

ORDINANCE NO. 9805-25

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, DIVISION 14. PARKING AND LOADING, AND DIVISION 15. PROPERTY MAINTENANCE STANDARDS; BY AMENDING ARTICLE 8. DEFINITIONS AND RULES OF CONSTRUCTION, SECTION 8-102. DEFINITIONS; BY AMENDING APPENDIX A, SCHEDULE OF FEES, RATES, AND CHARGES, SECTION V. BUILDING AND BUILDING REGULATIONS; BY AMENDING APPENDIX B, US 19 ZONING DISTRICT AND DEVELOPMENT STANDARDS, DIVISION 5. SITE DESIGN STANDARDS; 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 (the "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, the City finds that, due to concerns about water consumption by natural turf, and due to the availability of improved artificial turf products which simulate the appearance of natural turf while providing for water permeability, the use of artificial turf has become more common throughout the State of Florida and property owners now wish to install artificial turf; and

WHEREAS, the City recognizes that while artificial turf is not an equal substitute for natural turf and groundcover, it may provide benefits in certain applications; and

WHEREAS, the City desires to amend the Community Development Code to allow the use of artificial turf in certain applications, under limited conditions, and provide minimum standards for location, design standards, permitting, installation, inspection, and maintenance; and

WHEREAS, the installation of artificial turf on any property not designated for parks or athletic fields is currently prohibited by the Community Development Code; and

WHEREAS, any property that is not designated as a park or athletic field and has already installed artificial turf has done so in violation of the Code; and

WHEREAS, artificial turf has been installed on various properties throughout the city inconsistent with the Code's requirement of live landscaping; and

WHEREAS it is difficult to document the extent of such installations as many may be in rear yards; and

WHEREAS the City desires to provide very clear regulations for artificial turf; and

WHEREAS, properties are obligated to comply with Impervious Surface Ratio (ISR) requirements established in Clearwater 2045, the city's Comprehensive Plan; and

WHEREAS, trees are a valuable asset and increase the economic and aesthetic value of residential and commercial properties; and

WHEREAS, proper tree protection is necessary to ensure the longevity and overall health of trees; and

WHEREAS, there is a desire to accommodate the use of artificial turf, it should also be balanced with live plant materials to maintain community standards and address environmental concerns; and

WHEREAS, the City desires to create a residential landscaped area requirement to ensure living plant materials are incorporated into landscaped areas on residential properties; and

WHEREAS, the City must ensure the stormwater system is not compromised with the intrusion of shell, rocks, stones, and mulch; and

WHEREAS, the City desires to amend the Community Development Code to provide clarification regarding the use of organic mulch and nonliving landscape materials such as shell and landscape rock or stone; 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 this amendment is consistent/not consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt/not 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 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.

A. *Applicability.*

1. *In general.* All new landscaped areas shall be constructed in accordance with the standards in this division.
2. *New uses.* Any landscaped area serving a new use or a change of use shall satisfy the standards of this division.
3. *Existing developed lots.* Existing lots not meeting the requirements contained in this division shall be brought into full compliance under one or more of the following conditions:

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",	

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

- a. If an existing use is improved or remodeled in a value of 25 percent or more of the valuation of the principal structure as reflected on the property appraiser's current records.
 - b. If an amendment, other than a minor amendment, is required to an existing approved site plan.
 - c. If a parking lot requires additional landscaping pursuant to the provisions of Article 3 Division 14.
 - d. If a single-family or two-family lot not meeting the requirements contained in Section 3-1206.D.2 proposes an addition to the primary structure or new accessory structure exceeding 200 square feet, that lot shall be brought into full compliance with the tree requirements as established in that section.
4. Residential Landscaped Area Requirement. Any residential property that meets one of the below scenarios shall set aside a minimum of 25% of the gross land area of the front yard for landscaped areas, which shall contain living plant materials.
1. New construction of detached or attached dwellings on property within a residential zoning district.
 2. Improvements within the front yard a property within a residential zoning district that is developed with detached or attached dwellings.
 3. Any property proposing a new installation or repair/replacement of artificial turf in the front yard.

B. *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:*

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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.~~

3. Organic mulch may be used as an integral, but minor, element of a landscaping plan as determined by the Community Development Coordinator.

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C. *Irrigation.*

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9. ~~Natural Turf 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 Community Development Coordinator.

