

**ORDINANCE NO. 7721-07**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO BEACH BY DESIGN: A PRELIMINARY DESIGN FOR CLEARWATER BEACH AND DESIGN GUIDELINES; BY AMENDING SECTION II. FUTURE LAND USE; REMOVING AND REPLACING SUBSECTION C. THE "MARINA RESIDENTIAL" DISTRICT IN ITS ENTIRETY; PROVIDING A DESCRIPTION AND VISION FOR THE MARINA DISTRICT; PROVIDING FOR HEIGHT INCENTIVES AND REQUIRED PUBLIC AMENITIES; PROVIDING ADDITIONAL INCENTIVES; ADDING CERTAIN PROVISIONS REGARDING BELLE HARBOR; PROVIDING FOR SITE DESIGN CRITERIA INCLUDING SETBACKS, BUILDING DESIGN ALONG PUBLIC BOARDWALK, AND PARKING ALONG CLEARWATER HARBOR; ADDING AN APPENDIX CONSISTING OF THE CITY'S FUTURE LAND USE MAP FOR THE AREA GOVERNED BY BEACH BY DESIGN AS EXHIBIT A; PROVIDING THAT SAID PROVISIONS SUPPLEMENT THE CLEARWATER LAND DEVELOPMENT CODE; PROVIDING FOR FORWARDING TO REVIEW AGENCIES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the economic vitality of Clearwater Beach is a major contributor to the economic health of the City overall; and

WHEREAS, the public infrastructure and private improvements of Clearwater Beach are a critical part contributing to the economic vitality of the Beach; and

WHEREAS, substantial improvements and upgrades to both the public infrastructure and private improvements are necessary to improve the tourist appeal and citizen enjoyment of the Beach; and

WHEREAS, the City of Clearwater desires greater flexibility with regard to location of uses within the Marina District governed by *Beach by Design*; and

WHEREAS, *Beach by Design* does not specifically permit overnight accommodations in the Marina Residential District and the City of Clearwater desires to incentivize new overnight accommodation development; and

WHEREAS, the City of Clearwater desires to ensure public access to the Clearwater Harbor in the Marina District; and

WHEREAS, the City of Clearwater desires to better balance development incentives with the provisions of public benefits and amenities in the Marina District; and

WHEREAS the Pinellas Planning Council has requested that the City's Future Land Use Map be added to *Beach by Design*; and

WHEREAS, the proposed amendments to *Beach by Design* have been submitted to the Community Development Board acting as the Local Planning Authority (LPA) for the City of Clearwater; and

WHEREAS, the Local Planning Agency (LPA) for the City of Clearwater held a duly noticed public hearing and found that amendments to *Beach by Design* are consistent with the Clearwater Comprehensive Plan; and

WHEREAS, *Beach by Design* was originally adopted on February 15, 2001 and subsequently amended, now therefore,

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

Section 1. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section II. Future Land Use, is amended as follows:

**II. Future Land Use**

The existing pattern of land use is a mix of primarily commercial uses – hotels, motels, retail shops, restaurants and tourist and/or recreation operations – between Acacia Street and the Sand Key bridge. The City of Clearwater Future Land Use Plan Map governs uses, intensities and densities in this area and is incorporated by reference, as may be amended, and is attached as the Appendix. Functionally, this area is divisible into a number of distinct character districts which also govern development:

\* \* \* \* \*

Section 2. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section II. Future Land Use, Subsection C. The "Marina Residential" District, is amended as follows:

**C. Marina Residential District**

~~The area to the east of Poinsettia and North Mandalay to the north of Baymont is primarily a residential district with a few motel and restaurant uses. The parcels of land to the east of East Shore front on Clearwater Bay. However, those parcels are relatively shallow, limiting the utility of the existing parcelization. Beach by Design anticipates the redevelopment of the Marina District as a waterfront residential neighborhood with parcels to the east of Poinsettia consolidated with parcels to the east of East Shore in favor of land assembly. Four distinct blocks should be created from~~

