

DRAFT for PUBLIC DISCUSSION

ORDINANCE NO. 9775-24

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE COMMUNITY DEVELOPMENT CODE BY AMENDING ARTICLE 3, DEVELOPMENT STANDARDS, DIVISION 12. LANDSCAPING/TREE PROTECTION, SECTIONS 3-1201, 3-1202, 3-1203, 3-1204, 3-1205, 3-1206, 3-1206, AND 3-1207 TO ESTABLISH MINIMUM STANDARDS FOR ARTIFICIAL TURF USED IN LANDSCAPED AREAS AND RENUMBERING SECTIONS ACCORDINGLY; BY AMENDING ARTICLE 3, DEVELOPMENT STANDARDS, DIVISION 15. PROPERTY MAINTENANCE, SECTIONS 3-1502.H. AND 3-1502.K, TO PROVIDE MAINTENANCE REQUIREMENTS FOR ARTIFICIAL TURF; SECTION 3-1503.B TO PROVIDE NUISANCE REQUIREMENTS FOR ARTIFICIAL TURF; BY AMENDING ARTICLE 8, DEFINITIONS AND RULES OF CONSTRUCTION, SECTION 8-102, DEFINITIONS, BY PROVIDING A DEFINITION FOR ARTIFICIAL TURF, LANDSCAPED AREAS, LANDSCAPED MATERIAL, AND NATURAL TURF, BY REVISING THE DEFINITIONS FOR IMPERVIOUS AND MULCH, AND BY DELETING THE DEFINITION FOR LANDSCAPING; AND AMENDING APPENDIX A, SECTION VIII, LAND DEVELOPMENT, TO ADD A PERMIT FEE FOR ARTIFICIAL TURF; CERTIFYING CONSISTENCY WITH THE CITY'S COMPREHENSIVE PLAN AND PROPER ADVERTISEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater (the "City") adopted the Community Development Code on January 21, 1999 which was effective on March 8, 1999; and

WHEREAS, the City has made numerous amendments to the Community Development Code to account for changing conditions within the City; and

WHEREAS, the City finds that, due to concerns about water consumption by natural turf, and due to the availability of improved artificial turf products which simulate the appearance of natural turf while providing for water permeability, the use of artificial turf has become more common throughout the State of Florida and property owners now wish to install artificial turf; and

WHEREAS, the City desires to permit the installation of synthetic turf, subject restrictions intended to ensure that the installation and usage of synthetic turf meets minimum standards for location, design standards, permitting, installation, and maintenance; and

WHEREAS, the City of Clearwater desires to ensure that artificial turf meets minimum material, installation and maintenance standards; and

WHEREAS, the City of Clearwater desires for the Community Development Code to function effectively and equitably throughout the City; and

DRAFT for PUBLIC DISCUSSION

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

WHEREAS, the City desires for the Community Development Code to function effectively and equitably throughout the City; 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 this amendment is consistent/not consistent with the City of Clearwater's Comprehensive Plan and recommended that the City Council adopt/not 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. Article 3, Development Standards, Division 9, General Applicability Standards, of the Community Development code is hereby amended as follows:

Section 3-903. - Required setbacks.

* * * * *

- F. Except for driveway access to garages, vehicular cross-access and shared parking, all of which are regulated by Subsection A., above; parking lots shall be set back from front property lines a distance of 15 feet; and shall be set back from all other property lines a distance that is consistent with the required perimeter landscape buffer width.
 1. While perimeter landscape buffers are not required in the Tourist (T) District, the above referenced setback shall be based upon Section 3-1202.~~ED~~.1., or at a dimension consistent with the existing/proposed building setback, or at a dimension consistent with setbacks required or otherwise established by Beach by Design, whichever is less.
 2. As perimeter landscape buffers are not required in the Downtown (D) District, compliance with the above provision is not required. However, compliance with the applicable Development Standards as set forth in the Downtown District and Development Standards in this Development Code must still be achieved.
 3. Exceptions. Those setbacks to parking lots established above may be modified as part of a Comprehensive Landscape Program pursuant to the criteria set forth in Section 3-12024.~~HG~~.

* * * * *

Section 2. Article 3, Development Standards, Division 12, Landscaping/Tree Protection, of the Community Development code is hereby amended as follows:

DRAFT for PUBLIC DISCUSSION

DIVISION 12. LANDSCAPING/TREE PROTECTION/NONLIVING LANDSCAPE MATERIALS

Section 3-1201. Purpose.

It is the purpose of this division to establish minimum landscaping/tree protection standards in order to promote the preservation of existing tree canopies, ~~to promote~~ the expansion of that canopy and ~~to promote~~ the enhancement of the quality of existing and future development in the city. This division also establishes parameters for the use of artificial turf and other nonliving landscape materials.

Section 3-1202. - General landscaping standards.

* * * * *

B. Residential Landscaped Area Requirement. New residential construction on properties within residential zoning districts shall set aside a minimum of 25% of the gross land area of the front yard for landscaped areas, which shall contain living plant materials.

BC. Plant material specifications. Except as provided in subsection (6) below, plant materials which are utilized to satisfy the landscaping required by this development code shall comply with the following minimum standards:

1. *Minimum plant material standards:*

PLANT	SIZE (at installation)	OTHER REQUIREMENTS
Shade Tree	10' height 2.5" caliper	All materials shall be Florida Grade #1 and be planted a minimum of five feet from any impervious area.
Accent Tree	8' height 2" caliper	2 accent trees = 1 shade tree; unless overhead lines are unavoidable; no more than 25% of required trees may be accent trees. All materials shall be Florida Grade #1.
Palm Tree	10' clear trunk	Can be used to satisfy 75% of tree requirements on Beach, Sand Key & Island Estates, 25% elsewhere in the City. Staggered clusters of 3 palm trees = 1 shade tree, except for specimen palm trees such as: phoenix canariensis (canary island date palm), phoenix dactylifera (edible date palm) and phoenix reclinata (senegal date palm), which count as shade trees on a 1:1 ratio. All materials shall be Florida Grade #1.
Shrubs	A.) 18—24" in height when used in a perimeter buffer - planted every 36", (measured from the center of the shrub) providing a 100% continuous hedge	

