

ORDINANCE NO. 9529-22

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA,
RELATING TO LAND USE AND ZONING; MAKING FINDINGS;
IMPOSING A MORATORIUM UPON THE APPLICATION FOR AND
ISSUANCE OF CERTAIN BUILDING PERMITS, AND CERTAIN
DEVELOPMENT APPROVALS, ORDERS, AND PERMITS,
INCLUDING PROCESSING, FOR NEW DEVELOPMENT WITHIN
THE U.S. 19 ZONING DISTRICT; PROVIDING FOR COVERAGE
AND DURATION OF THE MORATORIUM; PROVIDING FOR
SEVERABILITY AND SUPERSEDING INCONSISTENT SECTIONS;
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater (the “City”) has the authority pursuant to Florida Constitution Article VIII and Florida Statutes Chapters 166 and 163 to adopt and amend land development regulations; and

WHEREAS, the City adopted the Community Development Code (the “Code”) on January 21, 1999, which took effect on March 8, 1999; and

WHEREAS, the City of Clearwater Comprehensive Plan (the “Comprehensive Plan”), adopted December 8, 2008, established a Citywide Design Structure to serve as a guide to development and land use decisions while protecting those elements that make the city unique; and

WHEREAS, the Citywide Design Structure identifies U.S. Highway 19 as a corridor to redevelop; and

WHEREAS, the Citywide Design Structure identifies the Clearwater Mall/Park Place area and the Countryside Mall/Westfield area as “Major Activity Centers” which are intended for high-intensity, high-density multi-use activities centers appropriate for intensive growth; and

WHEREAS, on December 15, 2016, the City adopted Ordinance No. 8923-16, amending the Comprehensive Plan to establish the U.S. 19 future land use categories as well as goals, objectives, and policies related thereto; and

WHEREAS, on February 2, 2017, the City adopted Ordinance No. 8988-17, amending the Code to create the U.S. 19 Zoning District and Development Standards (the “District”) to encourage smart growth and guide development within the District; and

WHEREAS, since its creation, development in the District has primarily consisted of for-rent residential projects at intensities that are less than what is permitted in the District; and

WHEREAS, since the creation of the District, no mixed-use or employment generating uses have been developed; and

WHEREAS, City Council believes there is a need to carefully study the growth management issues facing the District and determine the need for regulatory changes to facilitate development consistent with the Comprehensive Plan's intention to create employment-intensive uses and mixed-use developments; and

WHEREAS, ensuring the stable growth and economic viability of the U.S. Highway 19 corridor is an important public purpose as identified in the Comprehensive Plan; and

WHEREAS, it is important to maintain the status quo of the District by curtailing new development during the time period necessary for City staff to study the District's growth issues and for the implementation of study results by means of appropriate amendments to the Code; and

WHEREAS, such study and resulting implementation are anticipated to take up to one year to process; and

WHEREAS, it is therefore necessary to impose a moratorium on new development and/or redevelopment occurring within the District, subject to the exceptions detailed further herein, in order that such study and resulting implementation may occur; and

WHEREAS, at a duly noticed public meeting the Clearwater Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed this ordinance, conducted a public hearing, considered all public testimony and has determined that this ordinance is consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt this ordinance; and

WHEREAS, the City Council has fully considered the recommendation of the Community Development Board and testimony and evidence submitted at its public hearing; now therefore,

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

Section 1. The City Council of the City of Clearwater, Florida hereby finds that a moratorium on certain development, including the processing and issuance of certain approvals and permits, is necessary in order to protect the public health, safety, and welfare for a period during the pendency of the City's planning study process and the adoption of appropriate amendments to the Code.

Section 2. A moratorium is hereby imposed upon:

The District, as depicted in Exhibit "A", as attached hereto, regarding the processing of all new development approvals, development orders, building permits, or other related permits. The moratorium, however, will not apply to the following:

- a. Building permits required for repair and/or maintenance of existing structures.

- b. Building permits which are necessary to rebuild existing structures that were destroyed as the result of a “force majeure,” subject to the City’s land development regulations.
- c. Building permits for development approvals where such proper application for building permits were submitted to the City prior to the effective date of this Ordinance.
- d. Development approvals and building permits for dock construction.
- e. Development approvals for interior or exterior remodeling/renovation, so long as such proposed remodeling/renovation does not expand the footprint of the existing structure and/or its parking lot.
- f. Development approvals for temporary uses pursuant to Article 3, Division 21, Community Development Code, or signage.