~~this consolidated land between the Causeway and Baymont Street consistent with existing area street patterns. Pedestrian access should be provided through each block to the Intracoastal Waterway and terminate at a public boardwalk located along the shoreline from the Causeway to Mandalay Avenue. Retail and restaurant uses are appropriate in the north and south block only and residential uses located between. The Yacht Basin Apartment site, which is located on the north side of Baymont, should be considered an integral part of this neighborhood. It must be included in any consolidation effort and is an appropriate site for a marina based hotel and other residential uses.~~

~~If all of this land is consolidated under single ownership and developed according to the Marina Residential District framework as a unified plan, the City should do the following: vacate East Shore; create an assessment district to finance the boardwalk construction; participate in a garage at Pelican Walk; and make available the density pool for a marina based hotel meeting the requirements of Beach by Design on the Yacht Basin Apartment site, including the potential allowance of 150 feet in building height. All other building heights within this district would be permitted between 2-4 stories above parking.~~

~~If the "single" property consolidation described above does not occur, intermediate strategies should be employed. These strategies should result in smaller, but significant, lot consolidation in the East Shore area consistent with the four "distinct blocks" identified previously between the Causeway and Baymont Street. This area should also value two larger consolidations of approximately five acres each as an incentive for redevelopment. The goal of marina based development in conjunction with a public "Bayside Boardwalk" should also be pursued. Additionally, the Yacht Basin site should be redeveloped in its current configuration without further subdivision. In order to implement these strategies the following incentives are available:~~

## **Height**

~~In addition to the requirements of the Design Guidelines the following requirements shall apply in the Marina Residential District between Baymont Street and the Causeway.~~

- ~~• Projects that consolidate a minimum of five acres will be eligible for approval of height up to 100 feet, subject to meeting the standards of the Community Development Code, Beach By Design and approval by the Community Development Board.~~
- ~~• Projects that consolidate a minimum of 2.5 acres will be eligible for approval of height up to 70 feet, subject to meeting the standards of the Community Development Board.~~
- ~~• Structures located between the Causeway and Baymont Street exceeding 35 feet in height, shall occupy no more than fifty (50) percent of the property frontage along the Intra-Coastal Waterway.~~

~~In the event that lot consolidation under one owner does not occur, Beach by Design contemplates the City working with District property owners to issue a request for proposals to redevelop the District in the consolidated manner identified above. If this approach does not generate the desired consolidation and redevelopment, Beach by Design calls for the City to initiate a City Marina DRI in order to facilitate development of a marina based neighborhood subject to property owner support. If lot consolidation does not occur within the District, the maximum permitted height of development east of East Shore will be restricted to two (2) stories above parking and between Poinsettia and East Shore could extend to four (4) stories above parking.~~

### **~~Yacht Basin Property~~**

- ~~• The Yacht Basin property will be redeveloped without further subdivision and subject to the design guidelines. The property will feature lower building heights around the perimeter of the property with higher buildings located on the interior of the site with stepped-back design.~~
- ~~• The project will provide streetscape improvements on the Mandalay and Baymont sides either on the project property or on the existing right of way. These improvements are intended to link pedestrians with the Mandalay and Bayside Boardwalk areas.~~
- ~~• The project will contribute to Pelican Walk parking garage project on terms to be determined by the City Commission.~~

### **~~East Shore Vacation~~**

~~Any vacation of East Shore Drive would be subject to a traffic analysis prior to the vacation. The City may conduct this evaluation prior to a proposal for street vacation.~~

### **~~Bayside Boardwalk/Pedestrian Linkages~~**

~~Development utilizing the lot consolidation incentives will dedicate a ten-foot easement along the Bayside that will link to a pedestrian streetscape improvement along Baymont. The Yacht Basin redevelopment will provide the streetscape improvement from the proposed Boardwalk to Mandalay Street along the Baymont frontage. The Bayside Boardwalk can be either on the landside of the seawall and or a component of marina development on the waterside on the seawall.~~

### **~~Marina Development~~**

~~Development utilizing the lot consolidation incentives should include a marina component, subject to applicable permitting requirements.~~

### C. Marina District

The area to the east of Poinsettia Avenue, north of Causeway Boulevard and south of the Clearwater Beach Recreation Complex is a mixed-use district occupied by residential, motel and limited commercial uses in at-grade structures primarily one – two stories in height. This district is the northern gateway to Clearwater Beach and has a high profile location along Clearwater Harbor and visibility from Causeway Boulevard. The parcels of land located on the east side of East Shore Drive have frontage along Clearwater Harbor and those on the west side also have frontage on Poinsettia Avenue. Parcels on both sides of East Shore Drive are relatively shallow and the future redevelopment opportunities are limited by this existing parcelization.