DRAFT for PUBLIC DISCUSSION

PLANT	SIZE (at installation)	OTHER REQUIREMENTS
	which will be 36", high and 80% opaque 12 months from the time a certificate of occupancy is received (excluding drives and visibility triangles where applicable) B.) 14—24" in height when used for interior - planted every 30"—36", respectively (measured from the center of the shrub) with a 3 gallon minimum	
Ground Cover	1 gallon minimum - planted a maximum of 24" O.C.	Encouraged in lieu of <u>natural</u> turf to reduce irrigation needs.
<u>Natural Turf</u>	N/A	Natural <u>Turf</u> areas should be consolidated and limited to areas of pedestrian traffic, recreation and erosion control, and shall be a drought tolerant species.

2. *Exceptions.*

a. Single-family detached and two-family attached dwellings. The above size requirements with regard to shade trees and accent trees shall not be applied to single-family detached dwellings and two-family attached dwellings. For those uses shade trees shall have minimum height of eight feet and minimum caliper of two inches, and accent trees shall have minimum height of six feet and minimum caliper of one inch.

~~b. Parks and athletic fields. Artificial turf may be used in lieu of plant materials in parks and athletic fields.~~

3. Organic mulch may be used as an integral, but minor, element of a landscaping plan or under the dripline of trees.

* * * * *

GD. Irrigation.

* * * * *

9. Natural Turf grass areas shall be irrigated on separate irrigation zones from tree, shrub and groundcover beds.

10. Retained trees, shrubs and native plant communities shall not be required to be irrigated, unless directed to do so by the eCommunity eDevelopment eCoordinator.

DE. Perimeter buffers. Except in the dDowntown or tTourist dDistricts, excluding the Old Florida District where landscaping requirements are defined in Beach By Design: A Preliminary Design for Clearwater Beach and Design Guidelines, or in designated scenic corridors with

DRAFT for PUBLIC DISCUSSION

approved special plans, landscaping shall be installed in a perimeter buffer in accordance with the standards in this division and the following table:

1. Perimeter landscaping requirements:

* * * * *

		ADJACENT USE				
		Detached Dwellings	Attached Dwellings or Residential Equivalent	Non-Residential	Arterial or Collector Rights-of-Way	Local Rights-of-Way
PROPOSED USE	Non-Residential	Min. 10' wide buffer	Min. 10' wide buffer	Min. 5' wide buffer	Min. 15' wide buffer	Min. 10' wide buffer
		1 Tree / 35'				
		100% Shrubs (6' high within 3 years)	100% Shrubs			
	Attached Dwellings or Residential Equivalent	Min. 10' wide buffer	Min. 10' wide buffer	Min. 10' wide buffer	Min. 15' wide buffer	Min. 10' wide buffer
		1 Tree / 35'				
		100% Shrubs (6' high within 3 years)	100% Shrubs			

7. The use of artificial turf in required perimeter buffers is prohibited.

FF. *Interior landscaping.*

* * * * *

2. *Parking lots.* If the paved vehicular use area is greater than 4,000 square feet, then landscaping for the interior of parking lots shall be provided in accordance with the following:

- a. *Required interior islands.*

* * * * *

DRAFT for PUBLIC DISCUSSION

6. *Required trees/plants.*

- i. A minimum of one shade tree, or accent/palm equivalent, shall be provided in each interior landscape island.
- ii. One shade tree, or accent/palm equivalent, shall be provided per 300 square feet of required greenspace.
- iii. Shrubs shall be provided in an amount to equal or exceed 50 percent of the required greenspace.
- iv. Groundcover shall be utilized for required greenspace in-lieu of natural turf.
- v. The use of artificial turf in landscaped islands is prohibited.

* * * * *

b. *Central landscape island.*

* * * * *

3. *Required trees/plants.*

- i. One shade tree, or accent/palm equivalent, shall be provided per 300 square feet of island area.
- ii. Shrubs shall be provided in an amount to equal or exceed 50 percent of the required greenspace.
- iii. Groundcover shall be utilized for required greenspace in-lieu of natural turf.

* * * * *

** RELETTER SUBSEQUENT SECTION UPON APPROVAL OF CRITERIA B ABOVE**

Section 3-1207. - Scenic corridors.

~~A. Purpose. The purpose of designating primary and secondary scenic corridors is to establish areas in the city which have particular significance, in terms of tourism, economic development or community character, and which therefore should have enhanced and differentiated landscaping requirements. It is anticipated that specific corridor plans will be approved by the city commission for each corridor and that when such plans are adopted, they shall constitute the requirements for landscaping along these corridors.~~

~~B. Primary corridors.~~

- ~~1. Bayshore Boulevard~~
- ~~2. Belcher Road~~
- ~~3. Causeway Boulevard~~
- ~~4. Chestnut Street~~
- ~~5. Cleveland Street~~
- ~~6. Coronado Drive~~
- ~~7. Court Street~~
- ~~8. Courtney Campbell Causeway~~

- ~~9. Druid Road~~
- ~~10. East Shore Drive~~
- ~~11. Fort Harrison Avenue~~
- ~~12. Gulf Boulevard~~
- ~~13. Gulf to Bay Boulevard~~
- ~~14. Gulfview Boulevard~~
- ~~15. Hamden Drive~~
- ~~16. Mandalay Avenue~~
- ~~17. Marianne Street~~
- ~~18. McMullen-Booth Road~~
- ~~19. Memorial Causeway~~
- ~~20. Missouri Avenue~~
- ~~21. Pierce Boulevard~~
- ~~22. Poinsetta Street~~
- ~~23. State Road 580~~
- ~~24. U.S. 19~~

