

ORDINANCE NO. 8497-14

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 II. FUTURE LAND USE, SUBSECTION F. SMALL MOTEL DISTRICT, BY ESTABLISHING MINIMUM SIDE SETBACKS FOR PROPERTY LOCATED IN THE DISTRICT; BY AMENDING SECTION V. CATALYTIC PROJECTS, SUBSECTION B.2 HOTEL DENSITY RESERVE, TO EXPAND THE CRITERIA HOTELS MUST MEET IN ORDER TO BE ELIGIBLE FOR AN ALLOCATION OF HOTEL ROOMS FROM THE RESERVE; BY AMENDING SECTION VII. DESIGN GUIDELINES, SUBSECTION D. SETBACKS AND STEPBACKS, CLARIFYING THAT SIDE AND REAR SETBACKS ARE GOVERNED BY THE COMMUNITY DEVELOPMENT CODE OR APPLICABLE CHARACTER DISTRICT PROVISIONS AND EXPANDING THE PROVISION FOR CERTAIN SETBACK AND STEPBACK REQUIREMENTS FOR HOTELS USING THE HOTEL DENSITY RESERVE ALONG CORONADO DRIVE TO ALSO APPLY TO HAMDEN DRIVE; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, 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, to achieve the goals envisioned by the Hotel Density Reserve, hotels receiving units from the Reserve shall have certain operational characteristics;

WHEREAS, it is desirable to minimize building mass along Hamden Drive and create an environment with a human scale;

WHEREAS, minimum required side setback requirements have been deemed to appropriate in the Small Motel District to ensure that open space is provided between properties; 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 the Clearwater Community Development Code; 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 II. Future Land Use, Subsection F. Small Motel District is amended as follows:

F. Small Motel District

The area to the east of the Beach District is an area of small motels, many of which have established clientele. The Small Motel District reflects a common paradox of beachfront communities -- improvements which were constructed in a different time before jet travel and air conditioning -- with limited on-site amenities and off-street parking. In many parts of the country, these kinds of units have evolved into residential uses. However, the relative intensity of adjacent land uses and the volumes of north south traffic have maintained the current condition between Hamden and Coronado.

Beach by Design contemplates that the existing improvements in the Small Motel District will be sustained over time. Although the existing improvements may not represent the theoretical "highest and best" use of this area, the relatively good condition of most buildings and the economic value of the existing improvements make it difficult, if not impossible, to anticipate significant land assembly, demolition and new development.

Brightwater Drive is also developed with small motel uses with building conditions and transient populations similar to those found along Hamden and Coronado. Brightwater's location on the Intracoastal Waterway, in between two other stable residential "fingers", makes it riper for redevelopment. Beach by Design calls for the redevelopment of Brightwater with land uses and building mass which are compatible with the residential cul-de-sacs to the north and south. Mid-rise townhouses and timeshares between 2 - 4 stories above parking are contemplated. Additionally, consideration should be given to the development of a shared parking facility along the street to provide some of the required parking that will be associated with redevelopment.

Due to the compact nature of this district, its location in the heart of the tourist area and the potential for intensive redevelopment, minimum side setbacks of 10 feet for all development are hereby established to ensure that adequate open space is provided between properties.

Section 2. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section V. Catalytic Projects, B. Community Redevelopment District, Subsection 2. Hotel Density Reserve, is amended as follows:

2. Hotel Density Reserve (200713 Update)

The allocation of hotel rooms from the Reserve shall be made through the approval of a development agreement with the City of Clearwater with said allocation being strictly controlled. In order to be eligible to draw units from the Hotel Density Reserve, a development would have to incorporate, meet, and/or abide by each of the following:

- ❖ Those properties and/or developments that have acquired density from the Destination Resort Density Pool are not eligible to have rooms allocated from the Reserve;
- ❖ Those properties and/or developments that have had density transferred off to another property and/or development(s) through an approved Transfer of Development Rights (TDR) application by the City after December 31, 2007, are not eligible to have rooms allocated from the Reserve;
- ❖ The Hotel Density Reserve shall not be used to render nonconforming density conforming;
- ❖ A maximum of 100 hotel rooms may be allocated from the Reserve to any development with a lot size less than 2.5 acres. Those developments with a lot size greater than or equal to 2.5 acres may use the Reserve to achieve a density of 90 hotel rooms per acre. However, in no instance shall the density of a parcel of land exceed 150 units per acre regardless of whether it has received benefit of transfers of development rights or units through a termination of status of nonconformity in addition to the Reserve, or not;
- ❖ Accessory uses inconsistent with amenities typical of a mid-priced hotel shall require compliance with the base FAR requirements of the Resort Facilities High (RFH) Future Land Use category;
- ❖ No hotel room allocated from the Reserve may be converted to a residential use (i.e. attached dwelling);
- ❖ All units in a hotel receiving units from the Reserve shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system. Occupancy in any hotel receiving units from the Reserve is limited to a term of less than one (1) month or thirty-one (31) consecutive days, whichever is less and units in such a hotel shall not be used as a primary or permanent residence.
- ❖ No hotel room in a hotel allocated units from the Reserve may have a full kitchen. Mini kitchens, defined as including reduced sized kitchen appliances, may be permitted;
- ❖ The maximum building heights of the various character districts cannot be increased to accommodate hotel rooms allocated from the Reserve;
- ❖ When both the allocation of hotel rooms from the Reserve and the transfer of development rights (TDR) are utilized as part of a development, only hotel rooms brought in to the project through the TDR process are eligible to be constructed above the otherwise maximum building height, but only provided that all TDR criteria are met;
- ❖ A legally enforceable mandatory evacuation/closure covenant that the overnight accommodation use will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center;
- ❖ Access to overnight accommodation units must be provided through a lobby and internal corridors;
- ❖ All hotel rooms obtained from the Reserve that are not constructed shall be returned to the Reserve;

- ❖ The development shall comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of concurrency management for transportation facilities, and the transportation analysis conducted for the development shall include the following:
 - Recognition of standard data sources as established by the MPO;
 - Identification of level of service (LOS) standards for state and county roads as established by the MPO;
 - Utilization of proportional fair-share requirements consistent with Florida Statutes and the MPO model ordinance;
 - Utilization of the MPO Traffic Impact Study Methodology; and
 - Recognition of the MPO designation of "Constrained Facilities" as set forth in the most current MPO Annual Level of Service Report;
- ❖ A reservation system shall be required as an integral part of the hotel use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for a hotel would be operated; and
- ❖ The books and records pertaining to use of each hotel room shall be open for inspection by authorized representatives of the City, upon reasonable notice, in order to confirm compliance with these regulations as allowed by general law.

Section 3. Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines, Section VII. Design Guidelines, Subsection D. Setbacks and Stepbacks, are amended as follows:

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. Side and rear setbacks shall be governed by the provisions of the Tourist District of the Community Development Code unless otherwise prescribed in the applicable Character District provisions contained in Section II., Future Land Use.~~

3. Coronado and Hamden Drives Setbacks and Stepbacks.

To reduce upper story massing along the street and ensure a human scale street environment, buildings using the hotel density reserve along Coronado and Hamden Drives 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').

