esq.  
Senior Assistant City Attorney

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Rosemarie Call, MPA, MMC  
City Clerk