

# Island Estates Neighborhood Plan



Prepared by the  
Island Estates Neighborhood  
and the City of Clearwater  
Planning Department  
Adopted: September 19, 2002





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in conjunction with the  
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Island Estates Neighborhood Plan  
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## **Introduction**

### **Neighborhood Conservation Overlay District**

In 1999, the City of Clearwater adopted its existing Community Development Code that implemented a new planning tool known as the Neighborhood Conservation Overlay District (NCOD.) The purpose of the NCOD is "to provide a means of ensuring that infill and redevelopment activities in existing, stable, residential neighborhoods or



neighborhoods requiring special consideration are consistent with the protection of the existing character of the neighborhood," per Community Development Code §4-608. With designation as a Neighborhood Conservation Overlay District, the neighborhood is charged with developing a neighborhood plan and special development standards to help protect public health, safety and welfare. Upon completion of the plan and the adoption of development standards by the City Commission, the neighborhood will be demarcated on the City Zoning Atlas and in the Community Development Code as an overlay district.



The purpose of the neighborhood plan is to provide a framework for neighborhood enhancement, change, and maintenance. It will serve as an official document for Island Estates and the City of Clearwater. It should be used to coordinate public and private initiatives, as well as to provide the basis for the implementation of development standards unique to the neighborhood.

## Island Estates Planning Process

Island Estates is the second Clearwater neighborhood to pursue the NCOD designation. The Coachman Ridge Neighborhood Plan and development regulations were adopted by the City Commission on July 3, 2001. The neighborhood met all nine (9) of the criteria required to qualify as an NCOD.

Island Estates is therefore considered:

- To be fully developed and well maintained;
- To be significantly developed, with few vacant parcels;
- To have stable or increasing property values;
- To have no significant planned road improvements;
- To have few properties subject to code enforcement proceedings;
- To have few properties non-conforming to current City zoning codes;
- To have few properties non-conforming to current City building codes;
- To be large enough to warrant such designation; and
- To be cohesive enough to warrant such designation.

The process of planning and designating an NCOD cannot be initiated unless at least sixty percent (60%) of the neighborhood property owners agree to proceed. In December 2000, a group of Island Estates citizens presented petitions of approval from property owners to the City Planning Department to pursue an overlay district. The petition stated, "Yes, I, the undersigned, petition the City of Clearwater to initiate the process to establish Island Estates as a Neighborhood Conservation Overlay District."

When the Island Estate NCOD was initially proposed, it was to include only the residential areas east and north of the commercial area. There were 574 properties in the proposed overlay district. Owners from 367 separate properties signed and returned petitions. Once



petitions from sixty-four percent (64%) of the property owners were received, the City Commission initiated the planning process, which included public meetings and the establishment of a citizen study committee. The

study committee is composed of eleven (11) residents who committed much time, energy and expertise to the project.

From the first few study committee meetings, it was determined that the overlay district should include all residential properties in the neighborhood, as well as St. Brendan's Church. In order to do this, the Island Estates NCOD was proposed to expand by 51 additional residential properties for a total of 625 properties. Petitions of approval were received from 395, or sixty-three percent (63%), of the property owners. The boundary expansion was presented to the City Commission on September 6, 2001 and approved unanimously.

The planning process included seven public neighborhood-planning meetings and numerous study committee meetings. Appendix A includes a calendar of the designation and planning process. All the neighborhood-planning meetings were held at St. Brendan's Church on Dory Passage in Island Estates.



The first meeting included an overview of the NCOD and a brainstorming session for neighborhood strengths and weaknesses. At the second meeting the strengths and weaknesses from the first meeting were reviewed, discussed in small groups, and then ranked to determine the neighborhood's priorities. At the third meeting, the residents broke into small groups and discussed goals and objectives that could help emphasize the strengths and ameliorate the weaknesses.

Between the third and fourth meetings, the study committee was revamped with the addition of three new members. These members were replacements for previous members who resigned for various reasons.

The fourth meeting included a presentation of general development standards and a ranking exercise for those standards. This ranking exercise proved to be very important to the development of the plan. Appendix B

shows the ballot for ranking. Appendix C shows the results from this exercise. From the results, the more comprehensive list of objectives and development regulations was established.

At the fifth meeting, the proposed development standards were compared to the current City code and the neighborhood deed restrictions. The sixth meeting consisted of a presentation of the preliminary text of the neighborhood plan, including the development regulations. The residents provided comments that were incorporated into the final draft.

At the seventh meeting, the plan was reviewed for the final time before being presented to the City Commission. In addition, the procedure and schedule for voting on proposed development standards was announced.

### Neighborhood Description

The Island Estates neighborhood is located on the west side of the city, between Clearwater Beach and downtown Clearwater. Map 1 shows the location of Island Estates within the City of Clearwater. It is approximately 210 acres in area.



The Island Estates neighborhood is usually considered to be all of the land and all of the land uses located off Island Way, north of Memorial Causeway. However, most of the commercial lands are excluded from the overlay district that is covered by this plan. This is due to the intention to preserve the residential character of Island Estates. See Map 2 for the boundaries of the NCOD.