D. *Perimeter buffers.* Except in the ~~d~~Downtown or ~~t~~Tourist ~~d~~Districts, 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
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			

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

E. *Interior landscaping.*

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.*

1. 10 percent of gross vehicular use area or 12 percent of gross vehicular area if parking spaces are greater than or equal to 110 percent of required parking shall be provided in an island.

2. Interior islands shall be incorporated into parking lot designs so that no more than 20 parking spaces are provided in a row.
3. Interior islands incorporating bioswales shall not be required to provide curbing; however:
 7. If curbing is provided, then breaks shall be incorporated that would allow water to enter the bioswales within the interior islands.
 8. If curbing is not provided, then a two-foot wide ~~gravel~~ rock buffer shall be constructed between the edge of the pavement and the bioswale.
4. *Depth of interior islands.* All interior landscape islands shall have a minimum depth that is consistent with the depth of the adjacent off-street parking space.
5. *Width of interior islands.* All interior landscape islands shall have a minimum width of 17 feet as measured from back of curb to back of curb.
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 interior landscaped islands is prohibited.
7. Plantings associated with community gardens cannot be counted toward meeting the interior island requirements.

b. Central landscape island.

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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.
 - iv. The use of artificial turf in central landscaped islands is prohibited.

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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. 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 3-1203. – Artificial Turf.

A. General standards.

1. The use of artificial turf is permitted on all properties upon approval of a building permit and must meet and maintain compliance with the provisions of this Section.
2. For properties in residential zoning districts, artificial turf shall not be counted towards the minimum required landscaped areas.
3. The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.
4. Artificial turf may be used in lieu of plant materials required in Section 3-1202.B for Parks and Recreation Facilities and athletic fields.

B. Location standards.

1. Artificial turf may be installed on approved concrete patios, porches, and rooftop patios or decks without a permit.
2. Artificial turf may not be installed in a right-of-way unless otherwise approved by the City Engineer. If such artificial turf is approved to be installed, a city right-of-way permit must be obtained prior to commencing work.
3. Artificial turf may not be installed in permanent drainage features such as drainage swales or ponds unless otherwise approved by the City Engineer.
4. 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.
5. Artificial turf shall not be installed as required trees/plants in interior or central landscape islands consistent with Section 3-1202.E.
6. Artificial turf is prohibited in any area that is used for the parking or driving of motor vehicles.

C. Minimum design standards.

1. Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color except where artificial turf is used in Parks and Recreation Facilities and athletic fields.
2. Artificial turf shall have a pile height of:
 - a. A minimum on 1.5 inches for residential installations.
 - b. A minimum of 0.5 inches for nonresidential installations.
3. Artificial turf shall have a minimum face weight of 60 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 flame retardant and free of lead and PFAS.

D. Permitting.

1. Installation requires a building permit and such supporting documentation as required the Community Development Coordinator.
2. A building permit will not be required for installation of 100 square feet or less of artificial turf installed in the side or rear yard of private property if the requirements of this Section are met. One installation of 100 square feet or less is allowed on a property and will be counted toward the property's total impervious surface ratio (ISR).

E. Installation.

1. All artificial turf shall, at a minimum, be installed according to the manufacturer's specifications.
2. Artificial turf installations shall meet tree preservation and protection requirements pursuant to Section 3-1206.
3. Installation around existing trees may be restricted to ensure tree roots are not damaged with the installation of the base material or artificial turf and that the overall health of the tree will not be compromised.
4. Drainage shall be designed so that stormwater is discharged in a manner that does not adversely affect adjacent lots, rights-of-way (ROW), and/or other downstream or upstream properties and shall follow historic flow paths in the watershed.
5. An appropriate barrier device (e.g. concrete mow strip, bender board, brick pavers), installed consistent with manufacturer's specifications, is required to separate artificial turf from live plant materials.
6. All seams shall be nailed or 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 consistent with the manufacturer's specifications.
7. If installed immediately adjacent to a seawall, 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.

8. After installation, artificial turf shall be visually smooth with the grain pointing in a single direction.
9. If infill is recommended by the manufacturer, it shall consist of clean silica sand or sand-based product with no plastic pellets or crumb rubber with the exception of Parks & Recreation Facilities and athletic fields which may use crumb rubber.
8. Artificial turf installed by residential property owners shall be treated as impervious and count towards the property's impervious surface ratio (ISR).
9. Artificial turf installed by a licensed general contractor or artificial turf installer will be treated as pervious if the following installation standards are met:
 - a. Artificial turf backing must be dual flow or hole punched to allow for drainage.
 - b. A leveling layer shall be provided consisting of one inch of decomposed limestone or granite.
 - c. A subbase layer shall be provided consisting of four inches or more of clean stone, which consists of washed granite or limestone that meets FDOT #4, #57, or #89 stone specifications.
 - d. To ensure adequate retention volume in the subbase layer, a minimum size of $\frac{3}{4}$ to 1 inch stone is required.
 - e. The underlying soils must remain uncompacted.