Insert new graphic:

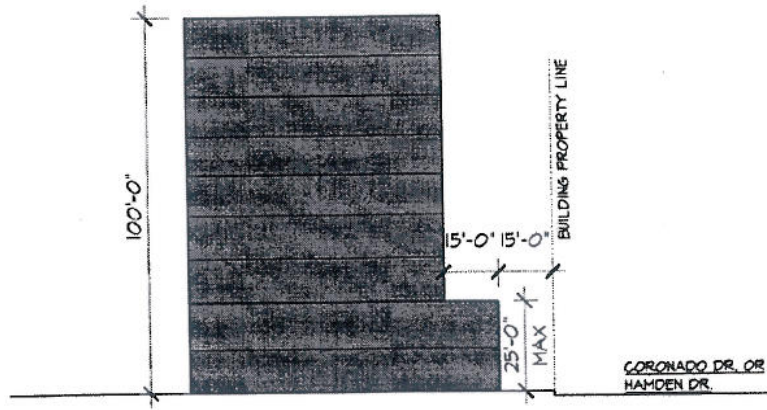


DIAGRAM 'A'

- 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').

Insert new graphic:

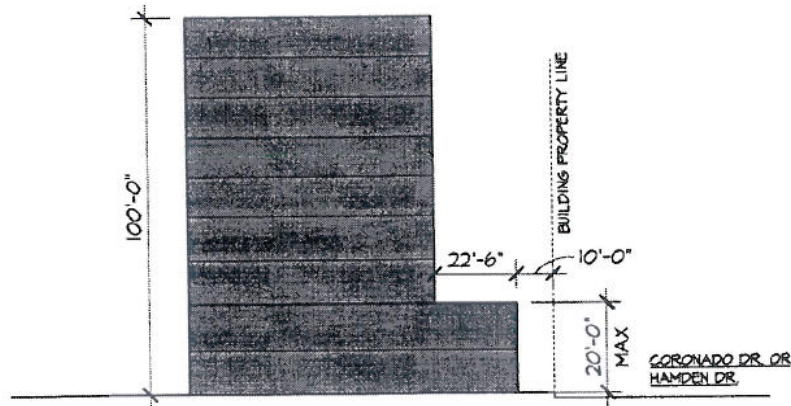
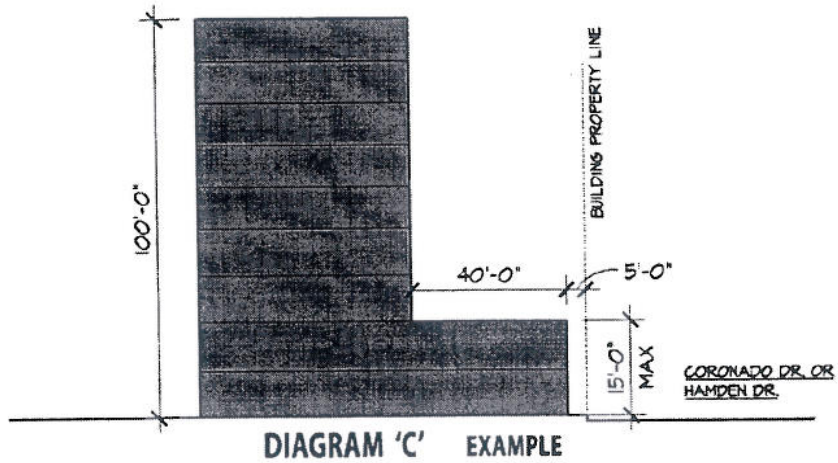