~~A. Secondary corridors.~~

- ~~1. Bayshore Drive~~
- ~~2. Belleair Road~~
- ~~3. Countryside Boulevard~~
- ~~4. Curlew Road~~
- ~~5. Drew Street~~
- ~~6. East Avenue~~
- ~~7. Edgewater Drive~~
- ~~8. Enterprise Road~~
- ~~9. Hampton Road~~
- ~~10. Hercules Avenue~~
- ~~11. Highland Avenue~~
- ~~12. Keene Road~~
- ~~13. Lakeview Road~~
- ~~14. Landmark Drive~~
- ~~15. Myrtle Avenue~~
- ~~16. Northeast Coachman Road~~
- ~~17. Nursery Road~~
- ~~18. Old Coachman Road~~
- ~~19. State Road 590~~
- ~~20. Sunset Point Road~~

DRAFT for PUBLIC DISCUSSION

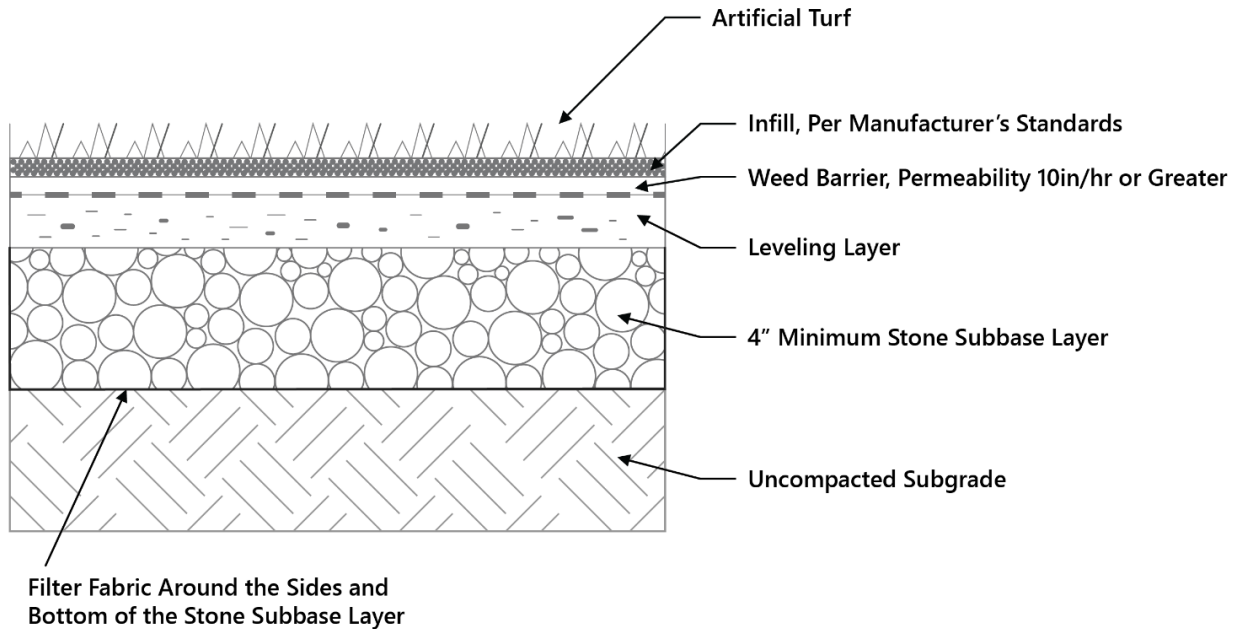
Section 3-1203. – Artificial Turf.

- A. The use of artificial turf is permitted on all properties subject to obtaining a Level One, Minimum Standard Development approval in accordance with the provisions of Article 4, Division 3, and meeting and maintaining compliance with the provisions of this section.
- B. For properties in residential zoning districts, artificial turf shall not be counted towards the minimum required landscaped areas.
- C. Artificial turf may be used in lieu of plant materials required in Section 2-1202.B.1 for Parks and Recreation Facilities and athletic fields.
- D. The use of indoor or outdoor plastic or nylon carpeting as a replacement for artificial turf or natural turf shall be prohibited.
- E. Location.
 - 1. Artificial turf may be installed on roofs of buildings or on top of an existing concrete patio.
 - 2. Artificial turf shall not be installed in perimeter buffers required by Section 3-1202.D or vegetative buffers adjacent to the Preservation District or jurisdictional wetlands required by Section 3.907.A.
 - 3. Artificial turf may not be installed in a city-owned right-of-way unless otherwise approved by the City Engineer.
 - a. If artificial turf is approved to be installed in the city-owned right-of-way, a city right-of-way permit must be obtained prior to commencing work.
 - 4. Artificial turf may not be installed in permanent city-owned drainage features such as drainage swales unless otherwise approved by the City Engineer.
 - 5. Artificial turf is prohibited in any area that is used for the parking or driving of motor vehicles.
- F. Minimum design standards.
 - 1. Artificial turf shall consist of green lifelike individual blades of grass that emulate natural turf in look and color except where artificial turf is used in Parks and Recreation Facilities and athletic fields.
 - 2. Artificial turf shall have a pile height of:
 - a. 1.5 inches minimum for residential installations.
 - b. 0.5 inches minimum for nonresidential installations.
 - 3. Artificial turf shall have a minimum face weight of 55 ounces per square yard.
 - 4. A minimum eight-year manufacturer's warranty that protects against color fading and a decrease in pile height is required for all artificial turf.
 - 5. Artificial turf shall be lead and PFAS free and flame retardant.