Section 3. During the period of this moratorium, the City shall not process or issue any new development approvals, development orders, building permits, or other related permits, nor shall it process applications concerning such matters in the District, except for in those specific instances listed in subsections a. through f. in Section 2 above.

Section 4. The moratorium established by this Ordinance shall commence on the effective date of this Ordinance and shall remain in effect for one year or until the above referenced amendment to the Code is completed and fully approved by City Council, whichever occurs earlier.

Section 5. If any section, provision, clause, phrase, or application of this Ordinance shall be declared unconstitutional or invalid for any reason by a court of competent jurisdiction, the remaining provisions shall be deemed severable therefrom and shall remain in full force and effect.

Section 6. All Ordinances or parts of Ordinances of the City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

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

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Jon P. Jennings, ICMA-CM, MPA
City Manager

Frank V. Hibbard
Mayor

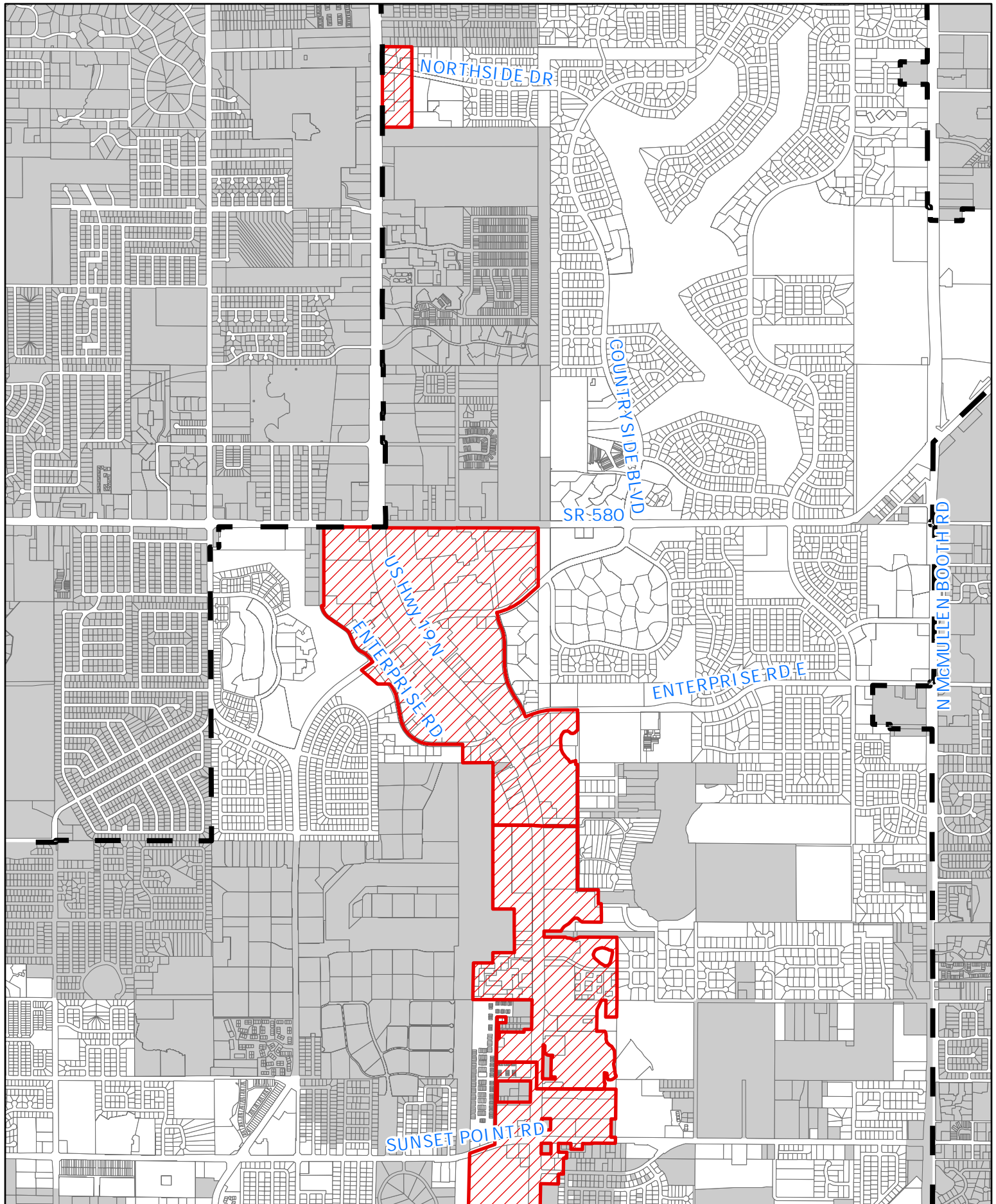
Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Assistant City Attorney