Island Estates is a unique neighborhood within the City of



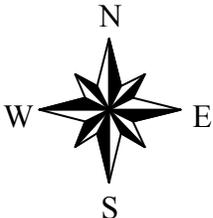
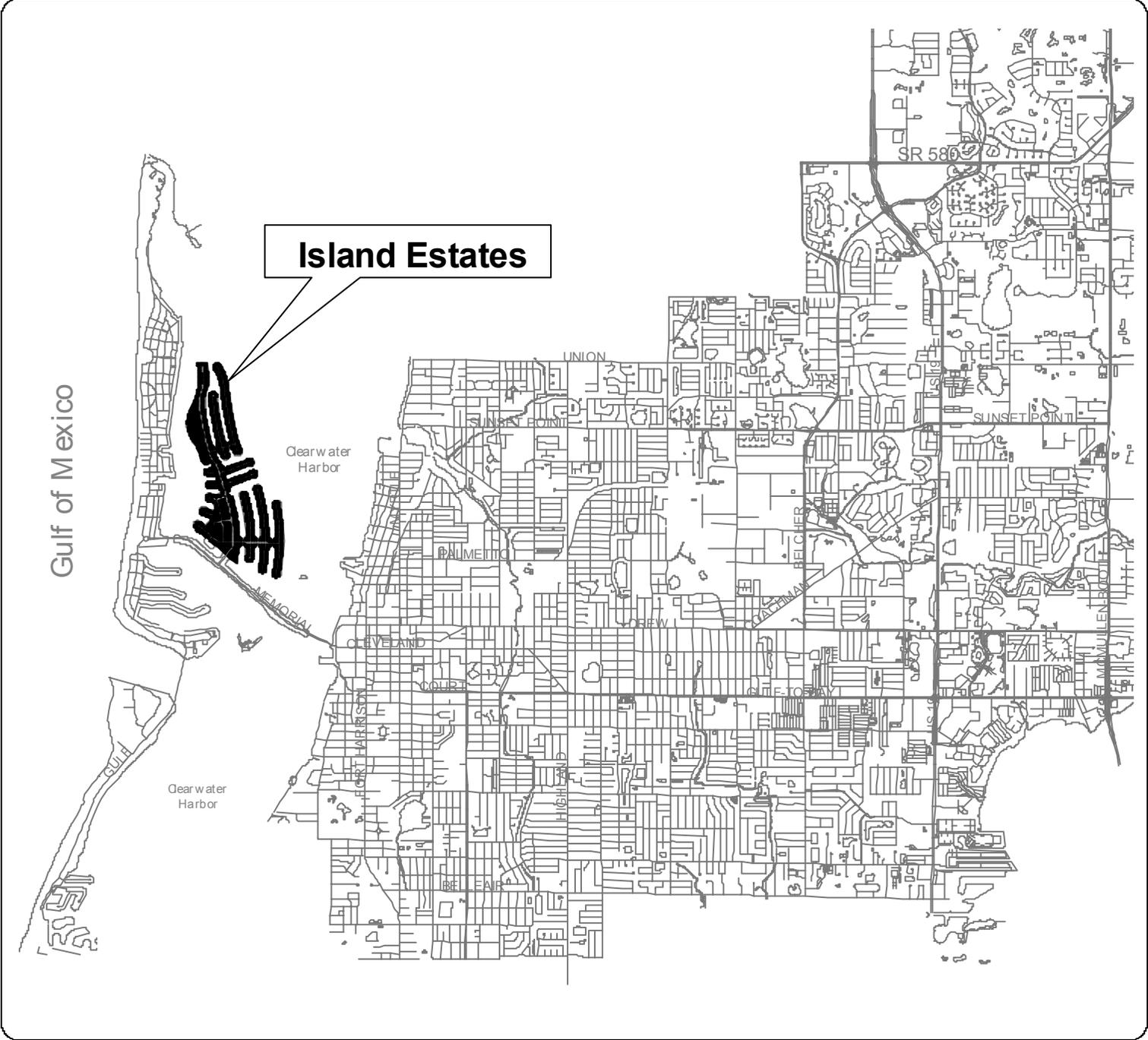
Clearwater in that almost every property is on the waterfront. The neighborhood consists of a series of islands and peninsulas that were created through a dredge and fill process. The land for the neighborhood was filled during the 1950s and 1960s. According to Pinellas County plat books, the island was platted for development between 1957 and 1969. The original parts of the community are located adjacent to Memorial Causeway and the later platted lots are further to the north. The lots on the southern end are somewhat smaller than lots on the northern end - which allowed for larger and newer homes toward the north.



The neighborhood is geographically isolated from the rest of the City. It has only one ingress/egress, which is located on the Memorial Causeway. Due to limited access, there is mostly resident traffic and very little tourist traffic. In addition, because there is only one access point to the neighborhood, traffic congestion on Memorial Causeway greatly affects accessibility to the neighborhood.