DRAFT for PUBLIC DISCUSSION

G. Permitting and inspection.

1. Artificial turf may be installed by a licensed general contractor, Certified Synthetic Turf Installer (certified by the Synthetic Turf Council), or homeowner. Installation requires a building permit including the following:
 - a. A landscape plan or survey showing the following:
 1. Property boundaries;
 2. All improvements on the property;
 3. All trees on the property and within 25 feet of the property;
 4. Area(s) where artificial turf is proposed to be installed and a total square footage of artificial turf proposed for installation;
 5. Impervious surface ratio (ISR);
 6. Required front yard landscaped area calculations (for residentially zoned properties only); and
 - b. Installation of artificial turf within the critical root zone of any tree is considered grading and excavation and shall require the submittal of a tree preservation plan.
 - c. A scaled edge detail or cross section of the artificial turf to be installed including but not limited to subgrade, subbase layer, leveling layer, and infill.



- d. Manufacturer's specifications including installation instructions and warranty for artificial turf proposed for the property.
2. Upon completion of installation, submit the following information prior to requesting a final inspection, A final inspection will not be scheduled until all information has been received.

DRAFT for PUBLIC DISCUSSION

- a. A copy of the aggregate testing report (from the aggregate supplier) to document the clean stone used in the subbase layer meets FDOT gradation requirements (if permeable).
 - b. A Verification Form stating the artificial turf was installed pursuant to this section and the manufacturer's specifications and indicating whether the installation meets this Code's definitions of impervious or permeable.
 - c. Photos of the subbase and leveling layers prior to covering each layer.
 - d. Photos of project area post installation including any areas where tree barricades were previously installed.
4. Permits will not be required for installation of 50 square feet or less of artificial turf on private property if the requirements of Sections 3-1203.D and 3-1203.E are met. One installation of 50 square feet or less is allowed on a property and will be counted toward the property's total impervious surface ratio (ISR).

H. Installation.

1. Installation of artificial turf must be in accordance with the manufacturer's specifications/recommendations.
2. If artificial turf is installed on a residentially zoned property by the property owner, it shall be counted towards the property's ISR.
3. For an artificial turf installation to be considered permeable, it must be installed by a licensed general contractor or Certified Synthetic Turf Installer and the following installation standards must be met.
 - a. Artificial turf backing must be dual flow or hole punched to allow for drainage.
 - b. If a weed barrier is installed below the artificial turf, it must be made of unwoven fabric.
 - c. A leveling layer shall be provided consisting of one-half inch of decomposed limestone or granite.
 - d. A subbase layer shall be provided consisting of four inches or more of clean stone, which consists of granite or limestone that is washed and meets FDOT #4, #57, or #89 stone specifications.
 - e. To ensure adequate retention volume in the subbase layer, a minimum size of $\frac{3}{4}$ to 1 inch stone is required.
 - f. Unwoven filter fabric, with manufacturer's specifications documenting permeability of 10 inches per hour or greater, must be installed below and along the sides of the subbase layer.
 - g. The underlying soils must remain uncompacted to be considered permeable.
4. Infill shall be installed pursuant to the manufacturer's specifications. If infill is recommended by the manufacturer, it shall consist of clean silica sand or sand-based product with no plastic or rubber pellets with the exception of Parks & Recreation Facilities and athletic fields.

DRAFT for PUBLIC DISCUSSION

5. All seams shall be nailed or glued, not sewn, and edges shall be trimmed to fit against all regular and irregular edges to resemble a natural look and be tucked in and anchored with the use of bender board.
 6. After installation, artificial turf shall be visually smooth with the grain pointing in a single direction.
 7. Proper drainage shall be provided for all artificial turf installations to prevent excess runoff or pooling of water.
 8. Artificial turf shall be separated from landscaped areas (living plant material) by a concrete mow strip, bender board, or other barrier to prevent intrusion of living plant material into the artificial turf.
 9. If artificial turf is planned to be installed immediately adjacent to a seawall, the artificial turf shall be pinned or staked behind the seawall. No artificial turf or installation mechanism shall be attached directly to or placed on a seawall or seawall cap.
- I. Maintenance.
1. Artificial turf shall be maintained by the property owner in a green fadeless condition and shall be maintained free of dirt, sand, stains, odors, weeds, debris, tears, holes, seam separations, excessive wear, and impressions. Maintenance includes regular rinsing with water to wash away pollen and seeds as well as brushing the turf to keep the fibers upright and protect against damage.
 2. Artificial turf must be replaced if it falls into disrepair with fading/discoloration, excessive wear, holes, or surfaces that are no longer level due to depressions, ruts, air pockets, or loose areas.
 - a. Repair of artificial turf areas shall be performed with like for like materials from the same manufacturer and done in a manner that results in a repair that blends in with the existing artificial turf.
 - b. In the event a like material cannot be obtained, then the most similar material which still meets installation standards may be used; however, evidence that supports the unavailability of a like material from the same manufacturer must be provided.
 - c. Repair or replacement of artificial turf requires a building permit as described in this Section.
 - d. Repair or replacement of artificial turf that would not be in compliance with the regulations of this Section must bring the property into conformance to the greatest extent practical as determined by Community Development Coordinator.
- I. Properties that have previously installed artificial turf shall be considered legally nonconforming and be permitted to remain for a period of 10 years from (insert date) if the below are met. Artificial turf permitted to remain will count toward the property's ISR and could impact future improvements to the property.
1. Provide proof in the form of a dated invoice identifying the purchase of the artificial turf, to document when the artificial turf was installed.

DRAFT for PUBLIC DISCUSSION

2. If artificial turf had been installed in the right-of-way, an after the fact right-of-way permit must be applied for. The City Engineer will determine if the artificial turf may remain and issue the right-of-way permit or deny the permit and require the artificial turf to be removed from the right-of-way.
3. Failure to provide satisfactory proof of compliance with this section shall constitute a violation of the Code and the property owner shall be required to immediately remove the artificial turf.

* * * * *

Section 3-1204. – Other Nonliving Landscape Material.

The use of nonliving landscape material such as shell, landscape rock, or inorganic mulch is limited to the uses described in this section.

