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PART I

COMMUNITY DEVELOPMENT CODE

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Section 1-101. Title.

This Code shall be known as and referred to as the Community Development Code of the City of Clearwater ("this Development Code").

Section 1-102. Authority.

This Land Development Code is enacted pursuant to the requirements and authority of Section 163.3161 et seq., Florida Statutes (the Local Government Comprehensive Planning and Land Development Regulation Act), the Charter of the City of Clearwater, and the powers and authority in Chapters 60, 162, 166, 171, 177, 286 and 823, Florida Statutes.

Section 1-103. General purposes.

A. It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city.

B. It is the purpose of this Community Development Code to create value for the citizens of the City of Clearwater by:

1. Allowing property owners to enhance the value of their property through innovative and creative redevelopment;
2. Ensuring that development and redevelopment will not have a negative impact on the value of surrounding properties and wherever practicable promoting development and redevelopment which will enhance the value of surrounding properties; and
3. Strengthening the city's economy and increasing its tax base as a whole.

C. It is the further purpose of this Development Code to promote economic development, neighborhood revitalization, and regional cooper-

ation to sustain efforts through which development will protect regionally significant water and other environmental resources.

D. It is the further purpose of this Development Code to make the beautification of the city a matter of the highest priority and to require that existing and future uses and structures in the city are attractive and well-maintained to the maximum extent permitted by law.

E. It is the further purpose of this Development Code to:

1. Provide for adequate light, air and privacy; secure safety from fire, flood and other damage; prevent overcrowding of the land and undue congestion of population; and improve the quality of life for the citizens of the city;
2. Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city;
3. Protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and minimize the conflicts among the uses of land and buildings;
4. Provide the most beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the city, with particular regard for safe and efficient vehicular and pedestrian traffic movement;
5. Preserve the natural resources and aesthetic character of the community for both the resident and tourist population consistent with the city's economic underpinnings;
6. Provide for open spaces through efficient project design and layout that addresses appropriate relationships between buildings on the project site and adjoining properties, including public rights-of-way and other public places;

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7. Protect and improve the quality of water resources and wetlands in both interior and coastal areas and preserve floodplains, drainage ways, and other natural areas having beneficial hydrological characteristics and functions;
8. Establish zoning districts of a size, type, location and with standards that reflect the existing and desirable characteristics of a particular area within the city;
9. Establish permitted uses corresponding with the purpose and character of the respective zoning districts and limit uses within each district to those uses specifically authorized;
10. Establish use limitations for specified uses consistent with the zoning district in which they are allowed and the particular characteristics of such specified uses;
11. Enumerate density, area, width, depth, height, setback, coverage and like requirements for each district, and make appropriate distinctions between categories of use within districts, based on the general purposes of this article, the Comprehensive Plan, and existing and desired community characteristics;
12. Coordinate the provisions of this Development Code with corollary provisions relating to parking, fences and walls, signs, minimum habitable area and like supplementary requirements designed to establish an integrated and complete regulatory framework for the use of land and water within the city.

(Ord. No. 6526-00, § 1, 6-15-00)

Section 1-104. Jurisdiction and applicability.

A. This Development Code shall govern the development and use of land and structures within the corporate limits of the city.

B. No building, structure, water or land shall be used or occupied, and no building, structure, or land shall be developed unless in conformity with

all of the provisions of the zoning district in which it is located, all applicable regulations, and all development approvals.

Section 1-105. Comprehensive plan.

The Comprehensive Plan of the City of Clearwater is the official statement of policy of the city in regard to the use of land and all use or development of land undertaken pursuant to this Development Code shall be consistent with the Comprehensive Plan.

Section 1-106. Transitional rules.

A. *Transition period.* Where a complete application for development approval is pending on the adoption of this Development Code, the provisions of the regulations in effect when the application was filed shall govern the review and approval of the application for development approval, provided that:

1. The application is approved within six (6) months of the date of adoption of this Development Code; and
2. Construction begins within six (6) months of the issuance of such approval and is diligently pursued to completion.

B. *Existing unlawful uses and structures.* A structure or use not lawfully existing at the time of the adoption of this Development Code is lawful only if it conforms with all of the requirements of this Development Code.

C. *Existing approved uses.* An existing use which is lawful on the date of adoption of this Development Code, whether permitted as a "permitted use" or a "conditional use" in the zoning district in which it is located, shall not be deemed nonconforming solely because the procedure for approval has changed through the adoption of this Development Code. In the event the use was approved subject to one or more conditions, those conditions shall continue in full force and effect unless a new approval is obtained. If the existing use is nonconforming under either the prior Land Development Code or this Development Code, then such use shall come into conformance with this Development Code if required by the provisions of Article 7.