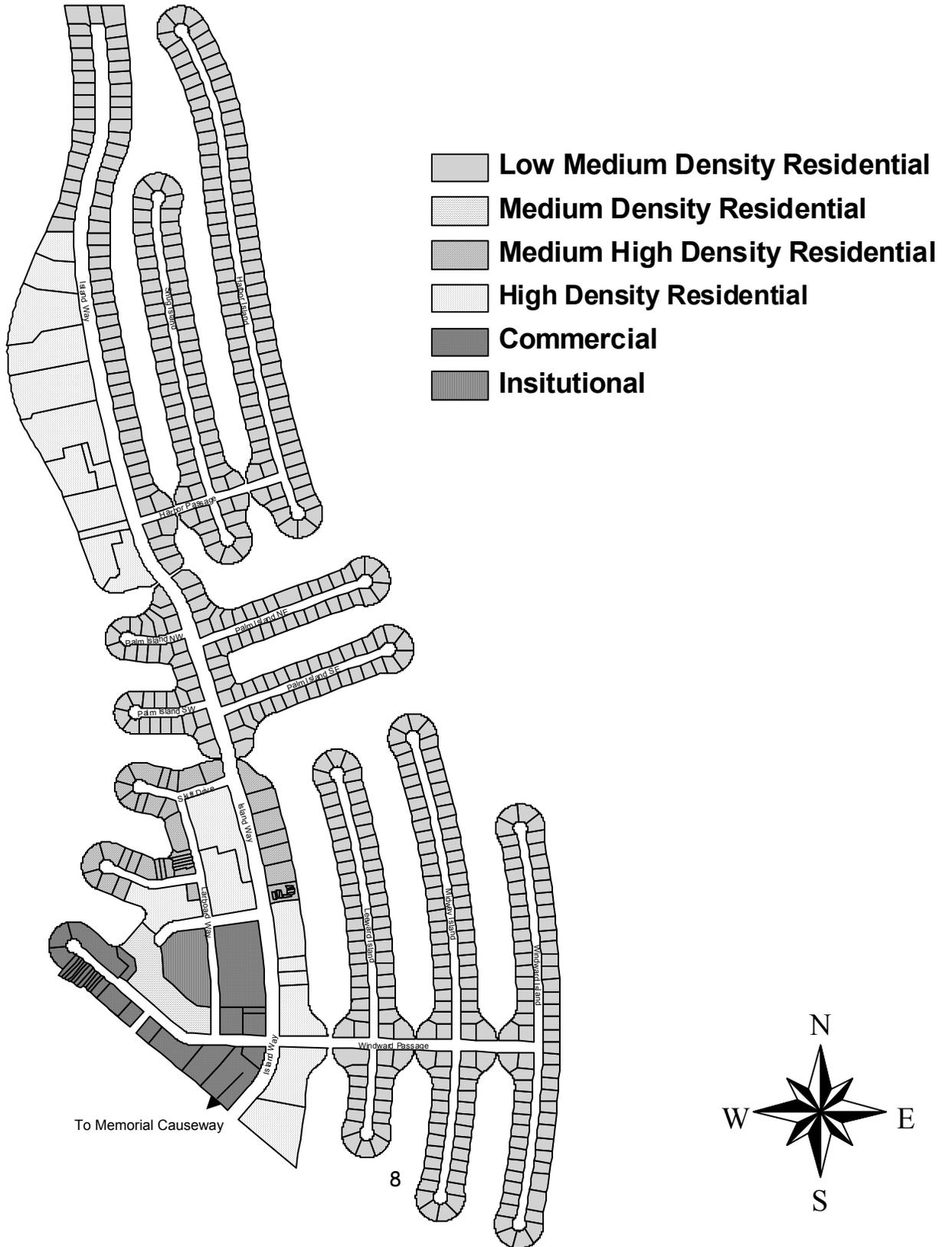
Most of the neighborhood has residential land use, ranging from large single-family homes to multi-story, multi-unit condominiums. Map 3 shows current zoning, parcels and street names within Island Estates.

# Map 1 Island Estates Location





# Map 3 Island Estates Zoning



The most dominant land use is single-family residences, which are located in the Low Medium Density Residential (LMDR) zoning district. In the Medium Density Residential (MDR), Medium High Density Residential (MHDR), and High Density Residential (HDR) zoning districts the uses are multi-family residences. The multi-family areas range in density from duplexes and triplexes to large-scale, multi-story condominiums with hundreds of residents. Because each condominium has its own resident association, each condominium has its own regulations and character.



The Institutional (I) area is occupied by St. Brendan's Church. In addition, there are several Commercial (C) properties in Island Estates. The Commercial district includes a shopping center with a large grocery store, a smaller shopping center, two bank branches, a large restaurant, a marina and some office space. Most of these commercial properties are excluded from



the overlay district in order to keep the focus of the plan on the residential areas. One commercial site consisting of eleven (11) townhouse units is within the overlay district. This residential project was included in the overlay due to its similarity of use to the majority of the neighborhood.

Island Estates is a fairly large neighborhood with over 600 platted properties, over 1,500 property owners, and over 3,200 residents. There are several large condominium complexes in the neighborhood, making the resident base large.

Table 1 demonstrates the general demographics of Island Estates for 1990 and 2000. This table also includes statistics for the City of Clearwater so that comparisons can be made.

**Table 1 - 1990 and 2000 US Census Demographics - Island Estates  
Compared to City of Clearwater**

	Island Estates		Clearwater	
	2000	1990	2000	1990
Total population	3,201	2,847	108,787	98,784
Males	47.9%	45.7%	47.9%	46.1%
Females	52.1%	54.3%	52.1%	53.9%
Number of households	1,727	1,539	48,449	44,138
Average household size	1.85	1.86	2.17	2.17
Under 18 yrs	8.4%	7.2%	19.1%	17.5%
18 to 24 years	2.5%	3.3%	8.0%	8.2%
25 to 44 years	14.4%	12.5%	27.6%	27.9%
45 to 64 years	34.6%	29.7%	23.8%	20.8%
65 years and over	40.1%	47.3%	21.5%	25.6%
White	98.5%	99.5%	83.9%	89.1%
Non-White	1.5%	0.5%	16.1%	10.1%
Housing units	2,277	2,056	56,802	53,833
Owner occupied	61.6%	56.7%	53.0%	50.7%
Renter occupied	14.3%	18.2%	32.3%	31.3%
Seasonal, recreational, occasional	18.5%	19.4%	7.6%	7.8%
Vacant	5.6%	5.8%	7.8%	10.3%

