

**ORDINANCE NO. 9638-23**

**AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, MAKING AMENDMENTS TO THE CLEARWATER COMPREHENSIVE PLAN BY AMENDING THE RECREATION AND OPEN SPACE ELEMENT TO PROVIDE FOR A NEW PARKS AND RECREATION FACILITIES IMPACT FEE; 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;

WHEREAS, Chapter 54 of the Community Development Code established the Recreation and Open Space Land Dedication;

WHEREAS, Chapter 54 has not been updated, revised, or amended since 2008. The methodology and calculation of the fees contained in the Recreation and Open Space Dedication have not been updated since 1983;

WHEREAS, Tindale Oliver (now Benesch), who was retained by the City of Clearwater ("City"), completed the Parks and Recreation Facilities Impact Fee Study ("Study"), dated May 23, 2022. This Study sets forth the calculation methodology and data by which the City establishes the creation of a new Parks and Recreation Facilities Impact Fee;

WHEREAS, this Park and Recreation Facilities Impact Fee is proportional and reasonably connected to the need for additional public facilities and the increased impact generated by new residential development;

WHEREAS, this Parks and Recreation Facilities Impact Fee is proportional and reasonably connected to the expenditures of funds collected and the benefits accruing to new residential development;

WHEREAS, the City Council finds it necessary, desirable, and proper to amend the Comprehensive Plan in order to reflect the changing conditions;

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 THAT:

Section 1. That the Recreation and Open Space Element of the Clearwater Comprehensive Plan be amended to read as follows:

## **G. RECREATION AND OPEN SPACE ELEMENT**

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### **GOALS, OBJECTIVES AND POLICIES**

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**G.1.2 Objective - The City of Clearwater shall continue intergovernmental coordination with the private sector and other public entities to increase public recreational opportunities and open space acreage.**

#### Policies

G.1.2.1 Continue to enforce the adopted ~~recreation and open space land dedication~~ requirements of Chapter 54 of the City's Community Development Code for the express purpose of maintaining the existing levels of service of recreation lands and facilities.

G.1.2.2 Funds collected under ~~dedication~~ Chapter 54 requirements shall be expended at any location in the City when used for recreation facilities and open space uses. ~~to benefit the development from which they were collected, specifically:~~

- ~~1. Open space funds shall be expended within a two (2) mile radius when used for the acquisition of community parkland, within a one (1) mile radius when used for the acquisition of neighborhood parkland, or at any location in the City when used for the acquisition of parkland to be used for the development of a resource-based recreation area;~~

- ~~2. Recreation facilities land funds shall be expended within a two (2) mile radius when used for the acquisition of community parkland, within a one (1) mile radius when used for the acquisition of neighborhood parkland, or at any location in the City when used for the acquisition of parkland to be used for the development of a special facility site when the site is based on a recreational facility that is deemed to provide Citywide service in accordance with established service radius guidelines; and~~
- ~~3. Recreation facilities funds shall be expended within a two (2) mile radius when used for facilities placed in a community park, within a one (1) mile radius when used for facilities placed in a neighborhood, or at any location in the City when used for a facility which serves as the basis for the development of a special facility site providing City wide service.~~

G.1.2.3 Recreation facilities funds collected under Chapter 54 ~~dedication~~ requirements shall be expended in consideration of the need for recreation facilities as determined by the application of the service radius guidelines and primary user guidelines contained in this plan and in conjunction with other considerations determined to be relevant by the Director of the Parks and Recreation Department and approved by the City Manager or designee.

G.1.2.4 Provide an incentive within the City's recreation facility impact fee structure for private developers to provide affordable housing dwelling units. ~~recreational opportunities for their residents.~~

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Section 2. 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 3. 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 City 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 Hibbard  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Owen Kohler  
Lead Assistant City Attorney

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Rosemarie Call  
City Clerk