#### District Vision

The District's prime location along Clearwater Harbor, its close proximity to the City's marina and to the beach make the District a particularly desirable place for tourists and residents alike. *Beach by Design* supports the redevelopment of the Marina District into a pedestrian and boater-friendly destination that includes a mix of hotels, commercial, restaurant, residential and mixed-use development, as well as a variety of dock facilities and water related uses.

To assist in creating this destination waterfront neighborhood, the District should capitalize upon its gateway location. *Beach by Design* supports the creation of a District focal point generally located at the intersection of East Shore Drive and Papaya Street and along Clearwater Harbor. Development located entirely or partially within 200 feet north and 200 feet south of Papaya Street shall be limited to the District's preferred uses, which are restaurants, retail, hotels and/or mixed uses. Stand-alone residential development shall not be permitted in this location. The design of development in this location should capitalize on this prime waterfront location and provide public access to the waterfront where Papaya Street terminates at Clearwater Harbor.

To assist in attracting people to the District, *Beach by Design* contemplates the construction of a public boardwalk along Clearwater Harbor from Baymont Street south to the southern boundary of the District to connect with the City marina's boardwalk located under Causeway Boulevard. Additionally, streetscape improvements should be implemented along Baymont and Papaya Streets to create a pleasant pedestrian environment and visual connection between Clearwater Harbor and the Gulf of Mexico. Streetscape elements should also be used to identify public entrances to the boardwalk at Papaya and Baymont Streets along Clearwater Harbor.

Determinations of whether a project constitutes a mixed-use development will be made by weighing the following factors: whether the proposed mix of residential and non-residential uses will further the vision of the District; the percentage of street/waterfront

frontage occupied by one or more uses; percentages of overall project devoted to each use; and/or portion of one or more floors devoted to a mixture of uses.

**Height Incentives and Required Public Amenities**

The Marina District's location in the heart of the tourist district presents prime opportunities for tourist-oriented and mixed-use development. Existing parcel sizes and depths as well as lack of public amenities inhibit the District's redevelopment and potential for creating a destination waterfront neighborhood. To realize the District's vision, *Beach by Design* offers development incentives of increased building height in exchange for redevelopment proposals with larger lot sizes, preferred District uses and the inclusion of specified public amenities. Projects not contributing to a public amenity shall be limited to two stories above parking if located on the east side of East Shore Drive and four stories above parking on the west side of East Shore Drive.

Development located on Clearwater Harbor utilizing a height bonus as outlined in the table below must provide to the City of Clearwater a 15 foot wide boardwalk constructed within a 20-foot public access easement adjacent to the seawall, either over the water or on the land as determined by the City. Any non-waterfront parcel using the height bonus shall contribute financially to the Papaya and Baymont Street streetscape or the public boardwalk, in a manner determined by the City. The following table shall guide allowable building height in the Marina District:

<u>Height Bonus Schedule for the Marina District</u>		
<u>Land Area with Contribution to the Public Boardwalk or the Streetscape</u>	<u>Maximum Height for Residential Development</u>	<u>Maximum Height for Preferred Uses - Mixed Used Development and Overnight Accommodations</u>
<u>&gt; 0.5 acres on one side of East Shore Drive</u>	<u>40 feet</u>	<u>60 feet</u>
<u>&gt; 0.5 acres on both sides of East Shore Drive</u>	<u>50 feet</u>	<u>70 feet</u>
<u>1 acre on one side of East Shore Drive</u>	<u>50 feet</u>	<u>70 feet</u>
<u>1 acre on both sides of East Shore Drive</u>	<u>60 feet</u>	<u>80 feet</u>
<u>2 acres on one side of East Shore Drive</u>	<u>60 feet</u>	<u>80 feet</u>
<u>2 acres on both sides of East Shore Drive</u>	<u>75 feet</u>	<u>100 feet*</u>

\* Additional height may be granted pursuant to the transfer of development provisions only for overnight accommodations with 50 or more units and up to a maximum height of 130 feet.