There are some significant differences in the general municipal demographics and those specific to Island Estates. For example, in Island Estates, the average household size is lower than in the City as a whole. In addition, the age trends show that Island Estates seems to have an older population than the City as a whole. There are significantly more owner-occupied housing units and fewer renter-occupied housing units in Island Estates than in the City. A significant difference between Island Estates and the rest of the City is that the neighborhood has a comparatively large percentage of housing units that are used seasonally, recreationally, or

occasionally. Almost twenty percent (20%) of the housing units in Island Estates are part-time residences as compared to eight percent (8%) citywide. Thus, the demographic and housing trends in Island Estates are quite different from those in the City as a whole.



Services on the island include a large supermarket, a convenience store, a gas station, a hair salon, restaurants, banks, a private marina, and other retail businesses. Another amenity for the neighborhood is Sunset Sam Park, which is located on the west end of Windward Passage. In addition, the Clearwater Marine Aquarium and the Island Yacht Club are located on Island Estates.



Island Estates is a very well maintained neighborhood with continually increasing property values. According to property values from the Pinellas County Property Appraiser's Office, values

increased from 1998 to 2000 by approximately ten percent (10%.) Most of the single-family homes were built prior to 1970, but are maintained so that they do not show signs of age. A recent trend in home-ownership is to buy a lot with an older, average sized home, then to demolish the home and build a newer, larger home in its place. In some cases this leads to an imbalance of scale and rhythm along the streetscape.

The sidewalks, roads and gutters are generally well maintained throughout the neighborhood. However, no sidewalks exist along



Leeward Island, Midway Island, Windward Island, or the eastern portion of Windward Passage.



Island Estates prides itself in having "two front yards." Almost every residential lot has a waterfront, and most single-family residences have docks or boat slips along the seawall. Many of the residents own boats and use them on a regular basis. In general, the multi-family areas have active

waterfronts as well, with shared docks, boat slips and waterfront recreation sites. Because of all the waterfront activity, Island Estates' backyards could be considered a second front yard.

### Island Estates Civic Association

In 1962, a small group of residents organized the Island Estates Civic Association (IECA). Its primary purpose was to establish and maintain liaison with the developer and to provide social activities for island residents. As the neighborhood grew and expanded, the Association also broadened its goals to include the maintenance and protection of the unique lifestyle of this community. The organization's goals include improving safety and property security, improving contact with local governments, improving property appearance and beautification, acting as a clearinghouse for community concerns and interests, and promoting an atmosphere that makes "neighbors" out of residents.

The Island Estates Civic Association averages a total membership of over 700 residents. There are 16 board members who are elected each year at its annual meeting in November. Nine of these board members hold a position that is responsible for a specific area of concern. These areas include Neighborhood Crime Watch, maritime issues, membership, social coordination, publicity and communication, beautification, Code and deed restrictions, business liaison and holiday lighting. In addition, the IECA provides a platform for new programs to be brought before the community. It has spearheaded programs to obtain reclaimed water, underground utilities, Sunset Sam Park, a new crosswalk and the NCOD planning process.

## Strengths and Weaknesses

### Strengths

One of the first steps the neighborhood accomplished in its planning effort was the identification of its strengths and weaknesses. This exercise was challenging because some of the participants expressed concern about becoming part of an NCOD. Some residents believe that current City regulations are sufficient to guide the neighborhood toward the future they desire and specifying additional development regulations for the neighborhood could decrease the amount of flexibility permitted by current City regulations.



The community identified several other positive aspects of the neighborhood. The community enjoys access to reclaimed water, a variety of goods and services located on the island, and well-maintained properties.

The following lists the top strengths identified by the residents.

#### Top Strengths - As identified by residents during planning meetings

- Not being in overlay district-flexibility
- Reclaimed water
- Well-maintained property
- Good services such as grocery, gas station, store, bank and park
- On-street parking- cars only
- Mostly residential waterfront community
- Water view
- Island Estates is fine as it is
- Self-sufficient community
- Boat Parade
- Public Transportation
- St. Brendan Church

Besides these specifically ranked strengths, there were dozens of items that when grouped depicts a picture of the neighborhood's issues. The most significant positive aspect of the neighborhood is its amenities. The neighborhood has a variety of services and retail opportunities including a grocery, several restaurants, a neighborhood association, the Clearwater Marine Aquarium, and several annual neighborhood events. The community also identified its waterfront accessibility as an asset. Most people enjoy



the boating lifestyle, the water views, and the higher property values associated with waterfront property. In addition to neighborhood amenities, waterfront, and flexibility, the neighborhood identified well-maintained properties, access to reclaimed water, and availability of on-street parking as assets to the community.

Appendix D lists the grouped strengths of Island Estates. This list is ranked with the most important issues first. The main categories are underlined, and the assets fall under each main category.

### Weaknesses

In addition to strengths, the neighbors identified the aspects of Island Estates that could use improvement. Despite that the neighbors are satisfied with the general upkeep and appearance of the community, most of these address specific issues that detract from the appearance of the area. These include the presence of aboveground power lines, lack of yard maintenance, parking issues, and building setbacks.



The following lists the top weaknesses identified by the residents.

