

ORDINANCE NO. 8654-15

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AN AMENDMENT TO THE CODE OF ORDINANCES BY AMENDING APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES, DELETING XXIII. TREE PROTECTION; AND MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 2, CHART 2-100, ADDING BREWPUBS, COMMUNITY GARDENS, MICROBREWERIES AND URBAN FARMS AS PERMITTED USES; AMENDING ARTICLE 2, SECTIONS 2-102, 2-202, 2-302, 2-402, 2-502, 2-702, 2-902, AND 2-1202, ADDING COMMUNITY GARDENS AS A MINIMUM STANDARD DEVELOPMENT USE; AMENDING ARTICLE 2, SECTIONS 2-703 AND 2-704, ADDING BREWPUBS AND MICROBREWERIES AS FLEXIBLE STANDARD DEVELOPMENT USES AND MAKING OTHER MINOR CORRECTIONS; AMENDING ARTICLE 2, SECTIONS 2-802, 2-803, AND 2-902, ADDING BREWPUBS AS A FLEXIBLE STANDARD DEVELOPMENT USE AND MAKING OTHER MINOR CORRECTIONS; AMENDING ARTICLE 2, SECTION 2-1302, ADDING URBAN FARMS AS A MINIMUM STANDARD DEVELOPMENT USE; AMENDING ARTICLE 2, SECTION 2-1303, ADDING MICROBREWERIES AS A FLEXIBLE STANDARD DEVELOPMENT USE; AMENDING ARTICLE 3, SECTION 3-201, PROVIDING ACCESSORY USE STANDARDS FOR COMMUNITY GARDENS; AMENDING ARTICLE 3, SECTION 3-601, PROVIDING INCREASED FLEXIBILITY IN DEVIATIONS FOR DOCK LENGTH FOR SINGLE-FAMILY AND TWO-FAMILY DWELLINGS; AMENDING ARTICLE 3, SECTION 3-903, PROVIDING AN EXCEPTION TO PARKING LOT SETBACK REQUIREMENTS; AMENDING ARTICLE 3, SECTION 3-1202, MODIFYING MINIMUM PLANT MATERIAL STANDARDS, MODIFYING THE SPECIES OF TREES THAT ARE PROHIBITED, PROHIBITING CITRUS TREES AS REQUIRED LANDSCAPE MATERIALS, EXPANDING THE STANDARDS FOR IRRIGATION, MODIFYING PERIMETER LANDSCAPING REQUIREMENTS BY INCLUDING THE PROVISION OF PERIMETER WALLS IN CERTAIN CIRCUMSTANCES, MODIFYING INTERIOR LANDSCAPING REQUIREMENTS TO CLARIFY THAT COMMUNITY GARDENS CANNOT COUNT TOWARD PERIMETER, INTERIOR, OR FOUNDATION LANDSCAPING REQUIREMENTS, AND ESTABLISHING A GRADING SYSTEM FOR THE EVALUATION OF EXISTING TREES; AMENDING ARTICLE 3, SECTION 3-1205, CLARIFYING THAT CITRUS TREES DO NOT REQUIRE A PERMIT FOR REMOVAL AND MODIFYING THE TREE/PALM REPLACEMENT PROVISIONS FOR SINGLE-FAMILY AND TWO-FAMILY PROPERTIES; AMENDING ARTICLE 3, SECTION 3-1403, ALLOWING FOR GRASS PARKING AT COMMUNITY GARDENS AND PROVIDING FOR A SEPARATION REQUIREMENT BETWEEN GRASS PARKING AND TREES; AMENDING ARTICLE 3, SECTION 3-2103, ACKNOWLEDGING PINELLAS COUNTY'S ADOPTED TEMPORARY EMERGENCY HOUSING ORDINANCE; AMENDING ARTICLE 3, ADDING SECTION 26, COMMUNITY GARDENS AND URBAN FARMS, WHICH PROVIDES

FOR REGULATIONS SPECIFIC TO COMMUNITY GARDENS AND URBAN FARMS; AMENDING ARTICLE 4, SECTION 4-604, PROVIDING STANDARDS FOR NON-CONTIGUOUS ANNEXATIONS; AMENDING ARTICLE 4, SECTION 4-702, CLARIFYING THAT FLEXIBLE STANDARD APPROVAL IS REQUIRED FOR PRELIMINARY PLATS; AMENDING ARTICLE 4, SECTION 4-1002, MODIFYING A SECTION REFERENCE; AMENDING ARTICLE 8, SECTION 8-102 ADDING DEFINITIONS FOR THE TERMS AQUAPONIC SYSTEMS, BREWERIES, BREWPUBS, COMMUNITY GARDENS, HYDROPONIC SYSTEMS, MICROBREWERIES, MICRO-DISTILLERIES, MICRO-WINERIES, TAPROOM, TASTING ROOM, AND URBAN FARMS, AS WELL AS MODIFYING THE DEFINITION FOR THE TERM RETAIL PLAZAS; AMENDING APPENDIX A - SCHEDULE OF FEES, RATES AND CHARGES, V., BUILDINGS AND BUILDING REGULATIONS, TO PROVIDE A FEE STRUCTURE FOR TREE REMOVAL PERMITS; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, The City of Clearwater recognizes that the quality of food, health, and the natural environment are interconnected; and

WHEREAS, on December 14, 2011 the City of Clearwater City Council approved Resolution #11-5 adopting Clearwater Greenprint, a sustainability plan for the City of Clearwater that calls for amending the Community Development Code to allow for and support community gardens; and

WHEREAS, community gardening presents a significant opportunity for learning, experimenting, and knowledge sharing within the community, and by creating a supportive environment for urban agriculture, the City will facilitate the delivery of a valuable and unique set of services and products, create economic activity, and strengthen its sustainable community image; and

WHEREAS, brewpubs, microbreweries and micro-distilleries have become viable business entities that enhance the communities in which they are located by providing jobs and economic growth; and

WHEREAS, brewpubs, microbreweries and micro-distilleries often use local ingredients in the production of beers and spirits further enhancing the economic impact on the region; and

WHEREAS, a more flexible annexation process is appropriate and desirable within Pinellas County given the highly urban character of the county, which distinguishes it from many of Florida's other counties; and

WHEREAS, the cities of Clearwater, Dunedin, Largo, Kenneth City, Pinellas Park, Safety Harbor, St. Petersburg, Seminole, and Tarpon Springs, along with Pinellas County have all

come to an agreement to enter into an interlocal service boundary agreement (“ISBA”) for future annexations within Type A enclaves; and

WHEREAS, the City of Clearwater desires for the Community Development Code to function effectively and equitably throughout the City; and

WHEREAS, the City of Clearwater has determined where the Community Development Code and Code of Ordinances needs clarification and revision; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Appendix A – Schedule of Fees, Rates and Charges, XXIII. Tree Protection, Code of Ordinances, be deleted in its entirety with subsections re-lettered as appropriate:

XXIII. TREE PROTECTION:

Removal:

(1) ~~Permit fee (§ 52.32):~~

For removal of 1 – 5 trees15.00

Per tree over 53.00

(2) ~~Fee for appeal following denial of permit (§ 52.34)25.00~~

(3) ~~Reinspection fee, per additional inspection25.00~~

(4) ~~Special inspection fee25.00~~

These fees shall be paid prior to the issuance of permits, and such fees shall be nonrefundable.

Section 2. That Article 2, Zoning Districts, Chart 2-100, Permitted Uses, Community Development Code, be, and that same is hereby amended to read as follows:

Use Categories	CHART 2-100 PERMITTED USES															
	LDR	LMDR	MDR	MHDR	HDR	MHP	C	T	D	O	I	IRT	OSR	P	CRNCOD	IENCOD
Residential																
Accessory dwellings							X	X	X	X	X	X				
Attached dwellings	X	X	X	X	X			X	X							
Community residential homes	X	X	X	X	X					X					X	X
Detached dwellings	X	X	X	X	X	X									X	X
Mobile homes						X										
Mobile home parks						X										
Residential infill projects	X	X	X	X	X										X	X
Nonresidential																
Adult uses							X					X				
Airport											X					
Alcoholic beverage sales							X	X	X							

Animal boarding							X		X			X					
Assisted living facilities			X	X	X						X						
Automobile service stations							X					X					
Bars							X	X	X			X					
Brewpubs							X	X	X								
Cemeteries												X					
Community gardens	X	X	X	X	X		X		X		X						
Comprehensive infill redevelopment project (CIRP)							X	X	X	X	X	X	X				
Congregate care			X	X	X							X					
Convention center									X								
Educational facilities							X		X	X	X						
Governmental uses							X	X	X		X	X	X				
Halfway houses												X					
Hospitals												X					
Indoor recreation/entertainment							X	X	X			X					
Light assembly							X										
Manufacturing													X				
Marinas																X	
Marinas and marina facilities							X	X	X		X						
Medical clinic							X	X		X	X						
Microbreweries							X					X					
Mixed use							X	X	X	X							
Nightclubs							X	X	X			X					
Non-residential off-street parking		X	X	X				X									
Nursing homes				X	X						X	X					
Offices						X	X	X	X	X		X					
Off-street parking							X			X							
Open space																X	
Outdoor recreation/entertainment							X	X				X	X				
Outdoor retail sales, display and/or storage							X										
Outdoor storage													X				
Overnight accommodations	X		X	X	X		X	X	X			X					
Parking garages and lots					X			X	X		X	X	X				
Parks and recreation facilities	X	X	X	X	X		X	X	X	X	X	X	X				
Places of worship							X		X	X	X						
Planned medical campus												X					
Planned medical campus project												X					
Problematic uses							X										
Public facility									X				X				
Publishing and printing													X				
Public transportation facilities						X	X	X	X	X	X	X					
Research and technology use													X				
Residential shelters												X	X				