F. Inspection.

The Community Development Coordinator shall inspect the property to verify that the artificial turf was installed in accordance with all provisions of the Development Code.

G. 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 maintained in a manner so that stormwater drainage does not adversely affect adjacent lots, ROWs, and/or other downstream or upstream properties and allows historical flow paths in the watershed to continue and function.
3. Maintenance includes regular rinsing with water to wash away pollen and seeds as well as brushing the turf to keep the blades upright and protect against damage.
4. 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 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.

- c. Repair or replacement of artificial turf requires a building permit as described in this Section.
- d. Repair or replacement of artificial turf that is not in compliance with the regulations of this Section must bring the property into conformance to the greatest extent practicable as determined by Community Development Coordinator.

H. Existing Artificial Turf.

- 1. Artificial turf installed before January 16, 2025 (the "Enactment Date") is permitted to remain on a property if the below conditions are met:
 - a. Evidence is provided to the Community Development Coordinator demonstrating the artificial turf was installed before the Enactment Date. Such evidence may be provided in the form of a dated invoice identifying the purchase of the artificial turf before the Enactment Date or other compelling evidence deemed acceptable by the Community Development Coordinator.
 - b. If artificial turf was installed in a right-of-way before the Enactment Date, an after the fact right-of-way permit must be applied for. The City Engineer will determine if the artificial turf may remain and issue the right-of-way permit or deny the permit and require the artificial turf to be removed from the right-of-way.
 - c. All existing artificial turf must comply with maintenance standards in Section 3-1203.G.
- 2. Artificial turf permitted to remain on a property will count toward the calculation of stormwater fees and the property's ISR for purposes of future development and permitting and could impact future improvements to the property.
- 3. Notwithstanding this section, properties meeting one of the conditions provided under Section 3-1202.A.3 shall be brought into conformance with this Code.

Section 3-1204. – Other Nonliving Landscape Material.

The use of nonliving landscape material such as shell, landscape rock, landscape stone, or inorganic mulch is limited to the uses described in this section. This Section shall not apply to artificial turf which must comply with Section 3-1203.

- A. Nonliving landscape material shall be permitted as an integral, but minor element of a landscaping plan.
- B. Nonliving landscape material shall be permitted for installation of walkways in rear or side yards on residential properties and areas maintained by the City of Clearwater.
- C. The use of nonliving landscape material in the right-of-way shall be prohibited except for areas maintained by the City of Clearwater.
- D. 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.
- E. Nonliving landscape materials shall not be installed within 24 inches of the trunk of any palm tree.
- F. Nonliving landscape material is not considered a permanent all-weather paving material as required for parking and driving surfaces pursuant to Section 3-1403.A.

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.~~ Landscape rock with a minimum size or ¾ inch to 1 inch in diameter shall be used to redirect stormwater from gutter systems to prevent erosion.
 - 3. Plastic sheets shall not be installed under mulches.
 - 4. Artificial turf shall be installed according to the standards in Section 3-1203.

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Section 3-12065. - Tree protection.

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- 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).

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5. *Conditions and specifications.*

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- e. *Credit for required landscaping.* Any landscaping required to be installed by Section 3-1202 or 3-1205~~3~~ may be used as credit against tree replacement requirements.

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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
11. Fort Harrison Avenue
12. Gulf Boulevard
13. Gulf to Bay Boulevard
14. Gulfview Boulevard
15. Hamden Drive
16. Mandalay Avenue
17. Marine Street
18. McMullen-Booth Road
19. Memorial Causeway
20. Missouri Avenue
21. Pierce Boulevard
22. Poinsettia Avenue
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 2. Article 3, Development Standards, Division 14. Parking and Loading, of the Community Development code is hereby amended as follows:

Section 3-1403. - Parking lot surfaces

- A. *Permanent surface.* Except as otherwise permitted in subsection (B) of this section, all unenclosed parking lots, spaces, vehicular accessways and driveways shall be improved with a permanent all-weather paving material which is graded to drain stormwater.
- B. *Grass surface.*
 1. No parking, displaying, or storing of motor vehicles shall be permitted on any grass or other unpaved area unless specifically authorized in this section.
 2. Eighty-five percent of parking required for places of worship, outdoor recreational facilities and other uses as determined by the community development coordinator may have a durable grass or other permeable surface.
 3. Community gardens may provide parking spaces on the grass, provided that the grass parking areas are clearly identified, dedicated and maintained in a clean and un-deteriorated manner.
 4. All surface parking spaces provided in excess of the minimum required pursuant to Article 2 may be surfaced with reinforced grass or other permeable surface as approved by the

City Engineer. However, all vehicular accessways and driveways for these excess parking spaces shall be improved in a manner consistent with Section 3-1403.A.

5. The city manager or the community development coordinator may permit parking on the grass or other permeable surface for public purpose needs, including reducing stormwater impacts.
6. Any grass parking areas must be a minimum of ten feet from any tree.
7. The use of artificial turf for a parking surface shall be prohibited.

Section 3-1407. - Parking restrictions in residential areas.

A. *Restrictions.* For the dual purpose of preserving attractive residential areas within the city and promoting safe unimpeded traffic circulation throughout such neighborhoods, the following parking restrictions shall apply except as provided in paragraph B of this section:

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5. *Exception to prohibition of parking on unpaved areas on single-family and duplex residential property.* One designated parking space may be located on the grass in a required front setback adjacent to and parallel to the driveway located on the property. Access to such designated parking space shall be by way of the property's driveway. If the designated parking space cannot be maintained as a grass area and is either reported by neighboring residents as a detrimental property or is identified by any code inspector as in violation of this provision, such designated parking area shall be filled in, by the property owner, with pavers, concrete, turf block or asphalt. Materials not permitted include artificial turf, crushed shell, mulch, millings, or similar material.

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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.

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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.

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

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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 unless alternative materials are approved by the city and such areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

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Section 3-1503. - Nuisances.

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

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15. The lack of maintenance by a property owner of property abutting any dedicated right-of-way in the city that results in nonliving landscaped materials from private property within the right-of-way or washing into the city's stormwater system.

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

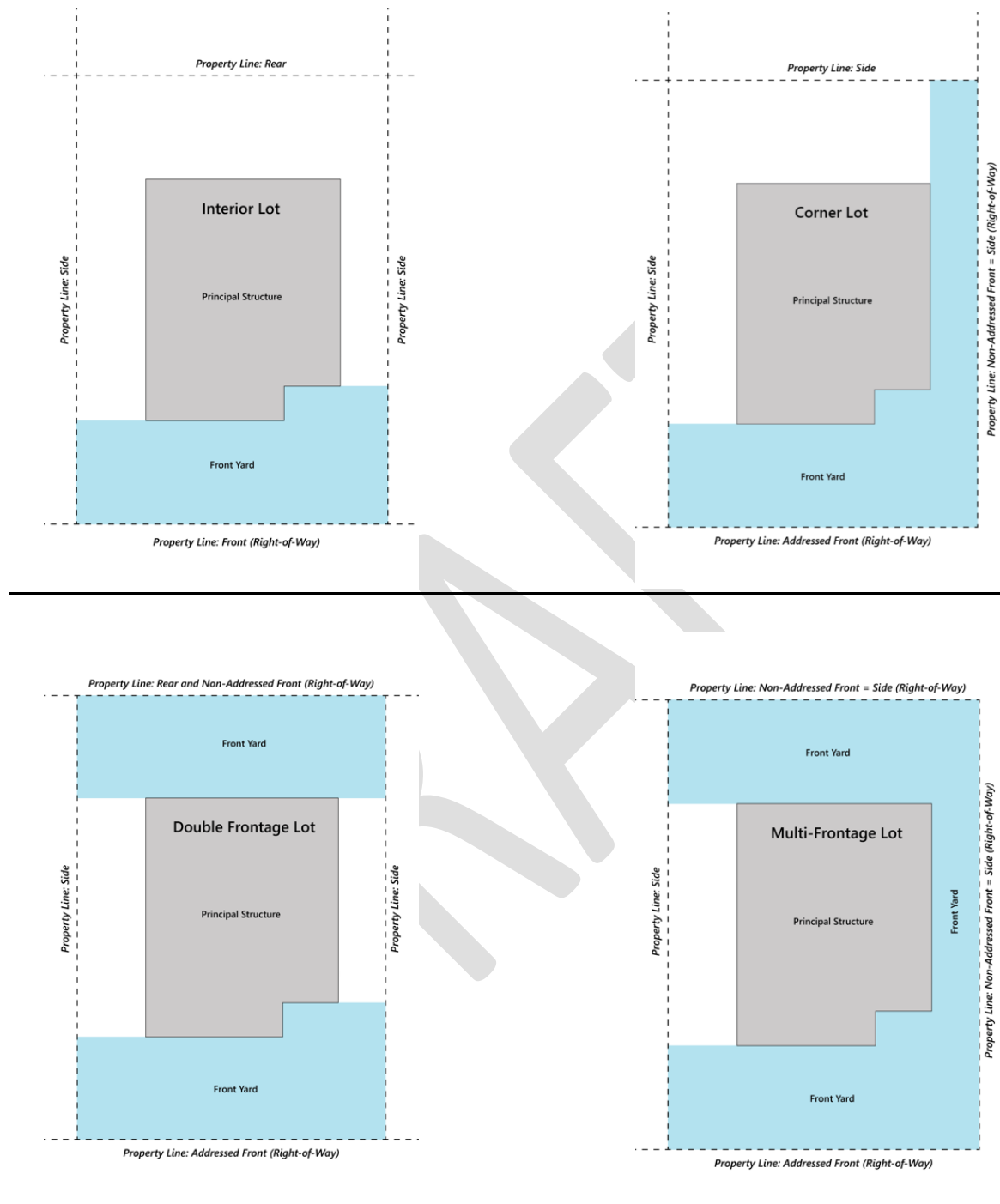
Section 8-102. – Definitions.