**Top Weaknesses - As identified by residents during planning meetings**

- Aboveground power lines- appearance
- Gravel yards
- Restricted water flow-north pass is closed
- Parking of commercial vehicles in front yard and on street
- Parking of cars/boats/RV's on lawns & driveways- looks cluttered
- Poor yard maintenance
- Differences in setback requirements in deed restrictions and City Code
- Loose regulation of redevelopment-needs stricter enforcement of building codes
- Lack of business growth-no signage for non- residents
- Chain link fences
- Unable to enforce the use of "green" space in landscaping
- Contaminates dumped in canal-grass clippings

Similar to the strengths, the entire list of weaknesses included dozens of comments. These comments have been grouped by major category in order to determine which ones were the most significant category of weaknesses. Again, despite that the neighbors are generally pleased with the upkeep and appearance of the neighborhood, the most prominent weaknesses are related to the lack of upkeep and maintenance for some parts of the island. Specific issues include the presence of gravel yards, poor landscaping maintenance, clutter, and the blocking of water views.



Parking and traffic were the next highest concern for the community. Again, many of the parking issues relate to the appearance of the neighborhood in that the community identified certain vehicles and the number of vehicles parked in driveways and front yards as significant detractors from the neighborhood. Many were concerned with the presence of speeding vehicles along the residential streets and with the amount of traffic on Memorial Causeway during high tourist season. The presence of aboveground utilities was also identified as a detractor from the appearance of the area.



The misuse of waterfront and canals is also a weakness for the community. Over the years, the water in the canals has suffered due to lack of circulation, increased boating activities and the dumping of yard debris and litter into the water. Other waterfront concerns are speeding watercraft, shoaling under bridges and boat noise.

The character of some new development is viewed as another negative issue by many residents. In order to comply with National Flood Insurance Program (NFIP) requirements, new home construction results in elevated, taller structures. There is concern that the new, large, elevated homes may restrict views and create a more crowded look to the neighborhood.



Appendix E lists the grouped weaknesses of Island Estates. This list is ranked with the most important issues first. The main categories are underlined, and specific issues fall under each main category.

## Goals and Objectives

The following goals and objectives were developed by the neighborhood through examination of its strengths and weaknesses and through determination of the neighborhood's priorities. The goals and objectives provide strategies for the neighborhood to emphasize the strengths and to minimize the weaknesses.

### Neighborhood Amenities

*1. Goal: To continue to enhance the neighborhood amenities that make Island Estates appealing and attractive to its residents, property owners and businesses.*

- a. Objective: Continue to support and promote holiday and neighborhood events.
- b. Objective: Continue to support local businesses on the island by remaining business friendly and maintain commercial visibility.
- c. Objective: Continue to support and promote neighborhood organizations, including the Island Estates Civic Association and the Island Estates Women's Club.
- d. Objective: Continue to support and promote the Clearwater Marine Aquarium as a positive amenity on Island Estates.
- e. Objective: Continue to support Neighborhood Watch on Island Estates.

### Waterfront and Canals

*2. Goal: To maintain safety, views, access, and water quality along the Island Estates waterfront.*

- a. Objective: Preserve water views by restricting the heights of fences and structures in the waterfront yard and by maintaining established side building setbacks, rear building setbacks and site triangles.
- b. Objective: Restrict the docking of commercial boats and the storage of commercial fishing and/or crabbing equipment on residential waterfront property in order to preserve the residential character of those areas.
- c. Objective: Require structurally damaged seawalls, docks, and pilings to be repaired in a reasonable amount of time.
- d. Objective: Improve water quality in canals by mitigating the occurrence of shoaling and illegal dumping in canals.
- e. Objective: Obtain a safer boating environment by maintaining and enforcing minimum wake zones in the vicinity of Island Estates.
- f. Objective: Mitigate the noise output from commercial boats, as it becomes a nuisance for the neighborhood.

### Traffic and Street Use

3. *Goal: To maintain pedestrian and vehicular safety in all public rights-of-way on Island Estates.*

- a. Objective: Install sidewalks and bike paths where they do not exist.
- b. Objective: Maintain pedestrian crosswalks adjacent to shopping areas and pursue future opportunities to increase pedestrian safety at intersections along Island Way.
- c. Objective: Research traffic calming along Island Way - especially at the intersections of Island Way with Windward Passage and with Dory Passage.

- d. Objective: Maintain and repair roads so they are in a safe and good condition.
- e. Objective: Increase enforcement of speed limits.
- f. Objective: Maintain sidewalks in good condition in order to preserve a safe pedestrian atmosphere and to promote a consistent appearance along neighborhood rights-of-ways.

#### Neighborhood Appearance and Maintenance

*4. Goal: To maintain, improve, and promote high standards of property maintenance on public and private property on Island Estates in order to ensure an attractive neighborhood appearance.*

- a. Objective: Maintain existing height limitations for all fences.
- b. Objective: Enforce existing zoning in order to prevent commercial uses in residential areas.
- c. Objective: Continue good communication with the City of Clearwater Community Response Team.
- d. Objective: Require elevated pools to be in compliance with setbacks established for principal structures in order to prevent the blocking of views, to maintain openness in rear setbacks, to preserve consistent appearance in waterfront yards and to control building bulk.
- e. Objective: Prohibit front yard fences in order to prevent a cluttered look and to preserve a consistent open appearance throughout the neighborhood.
- f. Objective: Prohibit new gravel, rock or cinder yards in order to maintain a landscaped appearance throughout the neighborhood, as well as ensure proper drainage within the neighborhood.