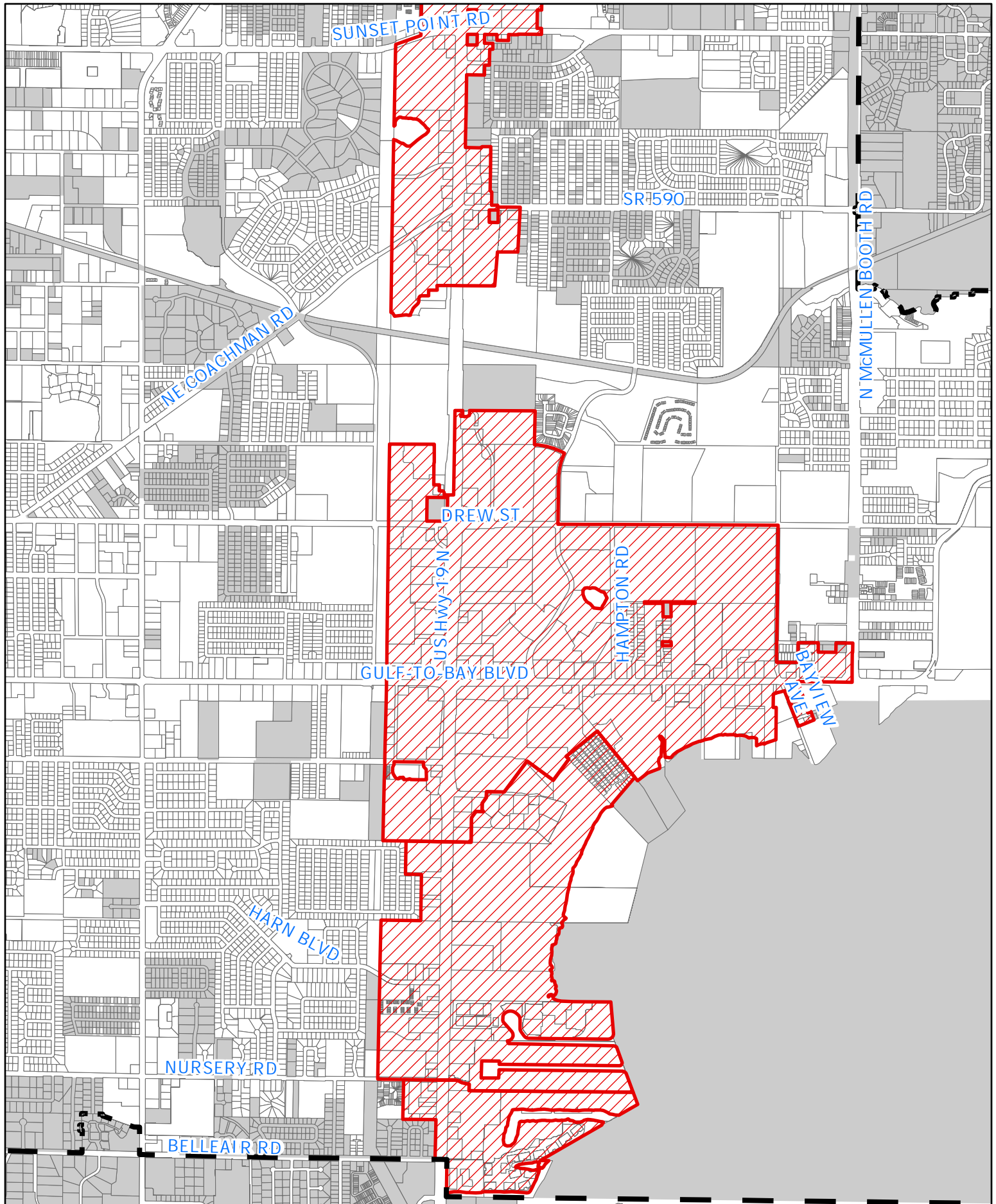
Rosemarie Call, MPA, MMC
City Clerk

DRAFT



 US 19 Zoning District
  Outside Service Area
  Service Area


 Map not to scale



US 19 Zoning District
 Outside Service Area
 Service Area


 Map not to scale