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D. Previously granted variances.

1. All variances granted subject to a time frame for construction which are still in effect on the adoption of this Development Code shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance has failed to commence construction before the variance expires, the provisions of this Development Code shall govern and the variance shall have no further force and effect.
2. Any variance granted which is not subject to a time frame for construction, where the development proposal to which the variance related has not been commenced prior to the adoption of this Development Code, shall remain in full force and effect, including any conditions attached thereto, and the recipient of the variance may proceed to develop the property in accordance with the plans previously approved. However, if the recipient of the variance fails to commence construction within six (6) months of the adoption of this Development Code, the provisions of this Development Code shall govern and the variance shall have no further force and effect.

E. Previously certified site plans. All site plans certified prior to the adoption of this Development Code, and any conditions attached thereto, shall remain in full force and effect, and the recipient of the certified site plan may proceed to develop the property in accordance with the certified site plan previously approved. However, if the recipient of the certified site plan has failed to commence construction before the certified site plan expires or if a certified site plan is abandoned, the provisions of this Development Code shall govern. No site plan certified prior to the adoption of this Development Code shall be extended.

F. Previous approvals with required reviews. In the event that an approval granted prior to the adoption of this Development Code includes a condition requiring further review in regard to the development, such further review shall be conducted by the community development board.

G. Previous amortization schedules. In the event any use or structure has been subject to an amortization provision under a previously adopted City Code the use or structure shall continue to be subject to those provisions.

H. Prior zoning districts. Upon the adoption of this development Code, land which is presently zoned within an existing zoning classification shall be classified within one of the zoning classifications set forth in Article 2 of this Development Code, as follows:

<i>OLD DISTRICT</i>	<i>NEW DISTRICT</i>
Single-Family Residential One ("RS 1") Single-Family Residential 2 ("RS 2") Single-Family Residential 4 ("RS 4")	Low Density Residential ("LDR")
Single-Family Residential 6 ("RS 6") Single-Family Residential 8 ("RS 8")	Low Medium Density Residential ("LMDR")
Multiple-Family Residential 8 ("RM 8") Multiple-Family Residential 10 ("RM 10") Multiple-Family Residential 12 ("RM 12") Multiple-Family Residential 16 ("RM 16")	Medium Density Residential ("MDR")
Multiple-Family Residential 20 ("RM 20") Multiple-Family Residential 24 ("RM 24")	Medium High Density Residential ("MHDR")
Multiple-Family Residential 28 ("RM 28")	High Density Residential ("HDR")

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<i>OLD DISTRICT</i>	<i>NEW DISTRICT</i>
Mobile Home Park ("RMH")	Mobile Home Park ("MHP")
Planned Development ("PD")	CONVERTED DISTRICTS CONSISTENT WITH PLANNED DEVELOPMENT USE
Limited Office ("OL") General Office ("OG")	Office ("O")
Commercial Beach ("CB") Resort Commercial 24 ("CR 24") Resort Commercial 28 ("CR 28")	Tourism ("T")
Neighborhood Commercial ("CN") North Greenwood Commercial ("CNG") General Commercial ("CG") Infill Commercial ("CI") Highway Commercial ("CH") Commercial Center ("CC")	Commercial ("C")
Downtown Mixed Use ("D/MU") Urban Center ("UC")	Downtown ("D")
Limited Industrial ("IL") Research, Development and Office Park ("RD")	Industrial, Research and Technology ("IRT")
Public/Semi-Public ("P/SP")	Institutional ("I")
Open Space/Recreation ("OS/R")	Open Space/Recreation ("OS/R")
Preservation ("P")	Preservation ("P")
Activity Center/Primary ("AC/P") and Secondary ("AC/S") Overlay	Omitted
Historic Overlay ("HO")	Process for Designation included in Article 4, Division 6
Floodplain Overlay ("OF")	Omitted
Neighborhood Conservation Overlay ("NC")	Process for designation included in Article 4, Division 6.