- g. Objective: Maintain certain percentage of vegetated landscaping in front yards in order to preserve a landscaped appearance throughout the neighborhood.
- h. Objective: Continue to promote the high standards for landscaping at the Island Estates entryway and in all medians by supporting the Island Estates Civic Association's landscaping program and by promoting continued participation in adopt-a-median and adopt-a-cul-de-sac programs.
- i. Objective: Develop a landscaping plan for the medians along Island Way in order to maintain a consistent, appealing appearance.
- j. Objective: Promote environmentally friendly landscaping by educating and informing residents of various landscaping options that include ideas such as using native plants or xeriscaping.
- k. Objective: Promote a safer, cleaner neighborhood by educating residents about responsible pet ownership in order to reduce the incidence of unleashed pets and lack of pet cleanup.
- l. Objective: Promote the screening of all mechanical equipment, dumpsters and trash containers from public rights-of-way, adjacent property and the waterfront.
- m. Objective: Promote the enforcement of the prohibition of parking on grassy medians and cul-de-sacs.
- n. Objective: Prohibit all types of vehicles from parking on lawns and other landscaped areas.
- o. Objective: Prohibit permanent parking of boats, trailers and recreational vehicles outside of garages.

## Character of Redevelopment

*5. Goal: To ensure that development and redevelopment is compatible with the character and scale of surrounding properties to promote high property values, a good quality of life, and consistent and appealing appearances throughout the neighborhood.*

- a. Objective: Establish minimum lot sizes consistent with the deed restriction.
- b. Objective: Establish setback requirements consistent with deed restrictions.
- c. Objective: Maintain current city regulations on home heights.
- d. Objective: Preserve single-family character in the Low Medium Density Residential areas by prohibiting the rezoning of this property to multi-family use.
- e. Objective: Development and redevelopment must be consistent with the goals and objectives of the Island Estates Neighborhood Plan.

## Utilities and Infrastructure

*6. Goal: To maintain and improve existing public utilities in order to protect neighborhood aesthetics and safety.*

- a. Objective: Improve maintenance of drains to prevent on-street flooding.
- b. Objective: Relocate any existing overhead utility lines underground.
- c. Objective: Landscape around aboveground utilities until they can be relocated underground.

- d. Objective: Repair any utility poles that are not well maintained or in good condition.
- e. Objective: Develop a strategy to ensure an adequate supply of reclaimed water for future needs.

### Minimum Rental Periods

*7. Goal: To minimize the disruption associated with short-term rentals in the single-family areas of Island Estates.*

- a. Objective: Establish a minimum rental period for single-family homes to ensure that single-family homes are not being operated as transient accommodations.
- b. Objective: Prevent the proliferation of real estate signs by encouraging the timely removal of such signs once properties are rented or sold.



## **Implementation**

Implementation of the goals and objectives included in this neighborhood plan can only be achieved through the cooperative efforts of the City and the neighborhood. Many objectives focus on property issues and can be achieved by the establishment of City development standards geared to implement certain elements of the plan. Others can only be attained through the work of the neighborhood.

## **Development Standards**

At the fourth neighborhood meeting participants reviewed and ranked a list of potential development standards. The steering committee conducted a detailed evaluation of the ranking and determined that the highest-ranking items would be the basis for the NCOD development standards. The lowest ranking items were excluded because they were deemed to be not significant. Appendix B shows the ballot for ranking. Appendix C shows the results from the exercise.

Code Section 4-608.D.4 requires that the owners of real property in the proposed NCOD vote on each development standard proposed to be included in the overlay district regulations. The vote is a non-binding vote that provides the Commission with information regarding neighborhood support of proposed standards.

One owner for each real property in the Island Estates NCOD boundary was mailed a ballot on March 13, 2002. It included 23 line items proposing to regulate permitted uses, dimensional requirements, fences, landscaping, outdoor storage of fishing equipment, parking, the rental of single-family dwellings and the process for requesting deviations from the proposed standards. Ballots had to be returned to the City or postmarked by April 5<sup>th</sup>. Nearly 66% of the ballots (421) were returned and tallied at City Hall.

The Code further requires that each proposed development standard receiving 51% of the votes cast be forwarded to the Commission for consideration. Fifteen of the 23 ballot items received 51% or more of the votes cast. The ballot package and the ballot tally are included in Appendix F.

The text amendment ordinance submitted to the City Commission creating the Island Estates Neighborhood Conservation Overlay District included only the 15 items that received at least 51% or more of the votes cast. Upon review of the ordinance, the Commission amended it on first reading to exclude several provisions regulating the multi-family areas. Ballot item 12, which required certain vehicles to be parked behind the principal structure and item 20, which required 25% of the front yard to be landscaped were deleted to achieve consistency of regulations in the multi-family and single-family areas.

The City Commission approved the following development standards for the Island Estates NCOD. The adopting ordinance is located in Appendix G. Regulations will apply to the single-family, multi-family and institutional areas. Map 4 delineates these areas of the Island Estates NCOD. Single-family areas include properties that are zoned Low Medium Density Residential (LMDR). Multi-family areas include properties within the NCOD boundary that are zoned Medium Density Residential (MDR), Medium High Density Residential (MHDR), High Density Residential (HDR) and Commercial (C). The institutional area is zoned Institutional (I).

#### *Permitted Uses*

In single-family areas, permitted uses shall be restricted to single-family dwellings (including community residential homes with up to 6 residents) and infrastructure/utility installations.