Resort Attached Dwellings								X								
Restaurants							X	X	X	X		X	X			
Retail plazas							X	X	X							
Retail sales and services						X	X	X	X	X	X	X	X			
RV parks							X									
Salvage yards												X				
Schools	X	X	X	X	X		X			X	X					
Self-storage warehouse							X					X				
Social and community centers							X	X	X		X					
Social/public service agencies							X		X		X	X				
Telecommunications towers							X		X	X	X	X				
TV/radio studios										X		X				
Urban farms												X				
Utility/infrastructure facilities	X	X	X	X	X	X	X	X	X	X	X	X	X		X	X
Vehicle sales/displays							X					X				
Vehicle sales/displays, limited								X	X							
Vehicle sales/displays, major												X				
Vehicle service												X				
Vehicle service, limited							X									
Vehicle service, major												X				
Veterinary offices							X		X	X		X				
Wholesale/distribution/warehouse facility												X				

Section 3. That Article 2, Zoning Districts, Division 1, Low Density Residential District, Section 2-102, Minimum Standard Development, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-102. Minimum standard development.

The following uses are Level One permitted uses in the LDR District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear		
Community Gardens	n/a	n/a	10	5	5	n/a	n/a
Community Residential Homes (6 or fewer residents) ⁽¹⁾	10,000	100	25	10	20	30	2/unit
Detached Dwellings	20,000	100	25	10	20	30	2/unit

(1) Community residential homes shall not be located within 1,000 feet of one another.
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Section 4. That Article 2, Zoning Districts, Division 2, Low Medium Density Residential District, Section 2-202, Minimum Standard Development, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-202. Minimum standard development.

The following uses are Level One permitted uses in the LMDR District subject to the minimum standards set out in this section and other applicable provisions of Article 3.

Use	Min. Lot Size (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear ⁽¹⁾		
<u>Community Gardens</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>n/a</u>	<u>n/a</u>
Community Residential Homes (up to 6 residents) ⁽²⁾	5,000	50	25	5	10	30	2/unit
Detached Dwellings	5,000	50	25	5	10	30	2/unit

- (1) Waterfront detached dwellings in LMDR District should be 25 feet except as provided in Article 3 Division 8, Section 3-805 and Division 9, Section 3-904 and except where adjacent structures on either side of the parcel proposed for development are setback 20 feet and then the rear setback shall be 20 feet. The Building Code may require the rear setback to be at least 18 feet from a seawall.
- (2) Community residential homes shall not be located within 1,000 feet of one another.
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Section 5. That Article 2, Zoning Districts, Division 3, Medium Density Residential District ("MDR"), Section 2-302, Minimum Standard Development, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-302. Minimum standard development.

The following uses are Level One permitted uses in the MDR District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear ⁽¹⁾		
<u>Community Gardens</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>n/a</u>	<u>n/a</u>
Community Residential Homes (up to 6 residents) ⁽²⁾	5,000	50	25	5	5	30	2/unit
Detached Dwellings	5,000	50	25	5	5	30	2/unit

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from a seawall.
- (2) Community residential homes shall not be located within 1,000 feet of one another.
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Section 6. That Article 2, Zoning Districts, Division 4, Medium High Density Residential District (“MHDR”), Section 2-402, Minimum Standard Development, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-402. Minimum standard development.

The following uses are Level One permitted uses in the MHDR District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

Table 2-402. "MHDR" Minimum Standard Development							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
Attached Dwellings	15,000	150	25	10	15	30	2/unit
<u>Community Gardens</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>n/a</u>	<u>n/a</u>
Community Residential Homes (6 or fewer residents) ⁽²⁾	5,000	50	25	10	15	30	1.5/unit
Detached Dwellings	15,000	150	25	10	15	30	1.5/unit

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from any seawall.
- (2) Community residential homes shall not be located within 1,000 feet of one another.

Section 7. That Article 2, Zoning Districts, Division 5, High Density Residential District (“HDR”), Section 2-502, Minimum Standard Development, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-502. Minimum standard development.

The following uses are Level One permitted uses in the HDR District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

Table 2-502. "HDR" Minimum Standard Development							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
Attached Dwellings	15,000	150	25	10	15	30	2/unit
<u>Community Gardens</u>	<u>n/a</u>	<u>n/a</u>	<u>10</u>	<u>5</u>	<u>5</u>	<u>n/a</u>	<u>n/a</u>
Community Residential Homes (6 or fewer units) ⁽²⁾	5,000	50	25	10	15	30	1.5/unit
Detached Dwellings	15,000	150	25	10	15	30	1.5/unit

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 from a seawall.
- (2) Community residential homes shall not be located within 1,000 feet of one another.

Section 8. That Article 2, Zoning Districts, Division 7, Commercial District, Section 2-702, Minimum Standard Development, Community Development Code, be, and the same is hereby amended to read as follows:

<i>Table 2-702. "C" District Minimum Development Standards</i>							
<i>Use</i>	<i>Min. Lot Area (sq. ft)</i>	<i>Min. Lot Width (ft.)</i>	<i>Max. Height (ft.)</i>	<i>Min. Front (ft.)</i>	<i>Min. Side (ft.)</i>	<i>Min. Rear (ft.)</i>	<i>Min. Off-Street Parking Spaces</i>
<u>Community Gardens</u>	n/a	n/a	n/a	15	5	5	n/a
Governmental Uses(1)	10,000	100	25	25	10	20	4/1,000 SF GFA
Indoor Recreation/ Entertainment	10,000	100	25	25	10	20	5/1000 SF GFA or 5/lane, 2/court or 1/machine
Mixed Use	10,000	100	25	25	10	20	Based upon specific use requirements
Offices	10,000	100	25	25	10	20	3/1,000 SF GFA
Overnight Accommodations	40,000	200	25	25	10	20	1/unit
Parks and Recreational Facilities	n/a	n/a	25	25	10	20	1 per 20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Places of Worship	40,000	200	25	25	10	20	1 per 2 seats
Restaurants	10,000	100	25	25	10	20	12/1,000 SF GFA
Retail Plazas	15,000	100	25	25	10	20	4/1,000 SF GFA
Retail Sales and Services	10,000	100	25	25	10	20	5/1,000 SF GFA
Social and Community Centers	10,000	100	25	25	10	20	5/1,000 SF GFA
Vehicle Sales/Display	40,000	200	25	25	10	20	2.5/1,000 SF Lot Sales Area
Veterinary Offices	10,000	100	25	25	10	20	4 spaces per 1,000 GFA

Section 9. That Article 2, Zoning Districts, Division 7, Commercial District, Section 2-703, Flexible Standard Development, Community Development Code, be, and the same is hereby amended to read as follows with subsections re-lettered as appropriate:

<i>Table 2-703. "C" District Flexible Standard Development Standards</i>
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Use	Min. Lot Area (sq. ft)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Front (ft.)	Min. Side (ft.)	Min. Rear (ft.)	Min. Off-Street Parking Spaces
Accessory Dwellings	n/a	n/a	n/a	n/a	n/a	n/a	1 space per unit
Adult Uses	5,000	50	25	25	10	20	5 per 1,000 GFA
Alcoholic Beverage Sales	10,000	100	25	25	10	20	5 per 1,000 GFA
Automobile Service Stations	10,000	100	25	25	10	20	5/1,000 SF GFA
Bars	10,000	100	25	25	10	20	10 per 1,000 GFA
<u>Brewpubs</u>	<u>3,500—10,000</u>	<u>30—100</u>	<u>25—50</u>	<u>25</u>	<u>0—10</u>	<u>10—20</u>	<u>1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area</u>
Educational Facilities(1)	40,000	200	25	25	10	20	1 per 2 students
Governmental Uses(1)	10,000	100	25—50	25	10	20	4 spaces per 1,000 GFA
Indoor Recreation/Entertainment	5,000—10,000	50—100	25	25	10	20	3—5/1000 SF GFA or 3—5/lane, 1—2/court or 1/machine
Medical Clinics(1)	10,000	100	25	25	10	20	5/1,000 GFA
<u>Microbreweries</u>	<u>3,500 - 10,000</u>	<u>30 - 100</u>	<u>25 - 50</u>	<u>25</u>	<u>0 - 10</u>	<u>10 - 20</u>	<u>1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area</u>
Mixed Use	5,000—10,000	50—100	25—50	25	0—10	10—20	Based upon specific use requirements
Nightclubs	10,000	100	25	25	10	20	10 per 1,000 GFA
Offices	3,500—10,000	30—100	25—50	25	0—10	10—20	3/1,000 SF GFA
Off-Street Parking	10,000	100	n/a	25	10	20	n/a
Outdoor Retail Sales, Display and/or Storage	20,000	100	25	25	10	20	5 per 1,000 SF of outdoor display area
Overnight Accommodations	20,000—40,000	150—200	25—50	25	0—10	10—20	1 per unit
Places of Worship(2)	20,000—40,000	100—200	25—50	25	10	20	.5-1 per 2 seats
Public Transportation Facilities(3)	n/a	n/a	10	n/a	n/a	n/a	n/a