- A. Rights-of-way. The use of nonliving landscape material in the right-of-way shall be prohibited except for use by the City of Clearwater.
- B. Private Property. Nonliving landscape materials shall be prohibited unless included as an integral, but minor, element of a landscaping plan.
- C. Nonliving landscape materials shall not be installed under the dripline of any tree on the property or of any tree within an adjacent right-of-way that overhangs the property.
- D. Nonliving landscape materials shall not be installed within 24 inches of the trunk of any palm tree.
- E. The use of shell is prohibited except for installation on walkways in rear or side yards on residential properties and use by the City of Clearwater.
- F. Properties that have previously installed nonliving landscape materials that would not comply with these standards shall be considered legally nonconforming and be permitted to remain for a period of 3 years from (insert date) if the following are met:
 1. Provide proof in the form of a notarized affidavit signed by the property owner stating that the nonliving landscape materials were installed prior to the adoption of these regulations.
 2. If nonliving landscape materials have been installed in the right-of-way, an after the fact right-of-way permit must be applied for. The City Engineer will determine if the nonliving landscape materials may remain and issue the right-of-way permit or deny the permit and require the nonliving landscape materials to be removed from the right-of-way.
 3. Failure to provide satisfactory proof of compliance with this section shall constitute a violation of the Code and the property owner shall be required to immediately remove the nonliving landscape materials.

Section 3-12054. - Installation and maintenance.

- B. All required landscaping shall be installed in accordance with an approved landscape plan, including all specified conditions to a particular development approval, and inspected prior to the issuance of a certificate of occupancy or certificate of completion. In the event there are any changes to the approved landscape plan, such changes must be reviewed and approved

DRAFT for PUBLIC DISCUSSION

and noted on the plan prior to notification for the final inspection for a certificate of occupancy or certificate of completion.

C. All landscaped areas must be covered with shrubs, ground cover, natural turf, three inches of organic mulch, artificial turf (where permissible), or other suitable material which permits percolation.

1. Where mulch is used, it must be protected from washing out of the planting bed.
2. ~~Inorganic mulch, such as gravel or r~~Rock at a minimum size of ¾ inch to 1 inch in diameter, should ~~only~~ be used where washouts occur.
3. Plastic sheets shall not be installed under mulches.
4. Artificial turf shall be installed according to the standards in Section 3-1203.

* * * * *

Section 3-12065. - Tree protection.

* * * * *

B. Criteria for issuance of a removal permit.

1. No permit shall be granted for the removal of a specimen or historic tree.
2. In determining whether or not a required removal permit shall be granted, the community development coordinator shall consider the following:
 - a. The condition and location of the protected tree, specimen tree stand, or palm with respect to species, tree structure, competition, disease, insect attack, danger of falling, proximity to existing or proposed structures and interference with utility services.
 - b. Protected trees, specimen tree stands, and palms shall be preserved to the maximum extent possible and reasonable flexibility in the design of permitted uses shall be granted, within the parameters of the zoning district within which the property is located, in order to ensure such preservation.
 - c. Whether protected trees or palms can be successfully relocated on-site in order to accommodate the proposed development.
 - d. If a protected tree or palm must be removed in order to permit an economic use of the property which would otherwise be permitted, the applicant must give the city a reasonable opportunity to relocate the tree to another site in accordance with the provisions of Section 3-12065(C) and replace protected trees on-site in accordance with the provisions of Section 3-12065(D) or pay into the city's tree bank for every protected tree that is removed in accordance with the provisions in Section 3-12065(D).

* * * * *

A. Tree and palm requirements and replacements. Tree and palm replacements shall be in compliance with Section 3-1202.CB. and the following:

* * * * *

DRAFT for PUBLIC DISCUSSION

5. *Conditions and specifications.*

* * * * *

- a. *Credit for required landscaping.* Any landscaping required to be installed by Section 3-1202 or 3-1205~~3~~ may be used as credit against tree replacement requirements.

* * * * *

Section 3-1207. - Scenic corridors.

A. Purpose. The purpose of designating primary and secondary scenic corridors is to establish areas in the city which have particular significance, in terms of tourism, economic development or community character, and which therefore should have enhanced and differentiated landscaping requirements. It is anticipated that specific corridor plans will be approved by the city commission for each corridor and that when such plans are adopted, they shall constitute the requirements for landscaping along these corridors.

B. Primary corridors.

1. Bayshore Boulevard
2. Belcher Road
3. Causeway Boulevard
4. Chestnut Street
5. Cleveland Street
6. Coronado Drive
7. Court Street
8. Courtney Campbell Causeway
9. Druid Road
10. East Shore Drive
11. Fort Harrison Avenue
12. Gulf Boulevard
13. Gulf to Bay Boulevard
14. Gulfview Boulevard
15. Hamden Drive
16. Mandalay Avenue
17. Marianne Street
18. McMullen-Booth Road
19. Memorial Causeway
20. Missouri Avenue
21. Pierce Boulevard
22. Poinsetta Street
23. State Road 580
24. U.S. 19

C. Secondary corridors.

1. Bayshore Drive
2. Belleair Road
3. Countryside Boulevard
4. Curlew Road
5. Drew Street
6. East Avenue
7. Edgewater Drive
8. Enterprise Road
9. Hampton Road
10. Hercules Avenue
11. Highland Avenue
12. Keene Road
13. Lakeview Road
14. Landmark Drive
15. Myrtle Avenue
16. Northeast Coachman Road
17. Nursery Road
18. Old Coachman Road
19. State Road 590
20. Sunset Point Road

Section 3. Article 3, Development Standards, Division 14, Parking and Loading, of the Community Development code is hereby amended as follows:

Section 3-1403. - Parking lot surfaces

- A. *Permanent surface.* Except as otherwise permitted in subsection (B) of this section, all unenclosed parking lots, spaces, vehicular accessways and driveways shall be improved with a permanent all-weather paving material which is graded to drain stormwater.
- B. *Grass surface.*
 1. No parking, displaying, or storing of motor vehicles shall be permitted on any grass or other unpaved area unless specifically authorized in this section.
 2. Eighty-five percent of parking required for places of worship, outdoor recreational facilities and other uses as determined by the community development coordinator may have a durable grass or other permeable surface.
 3. Community gardens may provide parking spaces on the grass, provided that the grass parking areas are clearly identified, dedicated and maintained in a clean and un-deteriorated manner.
 4. All surface parking spaces provided in excess of the minimum required pursuant to Article 2 may be surfaced with reinforced grass or other permeable surface as approved by the

DRAFT for PUBLIC DISCUSSION

City Engineer. However, all vehicular accessways and driveways for these excess parking spaces shall be improved in a manner consistent with Section 3-1403.A.

