

## ORDINANCE NO. 9515-22

AN ORDINANCE OF THE CITY OF CLEARWATER (“THE CITY”), FLORIDA, MAKING AMENDMENTS TO THE CLEARWATER COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE ELEMENT TO ENCOURAGE DEVELOPMENT OF AFFORDABLE AND MISSING MIDDLE HOUSING; AMENDING THE HOUSING ELEMENT TO ALLOW FOR UTILIZATION OF CERTAIN REDUCED IMPACT FEES; AMENDING THE COASTAL MANAGEMENT ELEMENT TO UPDATE THE COASTAL STORM AREA AND HURRICANE STORM SURGE MAPS; ADOPTING A NEW COMPREHENSIVE PLAN ELEMENT, THE PROPERTY RIGHTS ELEMENT, CREATING A NEW GOAL, OBJECTIVE AND POLICIES FOLLOWING STATUTORY LANGUAGE IN ACCORDANCE WITH FLORIDA HOUSE BILL 59 (2021) “PRIVATE PROPERTY RIGHTS”; CERTIFYING CONSISTENCY WITH THE CITY’S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the Local Government Comprehensive Planning and Land Development Regulation Act of Florida empowers and requires the City Council of the City of Clearwater to plan for the future development and growth of the City, and to adopt and periodically amend the Comprehensive Plan, including elements and portions thereof; and

WHEREAS, on July 15, 2021, the City demonstrated its commitment to taking a countywide approach to addressing housing affordability by approving the Advantage Pinellas Housing Compact between the municipalities within Pinellas County, the Pinellas County Board of County Commissioners and Forward Pinellas; and

WHEREAS, the City has supported various incentives intended to encourage development and preservation of affordable and workforce housing and currently provides certain incentives for affordable and workforce housing development; and

WHEREAS, the City wishes to further incentivize the development of affordable, workforce and Missing Middle housing projects through the use of density bonuses within the City limits, which are provided for in the Countywide Rules; and

WHEREAS, In July 2019, Pinellas County amended the Multi-Modal Impact Fee schedule which introduced reduced fees for certain low-income household projects; and

WHEREAS, the National Oceanic and Atmospheric Administration published a new and updated Sea, Lake and Overland Surges from Hurricanes (SLOSH) model; and

WHEREAS, the City’s Coastal High Hazard Area (CHHA) and Coastal Storm Area (CSA) is determined by the Category 1 Storm Surge from the SLOSH model; and

WHEREAS, the City’s Hurricane Storm Surge map is determined by the SLOSH model; and

WHEREAS, Florida House Bill 59, also known as the Private Property Rights Act, was signed into law in 2021 and requires that local governments adopt a new property rights element, containing four elements to be included, into their comprehensive plan; and

WHEREAS, the City Council finds it necessary, desirable, and proper to amend the Comprehensive Plan in order to reflect changing conditions; 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 amendment, conducted a public hearing, considered all public testimony and has determined that this amendment is consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt this amendment; 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. That policy A.6.1.1 of the Clearwater Comprehensive Plan Future Land Use Element be amended to read as follows:

A.6.1.1 Redevelopment shall be encouraged, where appropriate, by providing development incentives such as density bonuses for significant lot consolidation; and/or catalytic projects; workforce housing projects; "missing middle housing" projects; and vertically integrated, transit supportive mixed-use development; as well as the use of transfer of developments rights pursuant to approved special area plans and redevelopment plans.

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Section 2. That Objective C.1.1 of the Clearwater Comprehensive Plan Housing Element be amended to read as follows:

C.1.1 **Objective for Adequate Housing - Assure an adequate supply of housing in Clearwater by providing for additional new dwelling units in a variety of types, costs, and locations to diversify housing options and provide housing that meets the evolving needs of the residents of the City of Clearwater households.**

Section 3. That Policies C.1.1.2, C.1.1.5, C.1.1.7 and C.1.1.8 of the Clearwater Comprehensive Plan Housing Element be amended to read as follows:

\* \* \* \* \*

C.1.1.2 Residential Infill Projects, as defined in the Community Development Code, shall be utilized in order to accommodate innovative project designs, which provide for a mix of dwelling types at varying costs. Opportunities and conditions for the provision of accessory dwelling units (ADUs) may be considered for inclusion within infill development and redevelopment projects, provided that strict compliance standards be established within the Community Development Code. The City shall create provisions within the Community Development Code for expanding housing options that meet the changing needs of residents in terms of unit sizes, housing types, levels of affordability, and locations, while preserving existing housing, including "missing middle" housing types such as tiny houses.

cottages, duplexes, courtyard housing, and small apartment buildings, and accessory dwelling units (ADUs).

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- C.1.1.5 The City of Clearwater shall continue to provide information, incentives, and technical assistance to the private sector in order to achieve housing production that meets the needs of very low, low, and moderate-income households.

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- C.1.1.7 The City shall further the goal of providing a variety of housing choices, including workforce and “missing middle” housing, through tools such as by encouraging land assembly, where possible, through such things as density bonuses, height increases, and setback reductions, as appropriate.