Restaurants	3,500— 10,000	30—100	25—50	25	0—10	10— 20	7—12 spaces per 1,000 GFA
Retail Plazas	15,000	100	25—50	25	0—10	10— 20	4 spaces per 1,000 GFA
Retail Sales and Services	3,500— 10,000	30—100	25—50	25	0—10	10— 20	4—5 spaces per 1,000 GFA
Schools (5)	40,000	200	25	25	0—10	10— 20	1 per 3 students
Social and Community Centers (1)	3,500— 10,000	35—100	25—35	25	0—10	10— 20	4—5 spaces per 1,000 GFA
Utility/Infrastructure Facilities(4)	n/a	n/a	20	25	10	20	n/a
Vehicle Sales/Displays	20,000— 40,000	150— 200	25	25	10	20	2.5 spaces per 1,000 of lot sales area
Veterinary Offices	5,000— 10,000	50— 100	25	15— 25	0— 10	10— 20	4 spaces per 1,000 GFA

Flexibility criteria:

F. Brewpubs.

1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and keggings lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
2. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
3. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
5. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance.
6. Side and rear setback:
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
9. Off-street parking:
 - a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and
 - b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

K. Microbreweries.

1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;
2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the microbrewery is unlikely to have an adverse impact on such school or use as a place of worship.
3. No more than 75 percent of the total gross floor area shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
4. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
5. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
6. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
7. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance.
8. Side and rear setback:
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
9. Off-street parking:
 - a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and
 - b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

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Section 10. That Article 2, Zoning Districts, Division 7, Commercial District, Section 2-704, Flexible Development, Community Development Code, be, and the same is hereby amended to read as follows with subsections re-lettered as appropriate:

Section 2-704. - Flexible development.

The following uses are Level Two permitted uses in the "C" District subject to the standards and criteria set out in this section and other applicable provisions of Article 3.

<i>Table 2-704. "C" District Flexible Development Standards</i>

Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height (ft.)	Min. Front (ft.)	Min. Side (ft.)	Min. Rear (ft.)	Min. Off-Street Parking
Alcoholic Beverage Sales	5,000—10,000	50—100	25	15—25	0—10	10—20	5 per 1,000 GFA
Animal Boarding	5,000—10,000	50—100	25	15—25	0—10	10—20	4 spaces per 1,000 GFA
Bars	5,000—10,000	50—100	25	15—25	0—10	10—20	10 per 1,000 GFA
<u>Brewpubs</u>	<u>3,500 - 10,000</u>	<u>30 - 100</u>	<u>25 - 50</u>	<u>15 - 25</u>	<u>0 - 10</u>	<u>10 - 20</u>	<u>1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area</u>
Comprehensive Infill Redevelopment Project	n/a	n/a	n/a	n/a	n/a	n/a	Determined by the community development coordinator based on the specific use and/or ITE Manual standards
Indoor Recreation/Entertainment	3,500—10,000	30—100	25—50	15—25	0—10	10—20	3—5/1000 SF GFA or 3—5/lane, 1—2/court or 1/machine
Light Assembly	5,000—10,000	50—100	25	15—25	0—10	10—20	4—5 spaces per 1,000 GFA
Limited Vehicle Service	5,000—10,000	50—100	25	15—25	0—10	10—20	4—5 spaces per 1,000 GFA
Marinas and Marina Facilities	5,000—20,000	50	25	25	10	20	1 space per 2 slips
<u>Microbreweries</u>	<u>3,500 - 10,000</u>	<u>30 - 100</u>	<u>25 - 50</u>	<u>15 - 25</u>	<u>0 - 10</u>	<u>10 - 20</u>	<u>1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area</u>
Mixed Use	5,000—10,000	50—100	25—50	15—25	0—10	10—20	Based upon specific use requirements
Nightclubs	5,000—10,000	50—100	25	15—25	0—10	10—20	10 per 1,000 GFA
Offices	3,500—10,000	30—100	25—50	15—25	0—10	10—20	3/1,000 SF GFA
Off-Street Parking	10,000	100	n/a	15—25	0—10	10—20	n/a
Outdoor Recreation/Entertainment	20,000	100	25	15—25	10	10—20	1—10 per 1,000 SQ FT of land area or as determined by the community

							development coordinator based on ITE Manual standards
Overnight Accommodations	20,000—40,000	100—200	25—50	15—25	0—10	10—20	1 per unit
Problematic Uses	5,000	50	25	15—25	10	10—20	5 spaces per 1,000 SF GFA
Restaurants	3,500—10,000	35—100 30 - 100	25—50	15—25	0—10	10—20	7 - 12 spaces per 1,000 GFA
Retail Plazas	15,000	100	25—50	15—25	0—10	10—20	4 spaces per 1,000 GFA
Retail Sales and Services	3,500—10,000	30—100	25—50	15—25	0—10	10—20	4—5 spaces per 1,000 GFA
RV Parks	40,000	200	25	15—25	20	10—20	1 space per RV space
Schools (2)	30,000—40,000	100—200	25—50	15—25	0—10	10—20	1 per 3 students
Self Storage	20,000	100	25	15—25	10	10—20	1 per 20 units plus 2 for manager's office
Social/Public Service Agencies(1)	5,000—10,000	50—100	25—50	15—25	0—10	10—20	3—4 spaces per 1,000 GFA
Telecommunication Towers	10,000	100	Refer to section 3-2001	25	10	20	n/a
Vehicle Sales/Displays	10,000—40,000	100—200	25	15—25	10	10—20	2.5 spaces per 1,000 SQ FT of lot area

Flexibility criteria:

D. Brewpubs.

1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
2. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
3. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
5. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance;
6. Side and rear setback:
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;

b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required;

9. Off-street parking:

a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and

b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

* * * * *

J. Microbreweries.

1. The parcel proposed for development is not contiguous to a parcel of land which is designated as residential in the Zoning Atlas;

2. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the microbrewery is unlikely to have an adverse impact on such school or use as a place of worship.

3. No more than 75 percent of the total gross floor area shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

4. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.

5. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.

6. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;

7. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance.

8. Side and rear setback:

a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;

b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.

9. Off-street parking:

a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and

b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

* * * * *

Section 11. That Article 2, Zoning Districts, Division 8, Tourist District, Section 2-802, Flexible Standard Development, Community Development Code, be, and the same is hereby amended to read as follows with subsections re-lettered as appropriate:

Section 2-802. - Flexible standard development.

The following uses are Level One permitted uses in the T District subject to the standards and criteria set out in this section and other applicable provisions of Article 3.

Use ¹	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Max. Height ¹ (ft.)	Min. Setbacks (ft.) ¹			Min. Off-Street Parking
				Min. Front (ft.)	Min. Side (ft.)	Min. Rear (ft.)	
Accessory Dwellings	n/a	n/a	n/a	n/a	n/a	n/a	1/unit
Alcoholic Beverage Sales	5,000	50	35	10—15	10	20	5 per 1,000 GFA
Attached Dwellings(6)	10,000	100	35—50	10—15	10	10—20	2 per unit
Bars	5,000	50	35	15	10	20	10 per 1,000 GFA
<u>Brewpubs</u>	<u>5,000—10,000</u>	<u>50—100</u>	<u>35—50</u>	<u>0—15</u>	<u>0—10</u>	<u>10—20</u>	<u>1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area</u>
Governmental Uses(2)	10,000	100	35—50	10—15	0—10	10—20	3—4/1,000 GFA
Indoor Recreation/Entertainment	5,000	50	35—50	0—15	0—10	20	10 per 1,000 GFA
Medical Clinic	10,000	100	35—50	10—15	10	20	5/1,000 GFA
Mixed Use	5,000—10,000	50—100	35—50	0—15	0—10	10—20	Based upon specific use requirements
Nightclubs	5,000	50	35	15	10	20	10 per 1,000 GFA
Non-Residential Off-Street Parking	n/a	n/a	n/a	25	5	10	n/a
Offices	5,000—10,000	50—100	35—50	0—15	0—10	10—20	3/1,000 SF GFA
Outdoor Recreation/Entertainment	5,000	50	35	10—15	10	20	2.5 spaces per 1,000 sq. ft. of lot area or as determined by the community development director based on ITE Manual standards

Overnight Accommodations	20,000	100—150	35—50	10—15	0—10	10—20	1.2 per unit
Parking Garages and Lots	20,000	100	50	15—25	10	10—20	n/a
Parks and Recreation Facilities	n/a	n/a	50	25	10	20	1 per 20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Public Transportation Facilities(3)	n/a	n/a	10	n/a	n/a	n/a	n/a
Resort Attached Dwellings(6)	10,000	100	35—50	10—15	10	10—20	1.5 per unit
Restaurants	5,000—10,000	50—100	35—50	0—15	0—10	10—20	7—12 spaces per 1,000 GFA(5)
Retail Plazas	15,000	100	35—50	0—15	0—10	10—20	4 spaces per 1,000 GFA
Retail Sales and Services	5,000—10,000	50—100	35 - 50	0—15	0—10	10—20	4—5 spaces per 1,000 GFA(5)
Social and Community Center	5,000—10,000	50—100	35—50	10—15	0—10	10—20	4—5 spaces per 1,000 GFA
Utility/Infrastructure Facilities(4)	n/a	n/a	n/a	25	10	10	n/a

Flexibility criteria:

E. Brewpubs.

1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
2. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
3. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
5. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance.
6. Side and rear setback:
 - a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.