- 5. The city manager or the community development coordinator may permit parking on the grass or other permeable surface for public purpose needs, including reducing stormwater impacts.
- 6. Any grass parking areas must be a minimum of ten feet from any tree.
- 7. The use of artificial turf for a parking surface shall be prohibited.

Section 3-1407. - Parking restrictions in residential areas.

A. *Restrictions.* For the dual purpose of preserving attractive residential areas within the city and promoting safe unimpeded traffic circulation throughout such neighborhoods, the following parking restrictions shall apply except as provided in paragraph B of this section:

* * * * *

- 5. *Exception to prohibition of parking on unpaved areas on single-family and duplex residential property.* One designated parking space may be located on the grass in a required front setback adjacent to and parallel to the driveway located on the property. Access to such designated parking space shall be by way of the property's driveway. If the designated parking space cannot be maintained as a grass area and is either reported by neighboring residents as a detrimental property or is identified by any code inspector as in violation of this provision, such designated parking area shall be filled in, by the property owner, with pavers, concrete, turf block or asphalt. Materials not permitted include artificial turf, crushed shell, mulch, millings or similar material.

* * * * *

Section 4. Article 3, Development Standards, Division 15, Property Maintenance Standards, of the Community Development code is hereby amended as follows:

Section 3-1502. - Property maintenance requirements.

* * * * *

H. Yards, and landscape areas, and artificial turf areas.

- 1. All required landscaping materials shall be maintained in accordance with the provisions of Article 3, Division 12.
- 2. Any portion of a lot not covered by a building or structure or otherwise devoted to parking, a service drive or a walkway shall be landscaped with grass or other appropriate ground cover and shall be maintained in a neat and orderly manner.
- 3. ~~All~~ Landscape materials, including natural turf, shrubs, and trees, excluding artificial turf, whether required or optional, shall be maintained in a healthy live condition so as to present a neat and attractive appearance and so as to discourage the accumulation of trash or debris and/or infestation by pests.
- 4. Artificial turf shall be maintained according to Section 3-1203.G.

DRAFT for PUBLIC DISCUSSION

54. No yard, landscape area ~~or~~, growth of landscape material, or artificial turf area (unless previously approved by the City Engineer) shall encroach upon the public right-of-way so as to hinder safe and convenient vehicular or pedestrian movement in the public right-of-way.

65. No yard shall be used for dumping or accumulation of any garbage, rubbish, dead animals, trash, waste vegetable or animal matter of any kind or construction debris.

* * * * *

K. Public rights-of-way and sidewalks and parking surfaces.

* * * * *

1. Public rights-of-way and sidewalks adjoining an improved parcel of land which, because of its location and character, is used as if it were appurtenant to or an extension of the parcel of land, shall be maintained in a safe and clean condition by the owner of the parcel of land. The owner shall, at a minimum, keep such rights-of-way and sidewalks clear of litter, trash, debris, equipment, weeds, trees, shrubs and other vegetation and refuse and provide a height clearance of at least eight feet from the sidewalk pavement measured vertically from the pavement surface, unless an exception has been granted by the urban forester for protected trees. All unpaved areas shall be landscaped with grass or other ground cover and such areas shall be regularly mowed or otherwise maintained in a neat and attractive condition.

* * * * *

Section 3-1503. - Nuisances.

* * * * *

A. The existence of any of the following specific conditions or conduct is hereby declared to constitute a public nuisance:

* * * * *

15. Artificial Turf. Any artificial turf that does not comply with Section 3-1203.

16. The lack of maintenance by a property owner of property abutting any dedicated right-of-way in the city that results in nonliving landscaped materials from private property within the right-of-way or washing into the city's stormwater system.

Section 5. Article 6, Nonconformity Provisions, Section 6-109, Termination of Status as a Nonconformity, of the Community Development code is hereby amended as follows:

Section 6-109. - Termination of status as a nonconformity.

* * * * *

C. A level two approval shall not be granted to terminate status as a nonconforming use or structure unless the nonconformity is improved according to the following requirements:

1. Perimeter buffers conforming to the requirements of Section 3-1202 E(D) shall be installed.

DRAFT for PUBLIC DISCUSSION

- 2. Off-street parking lots shall be improved to meet the landscaping standards established in Section 3-1202.F(E).