In multi-family and institutional areas, permitted uses shall remain consistent with the current City of Clearwater Community Development Code.

#### *Minimum Lot Size*

In single-family areas, minimum lot size shall be 7,500 square feet.

In all other areas, the minimum lot size shall remain consistent with the current City of Clearwater Community Development Code.

### *Building Setbacks*

In single-family areas, building setbacks for principal structures shall be:

- Front setback: 25 feet
- Side setback: 7.5 feet
- Rear setback: 15 feet (non-waterfront)  
25 feet (waterfront) - If adjacent structures on either side of the lot are setback 20 feet, then the minimum rear setback shall be 20 feet.

In single-family areas, setbacks for accessory structures, including screen pool enclosures shall be:

- Rear setback: 10 feet

Any pool exceeding 1 foot in height above grade shall comply with the required rear setback for the principal structure.

In multi-family and institutional areas, building and accessory setbacks shall remain consistent with the current City of Clearwater Community Development Code.

### *Building Height*

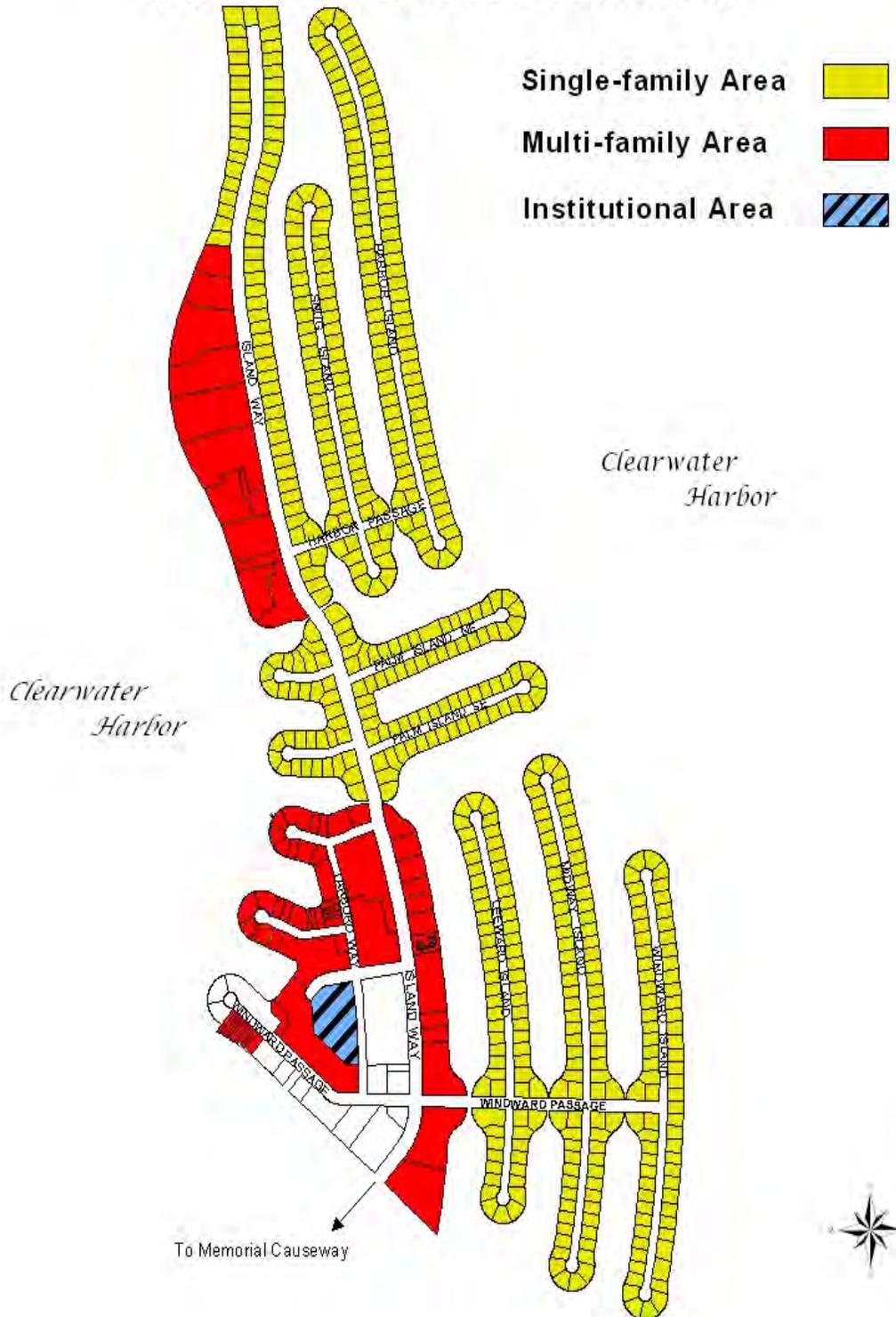
In single-family areas, building height shall be limited to 30 feet above base flood elevation.

In multi-family areas, building height shall remain consistent with the current City of Clearwater Community Development Code.

### *Parking on Private Property*

In the single-family and multi-family areas, parking on landscaping shall be prohibited.

# Map 4 Island Estates NCOD Areas



### *Fences*

In single-family and multi-family areas, fences shall not exceed 6 feet in height between any portion of the principal structure and any side lot line.

All fences between the rear building setback line and the seawall shall be non-opaque (see-through.)

### *Landscaping*

Throughout the Island Estates NCOD, the use of gravel, stones, cinders and other similar material in any yard shall be prohibited unless included as an integral, but minor, element of a landscaping plan.