7. Off-street parking:
- a. When located on Clearwater Beach, adequate off-street parking is available on a shared basis as determined by all existing land uses within 1,000 feet of the parcel proposed for development, or parking is available through any existing or planned and committed parking facilities or the shared parking formula in Article 2, Division 14; or
 - b. The reduction in off-street parking is justified by the reasonably anticipated automobile usage of visitors to the subject property; and
 - c. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.
8. The design of all buildings complies with the Tourist District design guidelines in Division 5 of Article 3.

* * * * *

Section 12. That Article 2, Zoning Districts, Division 8, Tourist District, Section 2-803, Flexible Development, Community Development Code, be, and the same is hereby amended to read as follows with subsections re-lettered as appropriate:

Section 2-803. - Flexible development.

The following uses are Level Two permitted uses in the T District subject to the standards and criteria set out in this section and other applicable provisions of Article 3.

<i>Table 2-803. "T" District Flexible Development Standards</i>							
<i>Use¹</i>	<i>Min. Lot Area (sq. ft.)</i>	<i>Min. Lot Width (ft.)</i>	<i>Max. Height (ft.)¹</i>	<i>Min. Front (ft.)¹</i>	<i>Min. Side (ft.)¹</i>	<i>Min. Rear (ft.)¹</i>	<i>Min. Off-Street Parking</i>
Alcoholic Beverage Sales	5,000	50	35— 100	0—15	0—10	10— 20	5 per 1,000 GFA
Attached Dwellings(3)	5,000— 10,000	50—100	35— 100	0—15	0—10	10— 20	2 per unit
Bars	5,000	50	35— 100	0—15	0—10	10— 20	10 per 1,000 GFA
<u>Brewpubs</u>	<u>5,000— 10,000</u>	<u>50—100</u>	<u>35— 100</u>	<u>0—15</u>	<u>0—10</u>	<u>10— 20</u>	<u>1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area</u>
Comprehensive Infill Redevelopment Project	n/a	n/a	n/a	n/a	n/a	n/a	Determined by the community development coordinator for all other uses based on the specific use and/or ITE Manual

							standards
Limited Vehicle Sales and Display	5,000	50	35—100	0—15	0—10	10—20	4—5 spaces per 1,000 GFA
Marinas and Marina Facilities	5,000	50	25	10—15	0—10	10—20	1 space per 2 slips
Mixed Use	5,000—10,000	50—100	35—100	0—15	0—10	0—20	Based upon specific use requirements
Nightclubs	5,000	50	35—100	0—15	0—10	10—20	10 per 1,000 GFA
Offices	5,000—10,000	50—100	35—100	0—15	0—10	10—20	3/1,000 SF GFA
Outdoor Recreation/Entertainment	5,000	50	35	5—15	0—10	10—20	2.5 spaces per 1,000 SQ FT of lot area or as determined by the community development coordinator based on ITE Manual standards
Overnight Accommodations(3)	10,000—20,000	100—150	35—100	0—15	0—10	0—20	1—1.2 per unit
Resort Attached Dwellings(3)	5,000—10,000	50—100	35—100	0—15	0—10	10—20	1.5 per unit
Restaurants	5,000—10,000	50—100	25—100 35—100	0—15	0—10	10—20	7—12 spaces per 1,000 GFA(2)
Retail Plazas	15,000	100	35—100	0—15	0—10	10—20	4 spaces per 1,000 GFA
Retail Sales and Services	5,000—10,000	50—100	35—100	0—15	0—10	10—20	4—5 spaces per 1,000 GFA(2)

Flexibility criteria:

E. Brewpubs.

1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and keggling lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
2. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
3. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.
4. Height: The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
5. Front setback: The reduction in front setback results in an improved site plan or improved design and appearance.
6. Side and rear setback:

- a. The reduction in side and rear setback does not prevent access to the rear of any building by emergency vehicles;
 - b. The reduction in side and rear setback results in an improved site plan, more efficient parking or improved design and appearance and landscaped areas are in excess of the minimum required.
7. Off-street parking:
- a. When located on Clearwater Beach, adequate off-street parking is available on a shared basis as determined by all existing land uses within 1,000 feet of the parcel proposed for development, or parking is available through any existing or planned and committed parking facilities or the shared parking formula in Article 2, Division 14; or
 - b. The reduction in off-street parking is justified by the reasonably anticipated automobile usage of visitors to the subject property; and
 - c. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.
8. The design of all buildings complies with the Tourist District design guidelines in Division 5 of Article 3.

* * * * *

Section 13. That Article 2, Zoning Districts, Division 9, Downtown District, Section 2-902, Flexible Standard Development, Community Development Code, be, and the same is hereby amended to read as follows with subsections re-lettered as appropriate:

Section 2-902. Flexible standard development.

The following uses are Level One permitted uses in the Downtown District subject to the standards and criteria set out in this section and other applicable provisions of Article 3.

<i>Table 2-902. "D" Flexible Standard Development Standards</i>		
<i>Use</i>	<i>Max. Height (ft.)</i>	<i>Min. Off-Street Parking</i>
Accessory Dwellings	n/a	n/a
Alcoholic Beverage Sales	30—50	3—5 per 1,000 GFA
Attached Dwellings	30—50	1-1.5 per unit
Bars	30—50	3—10 per 1,000 GFA
Brewpubs	<u>30 -50</u>	<u>1/1,000 GFA dedicated to brewery operations and support services; and 5-10/1,000 GFA for all other use area (1)</u>
Community Gardens	<u>n/a</u>	<u>n/a</u>

Convention Center	30—50	5 per 1,000 GFA
Indoor Recreation/Entertainment Facility	30—50	3—5 per 1,000 GFA(1)
Mixed Use	30—50	Based upon specific use requirements
Nightclubs	30—50	3—10 per 1,000 GFA
Offices	30—50	1—3 per 1,000 GFA(1)
Overnight Accommodations	30—50	.75—1 per unit
Parking Garages and Lots	50	n/a
Parks and Recreation Facilities	50	1 per 20,000 SF or as determined by the community development coordinator based on ITE Manual standards
Places of Worship	30—50	.5—1 per 2 seats
Public Transportation Facilities	10	n/a
Restaurants	30—50	5—10 per 1,000 GFA(1)
Retail Plazas	30—50	4 per 1,000 GFA
Retail Sales and Service	30—50	2—4 per 1,000 GFA(1)
Social and Community Centers	30—50	2—4 per 1,000 GFA
Utility/Infrastructure Facilities	n/a	n/a

- (1) For those existing buildings/properties with frontage on Cleveland Street that are located between Osceola Avenue and Myrtle Avenue that have no existing off-street parking spaces, nor the ability to provide any off-street parking spaces, the use(s) of the buildings/properties may be changed without the off-street parking that would otherwise be required for the change of use being provided.

Flexibility criteria:

* * * * *

E. Brewpubs.

1. No more than 50 percent of the total gross floor area of the establishment shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and keging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;

2. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.
 3. Off-street parking:
 - a. Adequate off-street parking is available on a shared basis as determined by all existing land uses within 1,000 feet of the parcel proposed for development, or parking is available through any existing or planned and committed parking facilities or the shared parking formula in Article 2, Division 14; or
 - b. The reduction in off-street parking is justified by the reasonably anticipated automobile usage of visitors to the subject property; and
 - c. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.
 4. The design of all accessory buildings complies with the Downtown District design guidelines in Division 5 of Article 3.
- F. Community gardens.
1. The design of all accessory buildings complies with the Downtown District design guidelines in Division 5 of Article 3.

* * * * *

Section 14. That Article 2, Zoning Districts, Division 12, Institutional District, Section 2-1202, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-1202. Minimum standard development.