Section 6. Article 8, Definitions and Rules of Construction, Section 8-102, Definitions, of the Community Development code is hereby amended as follows:

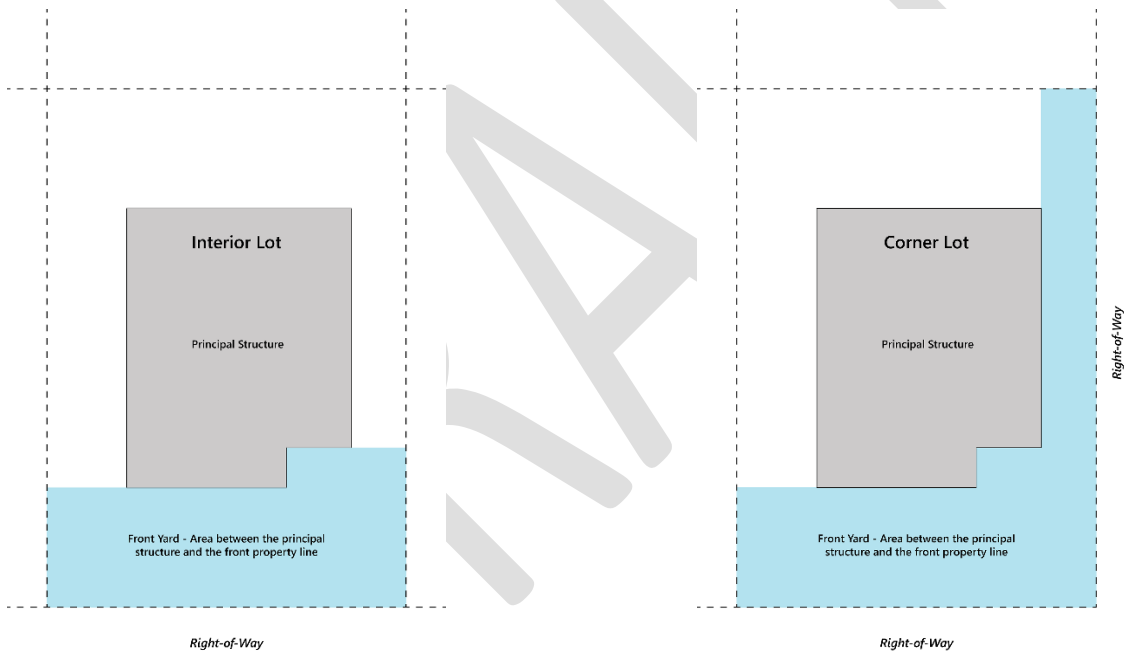
Section 8-102. – Definitions.

* * * * *

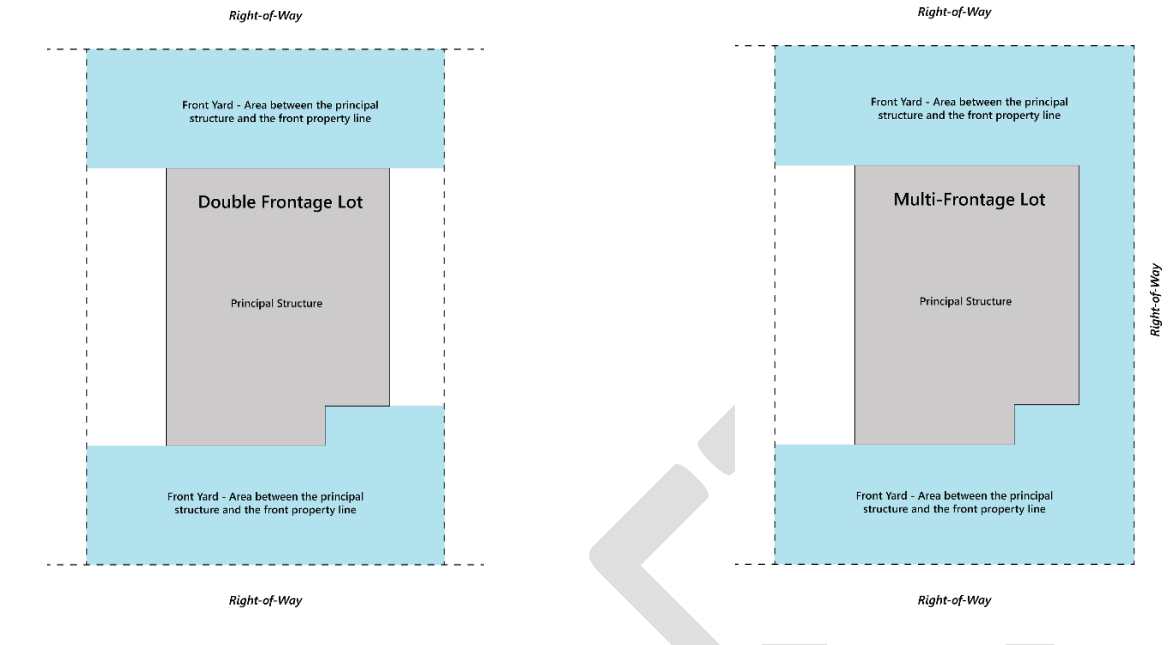
Artificial turf means an artificial product manufactured from synthetic materials that effectively simulates the appearance of live/natural healthy turf, grass, sod, or lawn.

* * * * *

Front yard means the area between the principal structure the front property line or right-of-way.



DRAFT for PUBLIC DISCUSSION



* * * * *

Gravel means a loose deposit or aggregations of small pebbles or rock fragments.

* * * * *

Impervious means surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, means any permanent installation on or improvement to the natural earth surface which completely or partially prevents the absorption of precipitation and surface water in a natural manner including surfaces such as compacted sand, limerock, shell or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

* * * * *

Inorganic Mulch means a type of mulch that does not decompose or return nutrients to the soil and includes materials like gravel, plastic sheeting or landscape fabric, and rubber mulch.

* * * * *

Landscaped area is part of a property used for growing live plants such as groundcover, vines, shrubs, and trees.

Landscape material means living material used in the landscape including but not limited to trees, shrubs, vines, natural turf, and groundcover.

Landscape rock means rocks that are primarily used to enhance the appearance of gardens and front and backyard landscapes.

Landscaping means grasses, ground covers, vines, shrubs, trees including those and inanimate durable material such as organic mulches.

DRAFT for PUBLIC DISCUSSION

* * * * *

Mulch, organic means a natural layer of plant residue, such as ~~straw~~ pine needles or shredded bark, covering the land surface, which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

* * * * *

Natural turf means a piece of grass-covered soil held together by the roots of the live grass.