I. *Properties affected by eminent domain.* When an eminent domain project has begun and has achieved a substantial amount of progress as evidenced by the condemning authority's adoption of a resolution and/or the approval of final construction plans with greater than 60 percent completion and/or other actions that demonstrate substantial progress prior to the adoption of this Code, the condemning authority or property owner may request that the city review the property under this section. If requested by either the condemning authority or property owner, the city will evaluate the property's compliance with the previous land development code and related regulations and this community development code and develop a post-acquisition-site plan which applies this Code where physically and financially feasible and adequately improves the public safety issues of the site. The community development coordinator may require mitigation and/or improvements to the site that are related to the specific conditions of the site and implement the purposes of this Code. Based on the above criteria, the community development coordinator shall review and approve a site plan which shall govern the re-development of the site after the acquisition by the condemning agency.
 (Ord. No. 6417-99, § 1, 8-19-99; Ord. No. 6526-00, § 1, 6-15-00)

Section 1-107. Severability.

Should any section or provision of this Development Code be declared to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Development Code as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 1-108. Future land use map.

A. *Countywide consistency.* Applications for development approval shall be consistent with the provisions of this Community Development Code and the Countywide Future Land Use Plan as required by state law. Development potential is based on the applicable zoning district and as permitted by the Countywide Future Land Use Plan Designation. In cases where there is a difference between the density permitted in the zoning district and that which is permitted by the land use classification, the more restrictive shall prevail. In addition, uses of land shall be consistent with uses permitted in the assigned zoning district as well as the uses permitted by the Countywide Future Land Use Plan Designation.

B. *Map adjustments.* Plan map boundary adjustments for Water/Drainage Feature, Preservation and Recreation/Open Space categories may be made by the Community Development Coordinator provided that such map adjustments are consistent with a jurisdictional boundary determination under state agency rules which is consistent with such rules; or are consistent with an approved site or project plan for a body of water or drainage feature; or are consistent with the purpose and characteristics of the particular category being adjusted and are based upon a finding of appropriateness by the Community Development Coordinator that such adjustment is de minimis in extent and effect.

(Ord. No. 8070-09, § 1, 12-3-09)

Section 1-109. Zoning atlas.

A. The Zoning Atlas of the City of Clearwater consists of a map of the city, published in the form of an atlas or book containing a title and summary page and additional separate sheets, each covering a portion of the city, depicting all real

property within the city and designating the various zoning districts and the boundaries thereof. The zoning atlas shall be in sufficient detail so that property owners may locate their properties with respect to the zoning district boundary lines. The zoning atlas shall be available for inspection and examination by members of the public at all reasonable times as any other public record. The zoning atlas is not included herein, but such atlas is on file and available for inspection in the planning department.

B. *Interpretation of district boundaries.* Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning atlas, the following rules shall apply:

1. *Delineation of boundaries.* Zoning district boundaries are shown as heavy lines upon the zoning atlas and are superimposed upon lighter lines designating section lines, fractional section lines, platted lot lines, streets, city limits and other physically identifiable ground features or extensions of same, unless other specific distances in feet or other angles, bearings, radii and other references to a boundary location are specified.
2. *Boundaries in streets.* Zoning district boundary lines when located in streets or other public rights-of-way shall be interpreted as located on the centerline of such rights-of-way.
3. *Interruption of boundary lines.* Boundary lines which are interrupted to show street names or other identification numbers or letters upon the official zoning atlas shall be interpreted as extending through such identifications unless otherwise specified.
4. *Shore, seawall or bulkhead lines.* Zoning district boundary lines shall be construed to follow such shore, seawall or bulkhead lines, and in the event of change in the shore, seawall or bulkhead lines, shall be construed as following the changed shore, seawall or bulkhead line; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

5. *Boundary line unclear.* When the exact location of a zoning district boundary line is not clear, its location shall be determined by the community development coordinator using the following criteria in order of importance: the appropriate ordinance as passed by the city commission; the Future Land Use Plan (FLUP) boundary line; and historical development patterns.

C. *Zoning of annexed properties.* Property annexed to the city shall be rezoned through the city ordinances, the zoning classification which most closely relates to the Pinellas County zoning classification, as determined by the community development coordinator, in effect at the time of such annexation and the city zoning atlas referred to in section 1-109. A shall be amended or posted accordingly.

D. *Consistency.* The Zoning Atlas of the City of Clearwater shall be consistent with the City Future Land Use Plan and the provisions of the Countywide Future Land Use Map.

E. *Adjustments to the zoning atlas.* Zoning atlas adjustments may be made by the Community Development Coordinator based upon information demonstrating errors or omissions, or based upon historical data.

(Ord. No. 6928-02, § 1, 5-2-02; Ord. No. 8043-09, § 1, 9-3-09; Ord. No. 8070-09, § 2, 12-3-09)