- C.1.1.8 ~~The City may permit one accessory dwelling unit per lot wherever such units can be accommodated by adequate lot area, and provided that they meet strict compliance standards such as building restrictions, visual buffering, parking and other requirements to be developed for inclusion in the Community Development Code. To provide additional and diverse housing options integrated into existing neighborhoods, accessory dwelling units shall be exempt from density provisions and allowed in certain residential zoning districts compliant with Community Development Code provisions which provide for consistency with neighborhood character. Such accessory dwelling units cannot be used for short-term rental purposes.~~

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Section 4. That Policy C.1.2.8 of the Clearwater Comprehensive Plan Housing Element be added, to read as follows:

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- C.1.2.8 The City shall support the continued reduction of the multi-modal impact fee for low-income household projects, which is established and administered by Pinellas County.

Section 5. That a new Property Rights Element, inclusive of an introduction, Goal, Objective and Policies, be created to read as follows:

## **K. PROPERTY RIGHTS ELEMENT**

### **Introduction**

The purpose and intent of the Property Rights Element is to provide guidance ensuring private property rights are considered in local decision making.

**K.1 GOAL – IN ACCORDANCE WITH THE LEGISLATIVE INTENT EXPRESSED IN SECTIONS 163.3161(10) AND 187.101(3), FLORIDA STATUTES, THIS COMPREHENSIVE PLAN SHALL RESPECT JUDICIALLY ACKNOWLEDGED AND CONSTITUTIONALLY PROTECTED PRIVATE PROPERTY RIGHTS.**

**K.1.1 Objective – The following statements of private property rights shall be considered in local decision making.**

**Policies**

**K.1.1.1 The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.**

**K.1.1.2 The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.**

**K.1.1.3 The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.**

**K.1.1.4 The right of a property owner to dispose of his or her property through sale or gift.**

**Section 6.** That Maps E-1A, E-1B and E-2 of the Clearwater Comprehensive Plan be replaced with the maps attached as Composite Exhibit "A".

**Section 7.** Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

**Section 8.** The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL  
READING AND ADOPTED

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Frank V. Hibbard  
Mayor

Approved as to form:

Attest:

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Matthew J. Mytych, Esq.  
Assistant City Attorney

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Rosemarie Call, MPA, MMC  
City Clerk

## City of Clearwater Comprehensive Plan 2021



Exhibit "A-1"