* * * * *

Permeable means a surface with pores or gaps that allows the movement of water and air through the spaces of a connected material or surface.

* * * * *

Pervious means allowing water to penetrate through a surface that is not interconnected.

* * * * *

Shell means commons shells used for hardscaping such as oyster, clam, and scallop.

* * * * *

Section 7. Appendix A, Schedule of Fees, Rates, and Charges, VIII Land Development, (1) Level One, Community Development Code, is hereby amended to add subsection (n), to read as follows:

(n) Artificial turf permit.....100.00.

Section 8. Appendix B, US 19 Zoning District and Development Standards, Division 1, General Provisions, of the Community Development code is hereby amended as follows:

Section B-104. - Applicability of Development Standards.

* * * * *

C. Exemptions

The following types of development are exempt from all or a portion of the Development Standards as follows.

* * * * *

- 6. Improvement, Remodel, or Reconstruction. Building improvement and remodel projects, including reconstruction of buildings in the general location or footprint of buildings being replaced, with up to 5 percent additional gross floor area, shall be exempt from the development standards as follows:
 - a. Building improvement, remodel, or reconstruction projects valued at less than 25 percent of the total assessed building value as reflected in the Property Appraiser's current records at the time of application are exempt from the development standards in Appendix B, Divisions 4, 5 and 6, except that the location of any new floor area,

DRAFT for PUBLIC DISCUSSION

including accessory structures, shall be compliant with the setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator, and bicycle parking shall be provided for any new floor area consistent with the bicycle standards in Section B-303.D.

- b. Building improvement, remodel, or reconstruction projects valued at 25 percent or more of the total assessed building value as reflected in the Property Appraiser's current records at the time of application, are exempt from all but the pedestrian walkway standards in B-503.C, the surface parking and service area standards in B-504.A.1, and the landscape requirements in B-505.A of these standards, which shall be brought into compliance to the greatest extent practicable as determined by the Community Development Coordinator. Additionally, the location of any new floor area, including accessory structures, shall be compliant with the setback requirements in Division 4 of these standards to the greatest extent practicable as determined by the Community Development Coordinator, and bicycle parking shall be provided for any new floor area consistent with the bicycle standards in Section B-303.D. Landscape requirements in B.504.A.1 and B.505.A may be modified as part of a comprehensive landscape program pursuant to the criteria set forth in Section 3-1202.HG.

Section 9. Appendix B, US 19 Zoning District and Development Standards, Division 5, Site Design Standards, of the Community Development code is hereby amended as follows:

Section B-504. - Parking and service areas.

A. Surface Parking and Service Area

- 1. Surface parking and service areas shall be designed to meet parking design, landscape, and screening requirements in Article 3, Divisions 12 and 14.
- 2. Interior islands of parking lots in new projects shall be designed to utilize Low Impact Development techniques such as bioretention swales and native species. Where parking curbs and gutters are provided, they shall have breaks to allow water to enter the bioretention facilities within the parking landscape islands.
- 3. Surface parking spaces provided between 85 percent and 125 percent of the minimum required in Table 2. Use & Off-Street Parking may utilize reinforced grass or other permeable surface (excluding artificial turf). All surface parking spaces provided in excess of 125 percent of the minimum required in Table 2. Use & Off-Street Parking shall utilize reinforced grass or other permeable surface. All driveways and/or access aisles shall be improved with a permanent all-weather paving material which is graded to drain stormwater, consistent with Section 3-1403.A.
- 4. Where required parking is located adjacent to excess surface parking spaces, the Community Development Coordinator may permit the continuation of reinforced grass or permeable surface (excluding artificial turf) parking for the adjacent parking spaces within the same row.

* * * * *

DRAFT for PUBLIC DISCUSSION

Section 10. Appendix B, US 19 Zoning District and Development Standards, Division 7, Flexibility, of the Community Development code is hereby amended as follows:

Section B-703. - Flexibility provisions.

Flexibility may be approved subject to the standards below.

* * * * *

B. Street Frontage Standards—Building Setbacks

1. Front building setbacks less than the minimums or greater than the maximums allowed in Appendix B, Division 4 may be approved for projects with site constraints such as shape irregularities and/or the presence of natural features, existing utilities, utility easements, or access easements making meeting setback requirements impractical or infeasible. Where front building setbacks are reduced, required pedestrian areas along front building facades may be reduced by no more than 20 percent, and the landscape area may be modified as part of a comprehensive landscape program pursuant to the criteria set forth in Section 3-1202.HG.

* * * * *

Section 11. Appendix C, Downtown District and Development Standards, Division 5, Site Design Standards, of the Community Development code is hereby amended as follows:

Section C-504. - Parking and service areas.

A. Surface Parking.

1. Surface parking and services areas shall be designed to meet the landscaping standards set forth in Article 3, Division 12 and the parking and loading standards set forth in Article 3. Division 14.
2. Surface parking lots shall be screened from abutting residential uses by fences or walls six feet in height.
3. Interior islands of parking lots in new projects shall be designed to utilize Low Impact Development techniques such as bioretention swales and native species. Where parking curbs and gutters are provided, they shall have breaks to allow water to enter the bioretention facilities within the parking landscape islands. Parking lots with less than 20 spaces are exempt from interior island requirements in Section 3-1202.FE.2 of this Development Code.

* * * * *

Section 12. Amendments to the Community Development Code of the City of Clearwater (as originally adopted by Ordinance No. 6348-99 and subsequently amended) are hereby adopted to read as set forth in this Ordinance.

Section 13. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City’s Comprehensive Plan.

DRAFT for PUBLIC DISCUSSION

Section 14. 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 15. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 16. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

PASSED ON SECOND AND FINAL
READING AND ADOPTED

Bruce Rector
Mayor

Approved as to form:

Attest:

Matthew J. Mytych, Esq.
Senior Assistant City Attorney

Rosemarie Call, MPA, MMC
City Clerk