## **Additional Incentives**

In addition to the height bonuses, *Beach by Design* would permit the consideration of the vacation of East Shore Drive to assist in the creation of larger sites to facilitate redevelopment with a higher quality of architectural and site design. Vacation requests will only be considered in increments of one full block provided concerns related to access, traffic circulation on the beach, emergency vehicle access, utilities, etc. can be mitigated and funding mechanisms are identified to the satisfaction of the City.

The Marina District also supports the maintenance and expansion of dock facilities that serve existing and new uses, as well as those that serve the broader public. To assist in the creation of commercial dock facilities, *Beach by Design* waives any additional on-site parking that may be required to support such facilities provided on-street parking is provided adjacent to the upland site.

*Beach By Design* further contemplates that additional flexibility may be provided regarding number and location of parking spaces to serve overnight accommodations.

## **Belle Harbor**

The Belle Harbor condominium site was recently redeveloped consistent with the High Density Residential (HDR) zoning district provisions and no changes are anticipated for this parcel. In the event conditions change, the HDR District will govern future redevelopment or improvements to this property.

## **Site Design Criteria**

To ensure that the scale and character of development in the Marina District provides the desired setting for public enjoyment of the waterfront and promotes pedestrian-oriented development, the following requirements shall apply to the Marina District. Should there be any discrepancy between these provisions and Section VII. Design Guidelines and/or the Community Development Code, these provisions shall govern.

### **Setbacks**

In order to promote a pedestrian-friendly environment, overnight accommodations, commercial, mixed-use development and townhouses may be permitted a zero foot front setback. Other forms of residential development shall comply with the setbacks set forth in the Community Development Code.

Setbacks adjacent to the public boardwalk may incorporate pedestrian-oriented design features including, but not limited to courtyards, steps, entryways, arcades, plazas and outdoor seating areas.

To ensure the provision of adequate east-west view corridors between properties, building side setbacks shall be no less than 25% of the building height or a minimum of 10 feet, whichever is greater. A minimum setback of five feet shall be provided for all paved surfaces. The public boardwalk, pavement accommodating cross-access drive aisles and shared parking areas shall be exempt from any side setback requirements.

#### Building Design Along the Public Boardwalk

The design of facades fronting Clearwater Harbor is critical in creating the atmosphere along the public boardwalk. These façades should receive a high level of design treatment incorporating elements such as changes in plane, architectural details, variety in color, materials and textures, defined entrances, doors and windows and other appropriate details based on the architectural style of the building.

#### Parking Along Clearwater Harbor

Parking garages/areas should be internal to the site/building and screened from Clearwater Harbor. Such areas shall be architecturally integrated with the design of the building.

Section 3. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines* is amended by adding an Appendix which contains the City's Future Land Use Plan Map for the area governed by *Beach by Design* and as shown in the attached Exhibit A.

Section 4. *Beach by Design*, as amended, contains specific development standards and design guidelines for areas of Clearwater Beach that are in addition to and supplement the Community Development Code; and

Section 5. The City Manager or designee shall forward said plan to any agency required by law or rule to review or approve same; and

Section 6. It is the intention of the City Council that this ordinance and plan and every provision thereof, shall be considered severable; and the invalidity of any section or provision of this ordinance shall not affect the validity of any other provision of this ordinance and plan; and

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

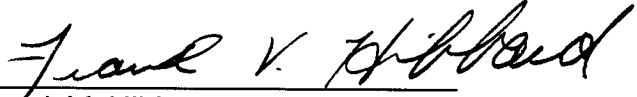
PASSED ON FIRST READING  
AS AMENDED

January 31, 2007




PASSED ON SECOND AND FINAL  
READING AND ADOPTED

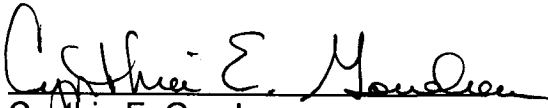
February 15, 2007

  
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Frank V. Hibbard  
Mayor

Approved as to form:

  
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Leslie K. Dougall-Sides  
Assistant City Attorney

Attest:

  
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Cynthia E. Goudeau  
City Clerk