## City of Clearwater Comprehensive Plan 2021

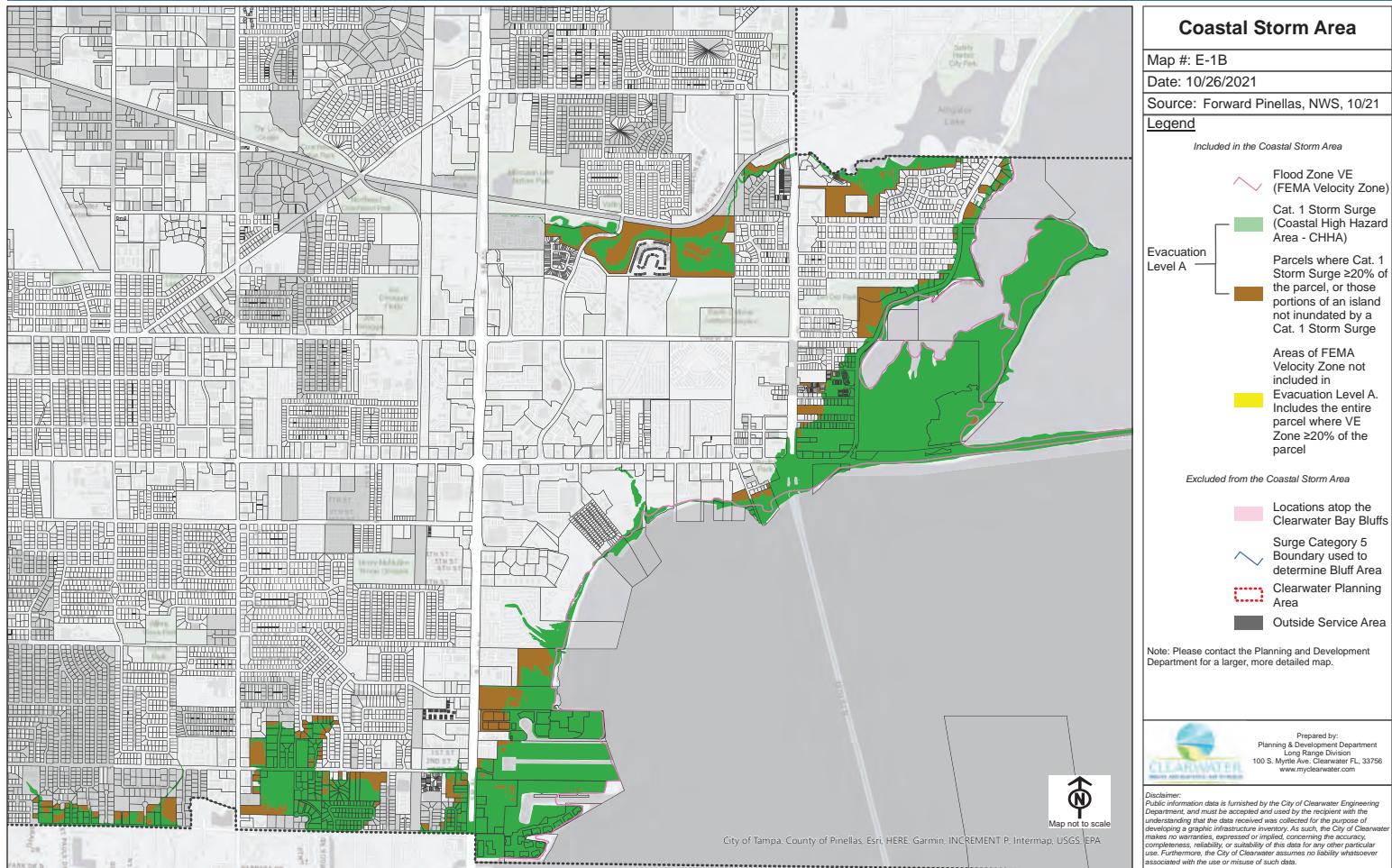


Exhibit "A-2"

## City of Clearwater Comprehensive Plan 2021

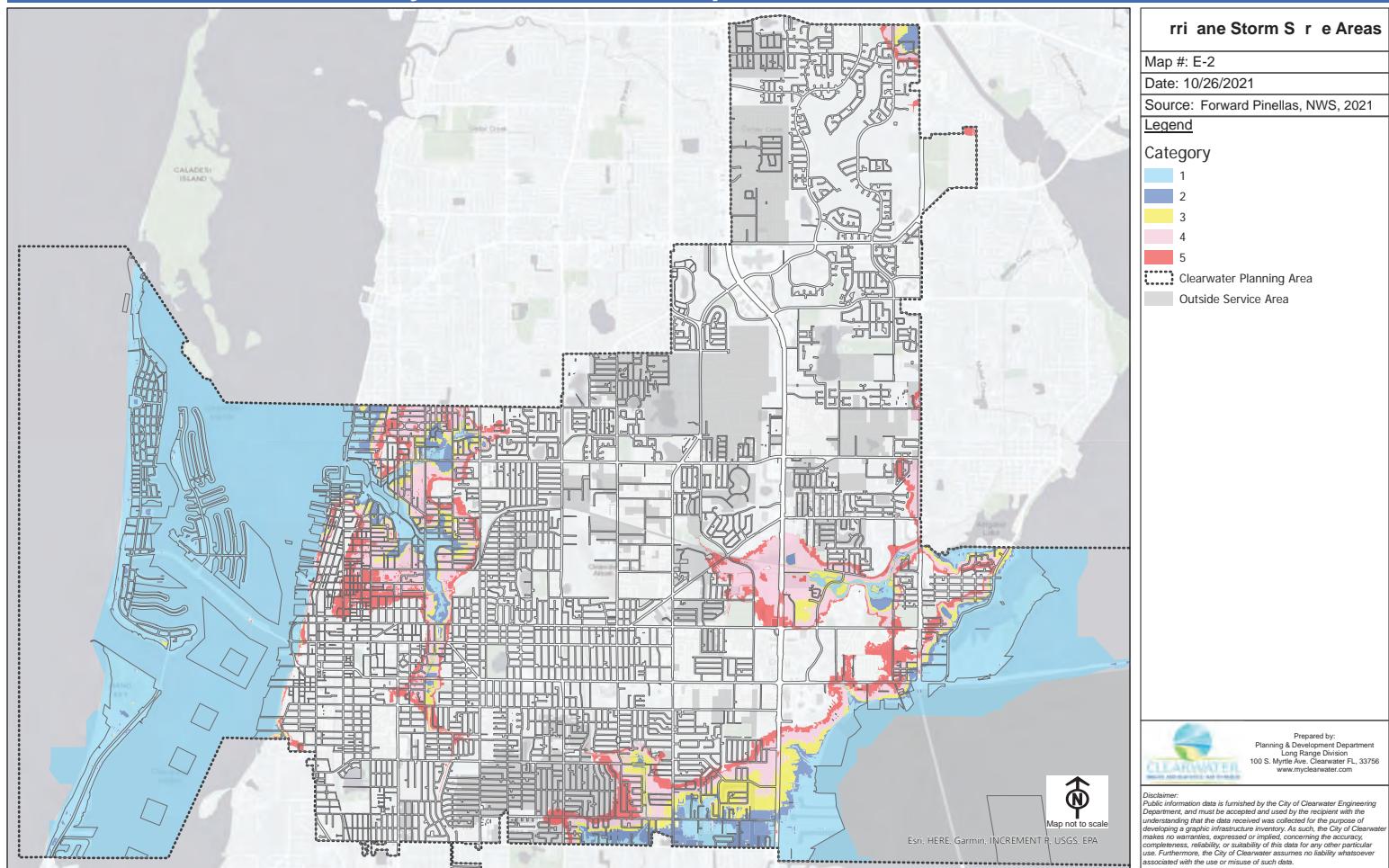


Exhibit "A-3"