



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: November 21, 2023

AGENDA ITEM: F.1

CASE: TA2023-10003

ORDINANCE NO.: 9726-23

REQUEST: To amend the Community Development Code to revise Section 6-109 Termination as a Status of Nonconformity to add criteria for nonconforming structures due to setbacks and Appendix C. Downtown District and Development Standards to revise the Tier 1 Public Amenities Incentive Pool Criteria and add governmental uses to Flexibility Provisions.

INITIATED BY: City of Clearwater, Planning and Development Department

BACKGROUND:

The proposed amendments were identified by staff as opportunities to provide additional flexibility in and clarification of existing provisions.

ANALYSIS:

Proposed Ordinance No. 9726-23 adds criteria for nonconforming structures requesting terminations of status as a nonconformity due to setbacks and modifies Appendix C. Downtown District and Development Standards to revise the Tier 1 Public Amenities Incentive Pool Criteria and add governmental uses to the General Flexibility Provisions. These amendments were initiated by staff to provide clarification of provisions as well as add flexibility. The following is a discussion of the proposed amendments.

Section 6-109. - Termination of Status as a Nonconformity

This section is being amended to expand the termination provisions to apply to nonconforming setbacks. Specifically, the amendment allows the reconstruction of terminated nonconforming setbacks provided certain criteria are met. As part of this amendment the existing subsections are

being rearranged creating new Subsections C, D, and E; however, there are no changes to the language within these subsections other than updated section references.

Table 1. Tier 1 Public Amenities Incentive Pool Criteria

This section is being amended to clarify bonus density incentives that were established earlier this year. There are currently two density bonus provisions available for residential development. It was not the intent for these bonuses to be stacked and used on the same project; therefore, this has been modified to make this clear.

There is also a density bonus available for providing streetscaping that is being updated to identify specific streets that would be eligible for this bonus. There are several streets in Downtown that are owned by the Florida Department of Transportation (FDOT) where substantive changes for streetscaping may not be approved; therefore, these streets have been omitted from eligibility for this bonus. In addition, there are several smaller streets where there is not sufficient room within the right-of-way to add streetscaping and these roads have also been omitted from eligibility. A reference to Complete Street is being to offer suggestions for what improvements or enhancements can be made to qualify for this bonus.

Section C-803. - Flexibility Provisions

This section is being amended to add governmental use to the list of uses eligible to utilize the flexibility provisions available within Downtown. Government buildings may have unique characteristics or needs that do not lend themselves to typical office buildings thereby creating a need for flexibility to accomplish the desired outcome.

CRITERIA FOR TEXT AMENDMENTS:

CDC Section 4-601 sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. The proposed amendment is consistent with and furthers the goals, policies, and objectives of the Comprehensive Plan.

A review of the Clearwater Comprehensive Plan identified the following goals, objectives, and policies which will be furthered by the proposed Code amendments:

Goal A.6 The City of Clearwater shall utilize innovative and flexible planning and engineering practices, and urban design standards in order to protect historic resources, ensure neighborhood preservation, redevelop blighted areas, and encourage infill development.

Policy A.6.1.8 The City shall continue to support and implement approved community redevelopment area plans, such as the Clearwater Downtown Redevelopment Plan adopted in 2004.

Policy A.6.8.8. Design and construct pedestrian-oriented streets to include continuous tree-lined sidewalks buffered from traffic by on-street parking and/or landscaping and that include pedestrian amenities such as benches, trash receptacles, bus shelters and lighting.

Objective C.1.1 Assure an adequate supply of housing in Clearwater by providing for additional new dwelling units in a variety of types, costs, and locations to meet the needs of the residents of the City of Clearwater.

Proposed Ordinance No. 9726-23 is consistent with the Clearwater Comprehensive Plan as evidenced by the goal, objective, and policies identified above. Amending the Termination of Status as a Nonconformity to provide an innovative opportunity to property owners to terminate a nonconformity due to setbacks gives them more flexibility when the structure is rebuilt. Flexibility is also created for governmental uses to develop within Downtown. Amending the Public Amenities Incentive Pool Criteria to provide clarification regarding opportunities for bonus densities for residential development and streetscaping on identified streets establishes clear direction for use of these bonus densities and identifies streets that could benefit from streetscaping improvements. Additionally, these amendments work toward implementation of the Clearwater Downtown Redevelopment Plan which established the Public Amenities Incentive Pool and contains guiding principles of pedestrian and urban design.

2. The proposed amendments further the purposes of the Community Development Code and other City ordinances and actions designed to implement the Plan.

The proposed text amendments will further the purposes of the CDC in that it will be consistent with the following purposes set forth in CDC Section 1-103:

- It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city (*Section 1-103.A., CDC*).
- It is the purpose of the Community Development Code to create value for the citizens of the City of Clearwater by allowing property owners to enhance the value of their property through innovative and creative redevelopment (*Section 1-103.B.1., CDC*).
- It is the further purpose of this Development Code to enumerate density, area, width, height, setback, coverage and like requirements for each district, and make appropriate distinctions between categories of use within districts, based on the general purposes of this article, the Comprehensive Plan, and existing and desired community characteristics. (*Section 1-103.E.11, CDC*)

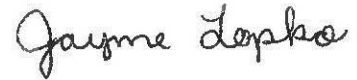
The amendments proposed by this Ordinance will further the above referenced purposes of the Community Development Code. Providing additional flexibility to support the inclusion of governmental uses in Downtown and allowing property owners to rebuild their structure as it currently exists by terminating the nonconformity due to setbacks leads to opportunities for enhanced property value and quality of life. Providing additional clarification on the bonus densities offered through the Public Amenities Incentive Pool will ensure there is clear direction and consistent use of the density bonuses offered for residential development and streetscaping in Downtown. As such, proposed Ordinance No. 9726-23 furthers the purposes in the CDC.

SUMMARY AND RECOMMENDATION:

The proposed amendment to the Community Development Code is consistent with and will further the goals of the Clearwater Comprehensive Plan and the purposes of the Community Development Code.

Based upon the above, the Planning and Development Department recommends **APPROVAL** of Ordinance No. 726-23 that amends the Community Development Code.

Prepared by Planning and Development Department Staff:



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ATTACHMENTS: Ordinance No. 9726-23
Resume