The following uses are Level One permitted uses in the Institutional "I" District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

<i>Table 2-1202. "I" District Minimum Development Standards</i>							
<i>Use</i>	<i>Min. Lot Area (sq. ft.)</i>	<i>Min. Lot Width (ft.)</i>	<i>Min. Setbacks (ft.)</i>			<i>Max. Height (ft.)</i>	<i>Min. Off-Street Parking</i>
			<i>Front</i>	<i>Side</i>	<i>Rear</i>		
Assisted Living Facilities	20,000	100	25	10	20	50	1 per 2 residents
Cemeteries	20,000	100	25	10	20	50	n/a
<u>Community Gardens</u>	<u>n/a</u>	<u>n/a</u>	<u>15</u>	<u>5</u>	<u>5</u>	<u>n/a</u>	<u>n/a</u>
Congregate Care	20,000	100	25	10	20	50	1 per 2 residents
Educational Facilities	40,000	200	25	10	20	50	1 per 2 students
Governmental Uses	20,000	100	25	10	20	50	4 per 1,000 SF GFA

Hospitals	5 acres	250	25	25	25	50	2/bed
Nursing Homes	20,000	100	25	10	20	50	1 per 2 residents
Places of Worship	20,000	100	25	10	20	50	1 per 2 seats
Parks and Recreation Facilities	n/a	n/a	25	10	20	50	1 per 20,000 SF land area or as determined by the community development coordinator based on ITE Manual standards
Schools	40,000	200	25	10	20	50	1 per 3 students

Section 15. That Article 2, Zoning Districts, Division 13, Industrial Research and Technology (IRT) District, Section 2-1302, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-1302. - Minimum standard development.

The following uses are Level One permitted uses in the Industrial Research and Technology "IRT" District subject to the minimum standards set out in this section and other applicable provisions of Article 3.

Use	Min. Lot Area (sq. ft)	Min. Lot Width (ft.)	Min. Setbacks (ft.)		Max. Height (ft.)	Min. Off-Street Parking Spaces
			Front	Side/Rear		
Accessory Dwellings	5,000	50	20	15	50	1/unit
Governmental Uses(1)	20,000	200	20	15	50	3/1,000 SF GFA
Indoor Recreation/Entertainment(2)	20,000	200	20	15	50	5/1,000 SF GFA or 5/lane, 2/court or 1/machine
Manufacturing(3)	20,000	200	20	15	50	1.5/1,000 SF GFA
Offices(4)	n/a	n/a	n/a	n/a	n/a	n/a
Outdoor Storage (accessory use)(5)	n/a	n/a	n/a	n/a	n/a	n/a
Parks and Recreation Facilities	n/a	n/a	25	10/20	50	1 per 20,000 SF land area or as determined by the community development coordinator based on the

						ITE Manual standards
Publishing and Printing	20,000	200	20	15	50	3/1,000 SF GFA
Research and Technology	20,000	200	20	15	50	2/1,000 SF GFA
Restaurants(6)	10,000	100	20	15	50	12 spaces per 1,000 SF GFA
Self Storage	20,000	200	20	15	50	1 per 20 units plus 2 for manager's office
TV/Radio Studios	20,000	200	20	15	50	4/1000 SF GFA
<u>Urban Farms</u>	<u>n/a</u>	<u>n/a</u>	<u>20</u>	<u>15</u>	<u>50</u>	<u>2 per acre or fraction thereof</u>
Vehicle Service(7)	20,000	200	20	15	50	1.5/1,000 SF GFA
Wholesale/Distribution/Warehouse Facility	20,000	200	20	15	50	1.5/1,000 SF GFA

Section 16. That Article 2, Zoning Districts, Division 13, Industrial Research and Technology (IRT) District, Section 2-1303, Community Development Code, be, and the same is hereby amended to read as follows:

Section 2-1303. - Flexible standard development.

The following uses are Level One permitted uses in the IRT District subject to the standards and criteria set out in this Section and other applicable provisions of Article 3.

<i>Table 2-1303. "IRT" District Flexible Standard Development Standards</i>						
Use	Min. Lot Area (sq. ft)	Min. Lot Width (ft.)	Min. Setbacks (ft.)		Max. Height (ft.)	Min. Off-Street Parking Spaces
			Front	Side/Rear		
Animal Boarding	10,000	100	20	15	30	5/1,000 SF GFA
Automobile Service Stations(1)	20,000	100	20	15	30	4/1000 SF GFA
Major Vehicle Service(1)	20,000	100	20	15	30	4/1000 SF GFA
Manufacturing(2)	10,000	100	20	15	50	1.5/1,000 SF GFA
<u>Microbreweries</u>	<u>5,000—10,000</u>	<u>50 -100</u>	<u>20</u>	<u>15</u>	<u>50</u>	<u>1.5/1,000 GFA dedicated to brewery operations and support services; and 7-12/1,000 GFA for all other use area</u>
Offices	20,000	200	20	15	50	3/1,000 SF GFA
Outdoor Recreation/Entertainment(3)	40,000	200	20	15	30	1—10/1,000 SF Land Area or as

						determined by the community development coordinator based on ITE Manual standards
Outdoor Storage	10,000	100	20	15	30	3/1,000 SF GFA
Parking Lots	10,000	100	20	15	n/a	n/a
Public Facilities	10,000	100	20	15	50	1—2 per 1,000 GFA
Public Transportation Facilities(4)	n/a	n/a	n/a	n/a	10	n/a
Publishing and Printing	10,000—20,000	100—200	20	15	50	3/1,000 SF GFA
Research and Technology	10,000	100	20	15	50	2/1,000 SF GFA
Residential Shelters(5)	5,000	50	20	15	30	3/1,000 SF GFA
Retail Sales and Services(1)	n/a	n/a	n/a	n/a	n/a	n/a
Restaurants(6)	5,000—10,000	50 -100	20	15	50	7—12 spaces per 1,000 GFA
Self Storage	10,000	100	20	15	50	1 per 20—25 units plus 2 for manager's office
TV/Radio Studios	10,000	100	20	15	50	4/1000 SF GFA
Utility/Infrastructure Facilities(7)	n/a	n/a	20	15	n/a	n/a
Vehicle Sales/Displays and Major Vehicle Sales/Displays(8)	40,000	200	20	15	30	1.5/1,000 SF Lot Sales Area
Vehicle Service(8)	10,000	100	20	15	50	1.5/1,000 SF GFA
Veterinary Offices	10,000	100	20	15	30	5/1,000 SF GFA
Wholesale/Distribution/Warehouse Facility	10,000	100	20	15	50	1.5/1,000 SF GFA

E. Microbreweries.

1. The parcel proposed for development is not located within 500 feet of a parcel of land used for purposes of a place of worship or a public or private school unless the intervening land uses, structures or context are such that the location of the microbrewery is unlikely to have an adverse impact on such school or use as a place of worship.
2. No more than 75 percent of the total gross floor area shall be used for the brewery function including, but not limited to, the brewhouse, boiling and water treatment areas, bottling and kegging lines, malt milling and storage, fermentation tanks, conditioning tanks and serving tanks;
3. Any overhead doors shall be located perpendicular to the abutting streets and screened from adjacent properties by landscaped walls or fences.

4. Lot area and width: The reduction in lot area and/or width will not result in a building which is out of scale with existing buildings in the immediate vicinity of the parcel proposed for development.

5. Off-street parking:

a. The reduction in off-street parking is justified by the reasonably anticipated automobile usage by visitors to the subject property; and

b. The availability of transportation modes other than the automobile, specifically that there is access to mass transit within 1,000 feet of the subject property.

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Section 17. That Article 3, Development Standards, Division 2, Accessory Use/Structures, Section 3-201, General, Community Development Code, be, and that same is hereby amended to read as follows:

* * * * *

B. Standards. In addition to all the standards in this Development Code, accessory uses and structures shall be established in accordance with the following standards:

* * * * *

12. Exemptions. Community gardens may be allowed as an accessory use and may be located in front of the principal structure provided that each of the following are met:

a. The community garden shall not obstruct access to the primary use; and

b. The community garden shall not be located within any required perimeter landscape buffer, interior landscape area, or foundation planting area.

13. Exemptions.

a. A two-car detached garage accessory to a detached dwelling shall be exempt from the percentage requirements specified in section 3-201.B.56 above provided there is no other parking garage located on the site.

b. Swimming pools and spas shall not be included when calculating the amount of permitted accessory uses/structures on a site.

c. Picnic tables, sheds, water pumps, etc. that are accessory to a community garden shall be exempt from the location requirement specified in section 3-201.B.4 above.

* * * * *

Section 18. That Article 3, Development Standards, Division 6, Dock/Marina Standards, Section 3-601, Docks, Community Development Code, be, and the same is hereby amended to read as follows:

* * * * *

C. New docks.

1. Docks, boatlifts and service catwalks that serve single-family or two-family dwellings.

* * * * *

g. *Deviations.*

- i) The community development coordinator may grant deviations from the requirements of this section as a Level One (minimum standard) approval provided that signed and notarized statements of no objection are submitted from adjacent waterfront property owners, as well as signed and notarized statements on the Pinellas County Water and Navigation Control Authority permit application. In the event that such statements cannot be obtained, applications for deviations may be approved by the community development coordinator, provided that the proposed dock will result in no navigational conflicts. Such deviations may be approved through a Level One (flexible standard) approval process based on one of the following:
 - (a) The proposed dock location needs to be adjusted to protect environmentally sensitive areas; or
 - (b) The property configuration or shallow water depth precludes the placement of a dock in compliance with the required dimensional standards; however, the proposed dock will be similar in dimensional characteristics as surrounding dock patterns.
- ii) No dock shall be allowed to deviate from the length requirements specified in 3-601.C.1.b by more than an additional 50 percent of the allowable length or project into the navigable portion of the waterway by more than 25 percent of such waterway, whichever length is less, except as stipulated in Section 3-601.C.1.g.iii and iv below. ~~In no case shall the length of the dock exceed 250 feet, except as stipulated in Section 3-601.C.1.g.iii and iv below.~~
- iii) Deviations for dock length in excess of ~~250 feet~~ that which is permitted in 3-601.C.1.g.ii above may be approved through a Level Two (flexible development) approval process only under the following conditions:
 - (a) A dock of lesser length poses a threat to the marine environment, natural resources, wetlands habitats or water quality; and
 - (b) A literal enforcement of the provisions of this section would result in extreme hardship due to the unique nature of the project and the applicant's property; and
 - (c) The deviation sought to be granted is the minimum deviation that will make possible the reasonable use of the applicant's property; and

- (d) The granting of the requested deviation will be in harmony with the general intent and purpose of this section and will not be injurious to the area involved or otherwise detrimental or of adverse effect to the public interest and welfare.
- iv) Docks located on the east side of Clearwater Harbor adjacent to the mainland may be allowed to deviate from the length requirements specified in Section 3-601.C.1.b up to a maximum length equal to 25 percent of the navigable portion of the waterway.