DIAGRAM 'B' EXAMPLE

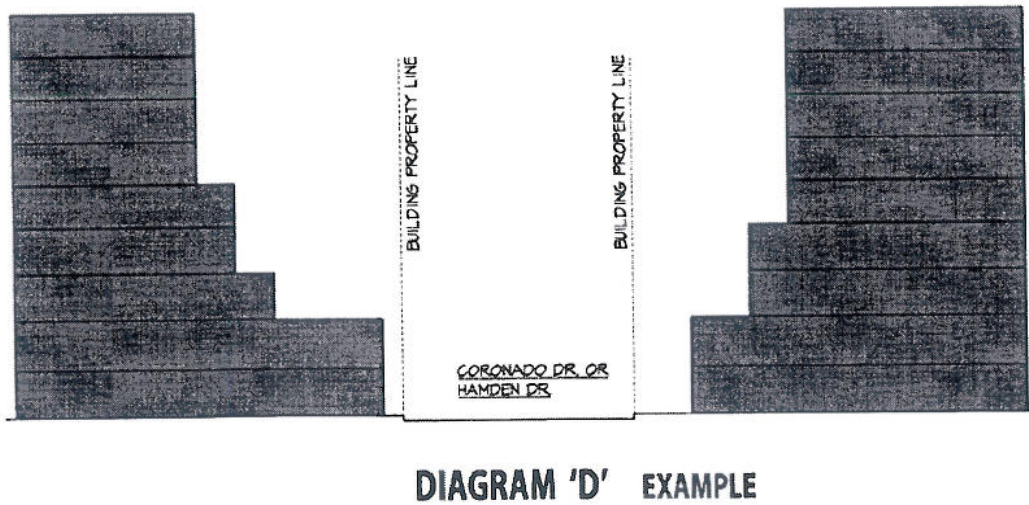
- c. Buildings constructed with a front setback of less than ten feet (10') shall provide a building stepback at a height not more than fifteen feet (15'). The required stepback/ setback ratio is two and one-half feet (2.5') for every one foot (1') reduction in setback in addition to the minimum stepback of fifteen feet (15').

Insert new graphic:



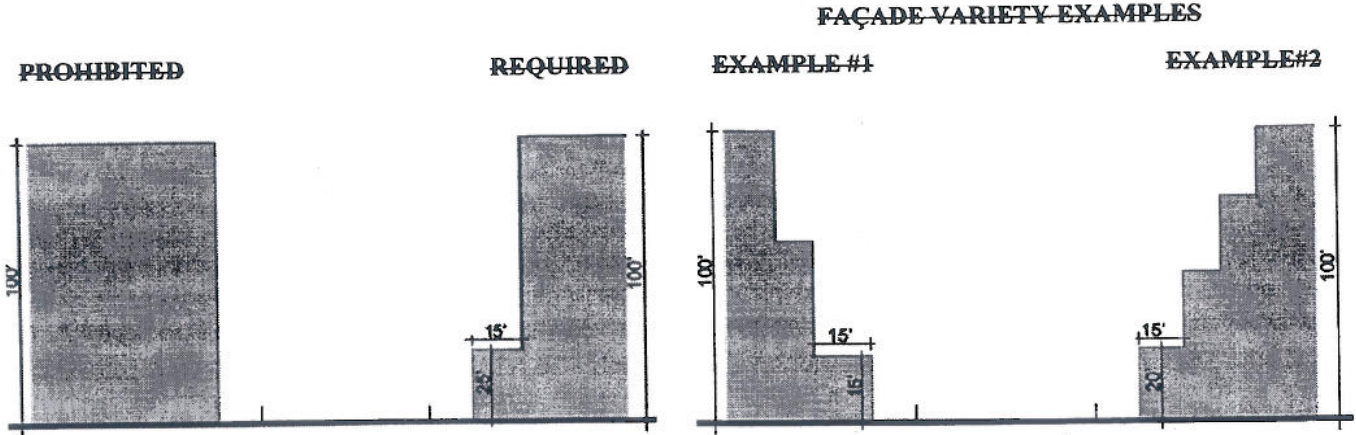
- d. To achieve upper story facade variety and articulation, additional setbacks may be required. To avoid a monotonous streetscape, a building shall not replicate the setback configuration of the adjacent buildings including those across rights-of-way.

Insert new graphic:



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

Delete the following two graphics



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

Section 5. 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 6. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 7. 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 8. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING
AS AMENDED

PASSED ON SECOND AND FINAL
READING AND ADOPTED

DEC 19 2013

JAN 16 2014

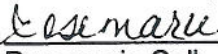
-george cretekos

George N. Cretekos
Mayor

Approved as to form:


Leslie K. Dougall-Sides
Assistant City Attorney

Attest:


Rosemarie Call
City Clerk

