

**ORDINANCE NO. 9663-23**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE CLEARWATER DOWNTOWN REDEVELOPMENT PLAN BY AMENDING CHAPTER 4. PLAN IMPLEMENTATION, PUBLIC AMENITIES INCENTIVE POOL; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Forward Pinellas, in its role as the Pinellas Planning Council, has recognized the Clearwater Downtown Redevelopment Plan ("the Downtown Plan") as a former Special Area Plan, as memorialized in The Countywide Plan Appendix, which has been classified as an Activity Center – Urban Center subcategory on the Countywide Plan Map, and the City of Clearwater ("the City") has the authority pursuant to The Countywide Rules to amend plans governing Activity Centers; and

WHEREAS, the Public Amenities Incentive Pool ("the Pool") was established in the Downtown Plan to achieve the City's vision for Downtown and to overcome the numerous constraints affecting redevelopment, and the Pool is available to all properties within the Downtown Plan boundaries that provide one or more eligible amenities that provide a direct benefit to Downtown revitalization; and

WHEREAS, on March 1, 2018, the City Council adopted the updated and amended Clearwater Downtown Redevelopment Plan, which reaffirmed the City's vision for Downtown Clearwater as the urban core and heart of the City which will be an attractive place to live, work, shop, and play; and

WHEREAS, to further support redevelopment and the allocation of density/intensity available through the Pool, the City wants to extend the authority to allocate units from the Pool to the Community Development Coordinator; and

WHEREAS, the City has determined that these amendments to the Downtown Plan promote and support the public health, safety, morals, and welfare, of the City's residents; and

WHEREAS, the proposed amendments to the Downtown Plan conform to the City's general comprehensive plan; and

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

WHEREAS, the Community Redevelopment Agency has reviewed the proposed amendments to the Clearwater Downtown Redevelopment Plan and recommends approval to the City Council; and

WHEREAS, the City Council has fully considered the recommendations of the Community Development Board and the Community Redevelopment Agency, and testimony and evidence submitted at their public hearings; now therefore,

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

Section 1. That Chapter 4. Plan Implementation of the Clearwater Downtown Redevelopment Plan, Public Amenities Incentive Pool, be amended to read as follows:

### **Public Amenities Incentive Pool**

\* \* \* \* \*

#### *Eligible Amenities*

All property within the Downtown Plan boundaries will be eligible to use the Public Amenities Incentive Pool. Allocations from the Pool will be available to projects that provide one or more improvements and/or fees in-lieu of certain improvements that provide a direct benefit to Downtown revitalization and furthers the Plan's guiding principles and major redevelopment goals. The allocation of increased density or intensity through the Pool shall be at the discretion of the City as determined through the Community Development Code site plan review process. The types of amenities eligible for density/intensity bonuses may include, but are not limited to:

- Residential uses in the Downtown Plan area;
- ~~Ground floor retail in the Downtown Plan area;~~
- Uses in particular locations ~~and/or mixed use projects that further the Plan's major redevelopment goals and character district vision~~ (e.g., hotel, Class A office space in Downtown Core and Prospect Lake, residential rental (full-time occupancy), ground floor retail, mixed-use);
- Day care facility;
- Portion of project reserved for Affordable Housing;
- Significant Public Space on site;
- Public Art on site;
- Preservation of a historic building to the Secretary of Interior's Standards;
- Construction of public parking on site;
- Sustainable development (e.g., green roof, solar panels, electric vehicle charging, achievement of nationally recognized green building certification);
- Cultural or Performing Arts Facility on site;
- Contributions to Master Streetscape and Wayfinding Plan;
- Contributions to Coachman Park ~~Imagine Clearwater~~ or Station Square Master Plan;
- Contributions to Pinellas Trail or connector trails;
- Contributions to public parking facility; or
- As determined by the City Council.

\* \* \* \* \*

#### *Pool Allocation Process*

The allocation of additional density/intensity shall be made in conjunction with a site plan application reviewed by the Community Development Coordinator or the Community Development Board (CDB) through a process defined in the Community Development Code. The Community Development Coordinator or the CDB will be responsible for ensuring that all projects utilizing the Pool meet the goals, objectives and policies of the Plan and is in keeping with the vision established for the character district in which the project is located. The Community Development Coordinator or the CDB may consider granting an increase in the maximum building

height specified in a character district if the developer of a site plan application provides a major public amenity ~~as defined in the Community Development Code~~, and the increase in height does not exceed 20% of the maximum permitted height or a minimum of ten feet. Development potential obtained through the Pool shall not be transferred to any other site under any circumstance.

\* \* \* \* \*

Section 2. The City Manager or designee shall forward the proposed Clearwater Downtown Redevelopment Plan amendments to any agency required by law or rule to review or approve same.

Section 3. 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.

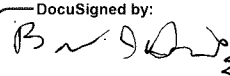
Section 4. This ordinance shall take effect immediately upon adoption, subject to the approval by the Pinellas County Board of County Commissioners and the Countywide Planning Authority.

PASSED ON FIRST READING

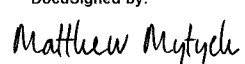
April 20, 2023

PASSED ON SECOND AND FINAL  
READING AND ADOPTED

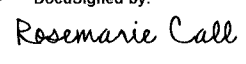
May 4, 2023

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Mayor Brian J. Aungst, Sr.

Approved as to form:

DocuSigned by:  
  
58CE30B989B84AB...  
Matthew J. Mytych, Esq.  
Senior Assistant City Attorney

Attest:

DocuSigned by:  
  
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Rosemarie Call, MPA, MMC  
City Clerk