* * * * *

Section 19. That Article 3, Development Standards, Division 9, General Applicability Standards, Section 3-903, Required Setbacks, Community Development Code, be, and the same is hereby amended to read as follows:

Section 3-903. - Required setbacks.

* * * * *

- F. Except for driveway access to garages, vehicular cross-access and shared parking, all of which are regulated by subsection A., above; parking lots shall be set back from front property lines a distance of 15 feet, and shall be set back from all other property lines a distance that is consistent with the required perimeter landscape buffer width.
 - 1. While perimeter landscape buffers are not required in the Tourist (T) District, the above referenced setback shall be based upon Section 3-1202.D.1., or at a dimension consistent with the existing/proposed building setback, or at a dimension consistent with setbacks required or otherwise established by Beach by Design, whichever is less.
 - 2. As perimeter landscape buffers are not required in the Downtown (D) District, compliance with the above provision is not required. However, compliance with the applicable Design Guidelines as set forth in the Clearwater Downtown Redevelopment Plan must still be achieved.
 - 3. Exceptions. Those setbacks to parking lots established above may be modified as part of a Comprehensive Landscape Program pursuant to the criteria set forth in Section 3-1204.G.
 - ~~34.~~ This subsection is not applicable to detached dwelling uses where parking lots are not permissible. The applicable provisions of Article 3, Division 14 would apply.

* * * * *

Section 20. That Article 3, Development Standards, Division 12, Landscaping/Tree Protection, Section 3-1202, General Landscaping Standards, Community Development Code, be, and the same is hereby amended to read as follows:

* * * * *

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:*

PLANT	SIZE (at installation)	QUALITY	OTHER REQUIREMENTS
Shade Tree	10' height 2.5" caliper	Florida Grade #1	a. Use of live oak (City tree) is encouraged, however species diversity is preferred over monoculture. <u>All materials shall be Florida Grade #1, and</u> b. Must be planted a minimum of five feet from any impervious area. c. At least ten percent of the total number of trees shall be of a species which exhibits conspicuous flowering.
Accent Tree	8' height 2" caliper	Florida Grade #1	2 accent trees = 1 shade tree; unless overhead lines are unavoidable; no more than 25% of required trees may be accent trees. <u>All materials shall be Florida Grade #1.</u>
Palm Tree	10' clear trunk	Florida Grade #1	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. <u>All materials shall be Florida Grade #1.</u>
Shrubs	A.) 18—24" in height when used in a perimeter buffer - planted every 36", (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	Florida Grade #1	Use of Hibiscus (City flower) is encouraged for non-required landscape plantings, especially for accent marking at entrances and other points of high visibility.
Ground Cover	1 gallon minimum - planted a maximum of 24" O.C.	Florida Grade #1	Encouraged in lieu of turf to reduce irrigation needs.
Turf	N/A	Drought tolerant varieties	Turf areas should be consolidated and limited to areas of pedestrian traffic, recreation and erosion control, and shall be a <u>drought tolerant species.</u>

2. Exception for 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.
23. Required landscaping that incorporates existing trees, in particular any native plant material, is strongly encouraged and credit for the use of such materials shall be given against the requirements of this division.
- ~~3. Plant materials shall be those which are native to Central Florida, considered Florida-friendly plant materials, requiring minimal amounts of water, fertilizers and pesticides, and which are recommended in the Plant Guide of the Southwest Florida Water Management District are strongly encouraged.~~
- ~~4. All plants shall be healthy, free of diseases and pests, and a native or a non-invasive plant naturalized to Central Florida. Plants recommended in the Guide of the Southwest Florida Water Management District, Florida Native Plant Society, Florida Yards.ORG, University of Florida or other entity as approved by the Community Development Coordinator shall be used.~~
45. A minimum variety of tree species shall be provided: each species shall provide a minimum of ten percent of the total number of trees.

Total No. of Trees	Minimum No. of Species
1—9	1
10—19	2
20—29	3
30—49	4
50—over	5

- ~~56. No prohibited trees shall be installed in any required landscaped areas or elsewhere in the city. Those species listed within Category I of the Florida Exotic Pest Plant Council's most recent List of Invasive Plant Species will not be accepted as a landscape material and shall not be permitted to be installed.~~
- ~~7. While all citrus species of trees may be planted, they will not be accepted as a landscape material to meet landscape requirements.~~
68. The city manager may modify the size specifications of the trees required in this section only if the applicant for development approval demonstrates to the city manager that such size is not readily available in the market area and that the proposed landscaping treatment is equal to or superior to the landscaping which would have been provided with the larger trees.

C. *Irrigation.*

1. For multifamily and nonresidential properties an automatic permanent irrigation system providing complete water coverage for all required and other landscaping materials shall be provided and maintained as a fully functioning system in order to preserve the landscaping in a healthy growing condition.

2. If a single-family dwelling is required to install landscaping and an irrigation system is not installed to maintain that landscaping, then a hose bib shall be installed a maximum of 50 feet from the required landscaping.
3. All irrigation systems connected to the public potable water supply system shall include a backflow preventer at the service connection.
4. All irrigation systems shall be installed so as to minimize spray upon any impervious surface, such as sidewalks and paved areas.
5. All irrigation systems shall include a rain sensor/shut off device to avoid irrigation during periods of sufficient rainfall.
6. Underground irrigation shall not be installed within the driplines of existing trees unless root protection measures are provided.
7. If available, reclaimed water shall be used for irrigation purposes.
8. Low volume, drip, emitter, or target irrigation shall be used for trees, shrubs and groundcovers unless physically impossible to install.
9. 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 downtown or tourist 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:

PROPOSED USE		ADJACENT USE
NON-RESIDENTIAL	ATTACHED DWELLINGS AND LIKE USES	DETACHED DWELLING
12' min. wide buffer 1 Tree/35' 100% Shrubs (6' within 3 years)	10' min. wide buffer 1 Tree/35' 100% Shrubs (6' within 3 years)	Detached dwelling
5' min. wide buffer 1 Tree/35' 100% Shrubs	10' min. wide or 7' min. wide buffer with decorative fence/wall 1 Tree/35' 100% Shrubs	Nonresidential
10' min. wide buffer 1 Tree/35' 100% Shrubs	10' min. wide buffer 1 Tree/35' 100% Shrubs	Attached dwellings and like uses
15' min. wide buffer 1 Tree/35'	15' min. wide buffer 1 Tree/35'	Arterial or Collector Right-of- Way

100% Shrubs	100% Shrubs	
10' min. wide buffer	10' min. wide buffer	Local Street Right-of-Way
1 Tree/35'	1 Tree/35'	
100% Shrubs	100% Shrubs	

		ADJACENT USE				
		<u>Detached Dwellings</u>	<u>Attached Dwellings or Residential Equivalent</u>	<u>Non-Residential</u>	<u>Arterial or Collector Rights-of-Way</u>	<u>Local Rights-of-Way</u>
PROPOSED USE	Non-Residential	<u>Min. 10' wide buffer</u>	<u>Min. 10' wide buffer</u>	<u>Min. 5' wide buffer</u>	<u>Min. 15' wide buffer</u>	<u>Min. 10' wide buffer</u>
		<u>1 Tree / 35'</u>				
		<u>100% Shrubs (6' high within 3 years)</u>	<u>100% Shrubs</u>			
	Attached Dwellings or Residential Equivalent	<u>Min. 10' wide buffer</u>	<u>Min. 10' wide buffer</u>	<u>Min. 10' wide buffer</u>	<u>Min. 15' wide buffer</u>	<u>Min. 10' wide buffer</u>
		<u>1 Tree / 35'</u>				
		<u>100% Shrubs (6' high within 3 years)</u>	<u>100% Shrubs</u>			

2. Perimeter walls/fences within landscape buffers.

- a. In addition to the above perimeter landscaping requirements, a decorative perimeter wall or PVC fence that is six-feet in height shall be required and located adjacent to that portion of the property line of the non-residential use which is directly adjacent to any property designated as residential in the zoning atlas. The wall or PVC fence shall have only those openings as required to meet hurricane or severe storm construction standards, or pedestrian ways necessary for neighborhood connectivity.
- b. Exceptions: An exception to the above perimeter wall/fence requirement may be permitted, pursuant to the processing and approval of a Level One (Flexible Standard) application, where the wall would be redundant to a wall already in existence on the adjacent property, or where the wall would have a demonstrably negative impact on the adjacent property.

