

ORDINANCE NO. 7294-04

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 V. CATALYTIC PROJECTS, SUBSECTION B. COMMUNITY REDEVELOPMENT DISTRICT DESIGNATION BY EXTENDING THE TIMEFRAME THE POOL OF 600 ADDITIONAL HOTEL ROOMS IS AVAILABLE FROM FIVE (5) YEARS TO TEN (10) YEARS; BY REVISING THE CHARACTERISTICS WHICH MAKE A PROJECT ELIGIBLE FOR ADDITIONAL HOTEL UNITS; BY REVISING THE LAND AREAS ELIGIBLE FOR THE POOL OF ADDITIONAL HOTEL ROOMS; 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 has invested significant time and resources in studying Clearwater Beach; and

WHEREAS, *Beach by Design*, the special area plan governing Clearwater Beach, contains specific development standards and design guidelines for areas of Clearwater Beach that need to be improved and/or redeveloped; and

WHEREAS, the City of Clearwater has the authority pursuant to Rules Governing the Administration of the Countywide Future Land Use Plan, as amended, Section 2.3.3.8.4, to adopt and enforce a specific plan for redevelopment in accordance with the Community Redevelopment District plan category, and said Section requires that a special area plan therefore be approved by the local government; and

WHEREAS, the proposed amendment to *Beach by Design* has 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 amendment to *Beach by Design* are consistent with the Clearwater Comprehensive Plan; and

WHEREAS, on November 15, 2001 and December 13, 2001 the City Council of the City of Clearwater reviewed and approved *Beach by Design*; 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 V. Catalytic Projects, Subsection B. Community Redevelopment District Designation, is amended by revising the 3rd paragraph on page 44 as follows:

B. Community Redevelopment District Designation

* * * *

In order to stimulate the desired catalytic resort projects, Beach by Design establishes a limited pool of 600 additional hotel rooms which would be available for use at one or more sites within designated priority redevelopment areas for a period of ~~five (5)~~ ten (10) years. This period would run from the date that the Community Redevelopment District is approved by the County and accepted by the State. In the event that the units were not allocated pursuant to Beach by Design within ~~five (5)~~ ten (10) years, the pool of units would cease to exist.

* * * *

Section 2. Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines, Section V. Catalytic Projects, Subsection B. Community Redevelopment District Designation, is amended by revising the first bullet on page 46, which is fifth characteristic required for a resort using the density pool, as follows:

* * * *

- require a legally enforceable covenant to implement a trip generation management program which promotes non-vehicular access to and from the resort which shall include at least airport shuttle ~~provided as a part of the basic room rate~~ and resort-provided transportation to off-site amenities and attractions.

* * * *

Section 3. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section V. Catalytic Projects, Subsection B. Community Redevelopment District Designation, is amended by revising the third bullet on page 46, which is seventh characteristic required for a resort using the density pool, as follows:

* * * *

- no more than 25% of the rooms may have full kitchen facilities, defined as consisting at a minimum of full-size refrigerator, sink and conventional range. The remainder of rooms may have partial kitchen facilities, defined as including fewer than all of the foregoing appliances, or mini-kitchens, defined as including solely reduced-size kitchen appliances.

* * * *

Section 4. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section V. Catalytic Projects, Subsection B. Community Redevelopment District Designation, is amended by deleting the last bullet on page 46 which is the fourteenth characteristic required for a resort using the density pool as follows:

* * * *

- ~~subject to a legally enforceable covenant obligating the resort to participate in a Clearwater Beach operation and maintenance assessment program~~

* * * *

Section 5. *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines*, Section V. Catalytic Projects, Subsection B. Community Redevelopment District Designation, is amended by revising the aerial photograph on page 47 which depicts the areas eligible for additional hotel rooms as shown in the attached "Exhibit A"; and

Section 6. *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 7. The City Manager or designee shall forward said plan to any agency required by law or rule to review or approve same; and

Section 8. It is the intention of the City Council that this ordinance and plan and every provision thereof, shall be considered separable; 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

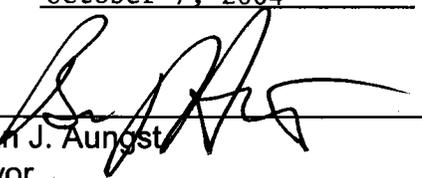
Section 9. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

June 17, 2004

PASSED ON SECOND AND FINAL
READING AND ADOPTED

October 7, 2004



Brian J. Augst
Mayor

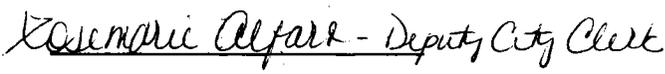
Approved as to form:

Attest:



Leslie K. Dougall-Sides
Assistant City Attorney

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Assistant City Attorney



Rosemarie Alfaro - Deputy City Clerk

for Cynthia E. Goudeau
City Clerk

Exhibit A



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