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Face weight means a measurement of the weight of the turf fibers and stitching per square yard of artificial.

* * * * *

Front yard means the area between the principal structure the front property line.



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

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

Landscape rock means rocks that are primarily used to enhance the appearance of gardens and front and backyard landscaped areas.

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

* * * * *

Mulch, inorganic means a type of mulch that does not decompose or return nutrients to the soil and includes materials like gravel, plastic sheeting or landscape fabric, and rubber mulch.

Mulch, organic 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.

* * * * *

Nonliving landscape material means nonliving elements of your landscape including shell, landscape rock, landscape stone, or inorganic mulch.

* * * * *

Pile height means the length of the blades of artificial turf measured from the base to the tip of the blade.

* * * * *

Shell means commons shells used for hardscaping such as oyster, clam, and scallop.

* * * * *

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

Turf, natural means grass-covered soil held together by the roots of the live grass.

* * * * *

Section 5. Appendix A, Schedule of Fees, Rates, and Charges, Section V. Buildings and Building Regulations, of the Community Development Code, is hereby amended as follows:

Permit fees and charges:

(1) *Permits and fees and charges, in general; exceptions:*

* * * * *

(g) Tree removal and artificial turf permits are included in this fee schedule; however, are not governed nor subject to the requirements of the Florida Building Code.

(2) *Fee schedule.* In the case of reviews, inspections and similar activities associated with building and related codes requiring a permit, the following schedule of fees shall apply:

* * * * *

(k) Artificial turf permits: 200.00

* * * * *

Section 6. Appendix B, US 19 Zoning District and Development Standards, Division 5. Site Design Standards, of the Community Development Code is hereby amended as follows:

Section B-504. - Parking and service areas.

A. Surface Parking and Service Area

1. Surface parking and service areas shall be designed to meet parking design, landscape, and screening requirements in Article 3, Divisions 12 and 14.
2. Interior islands of parking lots in new projects shall be designed to utilize Low Impact Development techniques such as bioretention swales and native species. Where parking curbs and gutters are provided, they shall have breaks to allow water to enter the bioretention facilities within the parking landscape islands.
3. Surface parking spaces provided between 85 percent and 125 percent of the minimum required in Table 2. Use & Off-Street Parking may utilize reinforced grass or other permeable surface (excluding artificial turf). All surface parking spaces provided in excess of 125 percent of the minimum required in Table 2. Use & Off-Street Parking shall utilize reinforced grass or other permeable surface. All driveways and/or access aisles shall be improved with a permanent all-weather paving material which is graded to drain stormwater, consistent with Section 3-1403.A.
4. Where required parking is located adjacent to excess surface parking spaces, the Community Development Coordinator may permit the continuation of reinforced grass or permeable surface (excluding artificial turf) parking for the adjacent parking spaces within the same row.

* * * * *

Section 7. 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 8. 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 9. 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 10. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 11. 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

DRAFT