23. Front slopes of stormwater retention areas may comprise up to 50 percent of any required landscape buffer width, provided that the slope is 4:1 or flatter and all required shrub plantings are not more than six inches below the top of the bank and provided that the buffer width is at least five feet in width.

34. Notwithstanding the provisions in subsection (1) above, any parcel of land subject to the provisions of this division, which exceeds one acre in size, shall have a minimum perimeter buffer width of ten feet.

45. Notwithstanding the provisions in subsection (1) above, the required landscaping materials in a perimeter buffer may be increased if the prescribed landscaping has little buffering value for an adjacent less intensive use due to unusual

topographic conditions or where other unique circumstances exist, such as swales, which merit special landscaping treatments.

6. Plantings associated with community gardens cannot be counted toward meeting the perimeter landscaping requirements.

E. *Interior landscaping.*

1. *Minimum interior landscaping standards – parking lots:* Landscaping for the interior of parking lots shall be provided in accordance with the following table:

a. Required interior islands.

1. 10% of gross vehicular use area or 12% of gross vehicular area if parking spaces are greater than or equal to 110% 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.

b. 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.

c. 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.

d. Required trees/plants in interior islands.

1. One shade tree, or accent/palm equivalent, shall be provided in each interior landscape island.

2. One shade tree, or accent/palm equivalent, shall be provided per 150 square feet of required greenspace.

3. Shrubs shall be provided in an amount to equal or exceed 50% of the required greenspace.

4. Groundcover shall be utilized for required greenspace in-lieu of turf.

e. Plantings associated with community gardens cannot be counted toward meeting the interior landscaping requirements.

f. Exemption. If the paved vehicular use area has a square footage of less than 4,000, then it shall be exempt from the above requirements.

Paved Vehicular Use Area (sq. ft.)	Required Interior Island (sq. ft.)	Size (sq. ft.) of Interior Island	Dimension of Interior Island	Required Trees/Plants in Interior Islands
> 4,000	a. 10% of gross vehicular use area or 12% of gross vehicular area if parking spaces are greater than or equal to 110% of required parking shall be provided in an island. b. Interior islands shall be designed	150 sq. ft. minimum	8' greenspace from back of curb to back of curb	1 Tree/island min. (unless existing trees are being preserved to meet interior tree requirement) 1 Tree/150 square feet of required greenspace Shrubs: 50% required greenspace

~~so that in most cases no more than 10 parking spaces are provided in a row; staff may permit flexibility up to 15 spaces in a row.~~

~~Groundcover shall be utilized for required greenspace in lieu of turf~~

<4,000

NONE REQUIRED

2. Foundation plantings shall be provided for 100 percent of a building façade with frontage along a street right-of-way, excluding space necessary for building ingress and egress, within a minimum five-foot wide landscaped area composed of at least two accent trees (or palm equivalents) or three palms for every 40 linear feet of building façade and one shrub for every 20 square feet of required landscaped area. A minimum of 50 percent of the area shall contain shrubs with the remainder to be ground cover. Plantings associated with community gardens cannot be counted toward meeting a foundation planting requirement.

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H. Tree inventory. All tree inventories shall be performed by a certified arborist, and shall comply with the following:

1. Tree evaluation grades. The following grading system shall be utilized to evaluate existing trees and to indicate whether the tree is worthy of preservation and/or removal:

<u>Grade</u>	<u>Evaluation Criteria</u>
<u>0</u>	<u>Dead; removal is required</u>
<u>1</u>	<u>Poor (nearly dead and/or hazardous); removal is required</u>
<u>2</u>	<u>Below average (declining, diseased, poor structure, potential hazard); removal is required</u>
<u>3</u>	<u>Average (minor problems, minor decline, minor tip die back, minor inclusion); problems can be corrected; worthy of preservation</u>
<u>4</u>	<u>Above average (healthy tree with only minor problems); worthy of preservation</u>
<u>5</u>	<u>Outstanding (very healthy); shall be preserved</u>
<u>6</u>	<u>Specimen (unique in size, age, exceptional quality); shall be preserved</u>

2. Tags. For sites greater than or equal to one acre in size, all trees shall be tagged with aluminum tags and aluminum nails, or other method specifically approved by the community development coordinator. The tag numbers must correlate to the numbers in the tree inventory.
3. Off-site trees. All tree inventories shall include off-site trees up to 25 feet away from the property line of the subject property.

Section 21. That Article 3, Development Standards, Division 12, Landscaping/Tree Protection, Section 3-1205, Tree Protection, Community Development Code, be, and the same is hereby amended to read as follows:

- A. *Removal permit – Required.* No person may remove or cause to be removed any protected tree or any palm with a ten-foot clear and straight trunk without first having procured a permit as provided in Article 4, Division 12, with the noted exception of all citrus species of trees which do not require a permit for removal.

* * * * *

- D. *Tree and palm requirements and replacements.* Tree and palm replacements shall be in compliance with ~~Section 3-1202(B)(1)~~ Section 3-1202.B. and the following:

1. *Attached dwellings and non-residential properties.* The total amount of DBH removed from a multi-family or non-residential site shall be replaced on an inch-for-inch basis.
2. *Single-family detached dwelling and two-family attached dwelling properties.* ~~The following shall govern the minimum number of trees that shall be required on a single-family or two-family lot.~~ The total amount of DBH removed from single-family detached dwelling or two-family attached dwelling properties (e.g. lot, subdivision) shall be replaced on an inch-for-inch basis, or such deficit shall be met by paying a fee of \$48.00 per inch of DBH to the tree bank. However, the number of trees on single-family detached dwelling or two-family attached dwelling properties (e.g. lot, subdivision) shall not be less than as follows unless otherwise determined by the Community Development Coordinator to be unfeasible or physically impossible:

* * * * *

Section 22 That Article 3, Development Standards, Division 14, Parking and Loading, Section 3-1403, Parking Lot Surfaces, be, and that same is hereby amended to read as follows:

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- 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.
 34. The city manager or the community development coordinator may permit parking on the grass or other permeable surface for public purpose needs.
 5. Any grass parking areas must be a minimum of ten feet from any tree.

Section 23 That Article 3, Development Standards, Division 21, Temporary Uses, Section 3-2103, Allowable Temporary Uses, be, and that same is hereby amended to read as follows:

Section 3-2103. - Allowable temporary uses.

Unless otherwise noted, the following temporary uses are permitted subject to obtaining a Level One approval in accordance with the provisions of Article 4, Division 3 as well as the specific criteria pertaining to each temporary use:

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- N. ~~Temporary relocation tents or mobile homes for displaced persons~~ emergency housing.
- ~~1. Allowable within all zoning districts;~~
 - ~~2. Maximum of 18 months unless a greater time is authorized by resolution of the city council; and~~
 - ~~3. Upon determination by the city council that a particular neighborhood or area constitutes a disaster area, nonpermanent facilities for displaced persons shall be allowed provided they meet the following requirements:~~
 - ~~a. All residential tents or mobile homes shall have facilities connected to city utilities for water and sanitary sewer, unless such services are not reasonably available; and~~
 - ~~b. Adequate provisions shall be made for solid waste management in compliance with city ordinances and policies, unless such services are not reasonably available.~~
1. Upon declaration of a state of housing emergency by either the Pinellas County Board of County Commissioners, or the City of Clearwater City Council, those provisions set forth in the Pinellas County Code with regard to emergency housing shall be applicable in those areas encompassed by the declaration.

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Section 24 That Article 3, Development Standards, Community Development Code, is amended to add Division 26, Community Gardens, to read as follows:

DIVISION 26. COMMUNITY GARDENS AND URBAN FARMS

Section 3-2601. Purpose and intent.

It is the purpose and intent of this division to establish appropriate standards which allow for community gardens and urban farms, while mitigating any associated undesirable impacts. Community gardens and urban farms may create impacts which can be detrimental to the quality of life of adjacent property owners.

Section 3-2602. Operational requirements.

A. Maintenance.

1. The property shall be maintained in an orderly and neat condition consistent with City property maintenance standards. No trash or debris shall be stored or allowed to remain on the property.
 2. Tools and supplies shall be stored indoors or removed from the property daily.
 3. Large power tools (e.g., mowers, tillers) shall be stored at the rear of the property.
 4. Vegetative material (e.g., compost), additional dirt for distribution and other bulk supplies shall be stored to the rear or center of the property, shall be kept in a neat and orderly fashion and shall not create a visual blight or offensive odors.
 5. The community garden or urban farm shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off of the property.
 6. For the health and safety of all area residents, synthetic chemical fertilizers, herbicides, weed killers, insecticides, and pesticides are not permitted in community gardens. Herbicides and insecticides made from natural materials are permitted, but are to be used sparingly and with caution. Pesticides and fertilizers may only be stored on the property in a locked building and must comply with any other applicable requirements for hazardous materials.
- B. *Sale of produce and plants.* A community garden is not intended to be a commercial enterprise. The produce and horticultural plants grown in a community garden are not intended to be sold wholesale nor offered for sale on the premises.
- C. *Equipment.* Mechanical equipment used in the operation of a community garden or urban farm shall be limited to the following:
1. *Community gardens.*
 - a. Push mowers designed for personal household use.
 - b. Hand-held equipment designed for personal household use.
 2. *Urban farms.*
 - a. Riding/push mowers designed for personal household use.
 - b. Hand-held tillers or edgers that may be gas or electrically powered.
 - c. Other hand-held equipment designed for personal household use that creates minimal impacts related to the operation of said equipment, including noise, odors and vibration.
- D. *Accessory structures.* All accessory structures, including but not limited to picnic tables, sheds, and water pumps, shall comply with the requirements of the zoning district and the applicable provisions of Article 3, Division 2.
- E. *Parking.* Community gardens are not required to provide off-street parking; however off-street parking may still be provided. All off-street parking shall be grass parking, and shall be provided consistent with the applicable provisions of Section 3-1403.B.
- F. *Trash.* The property owner shall coordinate the location and type of trash container used on the site with the Department of Solid Waste. Trash containers shall be located in the least obtrusive location possible.

Section 3-2603. Establishment.

- A. Applications for community gardens or urban farms shall be processed as a Level One approval (minimum development standards).
- B. Applications shall include the contact information for the garden coordinator who shall be responsible for the management of the community garden or urban farm. The applicant shall be responsible for notifying the City of any updated contact information for the garden coordinator.
- C. Any community gardens or urban farms that are proposed to be located within 1,000 feet of a potable water supply well, shall obtain a wellhead protection permit in accordance with the applicable provisions of Code of Ordinances Chapter 24, Article III., Section 24.63.
- D. Upon the establishment of the community garden or urban farm, the applicant, garden coordinator, or designee shall have installed on the subject property and maintain a posting of the contact information for the community garden or urban farm. This posting shall not exceed four square feet in size.

Section 25 That Article 4, Development Review and Other Procedures, Division 6, Level Three Approvals, Section 4-604, Annexation, Community Development Code, be, and the same is hereby amended to read as follows with subsections re-lettered as appropriate:

- E. *Standards for annexation.* In considering whether to annex a particular parcel of property, the city shall consider the extent to which:
 - 1. The proposed annexation will impact city services.
 - 2. The proposed annexation is consistent with the comprehensive plan.
 - 3. The proposed annexation requires a change in the land use classification and zoning category assigned to the property and the justification for such change.
 - ~~4. The proposed annexation exceeds the acreage threshold established by the county planning council, thereby requiring review and determination regarding the city's ability to serve.~~
 - ~~54.~~ The proposed or existing development, if any, is consistent with city regulations.
 - ~~65.~~ The terms of a proposed annexation agreement, if any, promotes the city's comprehensive plan.
- F. *Standards for noncontiguous annexation.* In considering whether to annex a particular parcel of property that is not contiguous to city limits, the city shall consider the extent to which:
 - 1. The proposed annexation meets the definition of an enclave as defined in Section 171.031(13)(a), Florida Statutes.
 - 2. The proposed annexation meets the definition of noncontiguous as defined in Section 171.031(11), Florida Statutes.
 - 3. The proposed annexation is voluntary through the submission of a petition for annexation by the current property owner.
 - 4. The proposed annexation is not an existing agreement to annex.
 - 5. The proposed annexation will impact city services.
 - 6. The proposed annexation requires a change in the land use classification and zoning category assigned to the property and the justification for such change.

7. The proposed or existing development, if any, is consistent with the city regulations.

8. The terms of a proposed annexation agreement, if any, promotes the city's comprehensive plan.

FG. *Impact fees.* The annexation of property by city council shall not be effective until the owner of the property to be annexed has paid applicable impact fees to the city.

Section 26. That Article 4, Development Review and Other Procedures, Division 7, Subdivisions/Plats, Section 4-702, Required Approvals, Community Development Code, be, and the same is hereby amended to read as follows:

Section 4-702. - Required approvals.

If plat approval is required, approval is obtained in two stages: preliminary and final plat approval and is intended to be processed simultaneously with other required approvals. Preliminary approval is granted by city staff for Level One (flexible standard) approvals and the community development board for Level Two approvals. In the event a Level Two approval is required, the preliminary plat is a required submission and will be reviewed and approved by the community development board as part of that approval process. While ~~city commission~~ City Council approval is required by state law for final plats, the approval process is ministerial, assuming compliance with the preliminary plat approval and all requirements of the City Code. If plat approval is required, final plat approval must be obtained before a building permit may be issued.

Section 27. That Article 4, Development Review and Other Procedures, Division 10, Sign Permit, Section 4-1002, Permit Required, Community Development Code, be, and the same is hereby amended to read as follows:

Section 4-1002. - Permit required.

No sign shall be located, placed, erected, constructed, altered or extended without first obtaining a sign permit, except for signs listed in Section ~~3-1805~~ 3-1806.

Section 28. That Article 8, Definitions and Rules of Construction, Section 8-102, Definitions, Community Development Code, be, and the same is hereby amended to read as follows:

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Aquaponic systems means the symbiotic propagation of plants and fish in an indoor, constructed and recirculating environment. For the purposes of this Code, an aquaponic system shall constitute an urban farm.

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Breweries means establishments with an annual beer production of between 15,000 and 6,000,000 barrels. A brewery may include a taproom as an accessory use. For the purposes of this Code, a brewery shall constitute a manufacturing use.

Brewpubs means establishments that are primarily a restaurant or bar, but which include the brewing of beer as an accessory use. A brew pub produces only enough beer for consumption on the premises or for retail carryout sale in containers commonly referred to as growlers, which hold no more than a U.S. gallon (3,785 ml/128 US fluid ounces). Brewpubs may sell beer in an unlimited number of keg containers larger than a U.S. gallon for special events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three such brewers; and for City co-sponsored events where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event co-sponsors but is instead, dispensed by employees of the brewpub.

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Community gardens means a use of property where more than one person grows produce and/or horticultural plants for their personal consumption and enjoyment, for the consumption and enjoyment of friends and relatives and/or donation to a not for profit organization. Community gardens may also be designed for beautification of the community, and/or may be used for educational purposes.

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Hydroponic systems means the propagation of plants using a mechanical system designed to circulate a solution of minerals in water with limited use of growing media. For the purposes of this Code, a hydroponic system shall constitute an urban farm.

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Microbreweries means establishments that are primarily a brewery, which produce no more than 15,000 barrels (465,000 US gallons/17,602.16 hectoliters) of beer per year, and includes either a restaurant, bar or taproom as an accessory use. Microbreweries sell to the general public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer for consumption on the premises or for retail carryout sale. For the purposes of this Code micro-distilleries and micro-wineries shall constitute a microbrewery.

Micro-distilleries means establishments that are primarily a distillery, which produce no more than 75,000 US gallons of distilled spirits per year, and includes either a restaurant, bar or tasting room as an accessory use. For the purposes of this Code, micro-distilleries shall constitute a microbrewery.

Micro-wineries means a facility that uses grapes from outside sources instead of its own vineyard to produce wine in quantities not to exceed 2,000 barrels per year, and includes either a restaurant, bar or tasting room as an accessory use. For the purposes of this Code, micro-wineries shall constitute a microbrewery.

* * * * *

Retail plazas means a building or group of buildings on the same property or adjoining properties, but operating as and/or presenting a unified/cohesive appearance and generally but not necessarily under common ownership and management, and which is partitioned into separate units that utilize a common parking area, and is designed for a variety of interchangeable uses including governmental, indoor recreation/entertainment, office, restaurant, retail sales and service, and social/community center. In addition, bars, brewpubs, medical clinics, nightclubs, and places of worship may also be incorporated into retail plazas subject to their approval through the applicable Level One (Flexible Standard Development) or Level Two (Flexible Development) approval process and meeting their respective flexibility criteria.

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Taproom means a room that is ancillary to the production of beer at a brewery, microbrewery and brewpub where the public can purchase and/or consume alcoholic beverages.

Tasting room means a room that is ancillary to the production of spirits at a micro-distillery where the public can purchase and/or consume the spirits.

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Urban farms means a use of property where the growing, washing, packaging and storage of produce and/or plants for wholesale or retail sales occurs. For the purposes of this Code, an aquaponic or hydroponic system shall constitute an urban farm.

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Section 29. That Appendix A – Schedule of Fees, Rates and Charges, V., Buildings and Building Regulations, Community Development Code, be, and the same is hereby amended to read as follows:

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(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:

* * * * *

(i) Tree removal permits:

1. Permit fee:

a. For removal of 1—5 trees15.00

b. Per tree over 53.00

2. Fee for appeal following denial of permit25.00

3. Reinspection fee, per additional inspection25.00

4. Special inspection fee25.00

5. These fees shall be paid prior to the issuance of permits and such fees shall be nonrefundable.

6. The above fees may be waived by the community development coordinator, but only when in conjunction with a public water/sewer project on private property.

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Section 30. 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 31. 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 32. 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 33. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 34. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

George N. Cretekos
Mayor

Approved as to form:

Attest:

Camilo Soto
Assistant City Attorney

Rosemarie Call
City Clerk