### *Outdoor Storage*

In the single-family and multi-family areas the storage of commercial fishing and crabbing equipment shall be prohibited.

### *Deviations from the NCOD Requirements*

Flexible standard and flexible development uses are permitted in the single-family areas of the NCOD. Deviations are generally based on flexibility ranges established in the current code provisions. Changes in ranges were made to reflect the increase in the minimum lot size and side yard setback. A criterion was added to each flexible standard and flexible development use that requires any application for flexibility to be consistent with the Island Estates Neighborhood Plan.

In the multi-family and institutional areas, the underlying zoning provisions shall regulate flexible standard and flexible development uses.

All new construction must comply with the overlay district provisions. Any existing legally permitted use, lot size, setback, building height, and fence will be considered a legal nonconforming use and may continue to exist and be maintained as allowed by the Clearwater Community Development Code.

Any vehicle parked in violation of the standards established in the overlay district (parked on landscaping in single-family and multi-family areas) and any commercial fishing and crabbing equipment stored in violation of the standards (stored outdoors on residential property) shall not be considered legal nonconforming and must comply with the overlay district requirements.

### Neighborhood Requirements

According to the City of Clearwater Community Development Code §4-608, the designated neighborhood shall serve as a partner with the City in implementing the NCOD provisions. Therefore, Island Estates is required to:

1. Educate neighborhood property owners of the requirements of the overlay district at least two times a year through neighborhood association meetings and mailings or any other methods approved by the Community Development Coordinator; and
2. Provide the initial means of enforcement for any violation of the requirements of the overlay district. If compliance cannot be gained by the neighborhood, the City shall commence code enforcement efforts.

In order to meet the education requirement, the Island Estates Civic Association (IECA) will provide information regarding the NCOD at the annual civic association meeting and in at least one annual issue of the IECA newsletter. Upon initial adoption of this neighborhood plan and the Island Estates NCOD development regulations, a copy of the NCOD provisions will be provided to each property owner, which includes generally single-family households and condominium associations. In addition, these provisions will be provided to such new owners as property ownership transfers.

The IECA shall also be responsible for providing the initial means of enforcement of the development standards created by the NCOD. In the event a violation of the development standards occurs, the IECA shall use

the following procedures to gain compliance. Even though individual situations may differ and require some deviations, the usual procedures shall be as follows:

- If a violation is identified, a correction notice (i.e. door hanger, post card or letter) shall be left on the property identifying the violation and noting that a re-inspection will be conducted in ten (10) days to determine if compliance has been achieved.
- If in that time period compliance is not achieved, a code violation letter will be issued giving a specific amount of time to comply, but in no case more than ten (10) days.
- If compliance is not gained after the time period allotted in the code violation letter, the violation shall be reported to the City Community Response Team for immediate action.
- All activity after this point shall be consistent with the code enforcement procedures in effect for the City Community Response Team.

The development standards implemented in the Island Estates NCOD shall be in effect as long as the IECA provides the required neighborhood education and enforcement. In the event the IECA does not perform its required function, a rezoning would be initiated by the City to eliminate the Island Estates NCOD.

If the neighborhood wants to amend the overlay requirements or decides it no longer wants designation as an overlay district, the City will process a request to amend or remove the Island Estates NCOD by a petition of owners of 60% of the real property within the NCOD. In the event the provisions of the Island Estates NCOD results in sustained extraordinary increases in the level of service provided by the City of Clearwater, the City and the neighborhood will need to evaluate the provisions of the NCOD and determine the most appropriate means of providing this increased level of service or whether the service should be continued.

## Neighborhood Strategies and Activities

In addition to education and enforcement, the Island Estates Civic Association shall pursue activities to implement the goals and objectives established in this Plan that are not related to development standards.

The IECA has a strong civic and organizational foundation to work from in order to implement the goals and objectives. There are currently sixteen (16) board members and several committees within the IECA. Of the sixteen board members, nine of them are dedicated to special projects or certain issues affecting Island Estates. These specific issues include:

- Neighborhood Crime Watch
- Maritime issues
- Membership
- Social coordination
- Publicity, newsletters, and communication
- Beautification
- Code and deed restrictions
- Business liaison
- Holiday lighting

Most of the objectives in this plan can be addressed through these board members or through committees organized by these board members. The following strategies should address many of those items requiring neighborhood action. The IECA shall:

- Continue to provide and promote holiday and neighborhood events.
- Continue to involve local businesses and the Clearwater Aquarium in neighborhood events.
- Continue to develop strategies to increase neighborhood involvement in the IECA.
- Continue to expand the current landscaping programs in order to install landscaping on the medians along Island Way, to develop a landscaping plan for Island Way and to promote environmentally friendly landscaping.

- Address and implement the objectives for *Waterfront and Canals* through the Maritime board member and any special committees deemed necessary.
- Improve communication with the City Public Works Department in order that services such as good drainage and access to reclaimed water can be maintained in high standards.
- Establish neighborhood education programs to provide information to residents on issues such as general property maintenance, landscaping, and xeriscaping. Speakers from the City of Clearwater and Pinellas County Cooperative Extension Services could provide residents with information on these types of topics.
- Develop new programs to increase neighborhood involvement in the Neighborhood Watch and improve communication between block captains and residents.
- Work with City to gain the installation of sidewalks where necessary, as well as traffic calming solutions for the intersections of Island Way with Windward Passage and with Dory Passage.
- Work with the City Police Department and other authorities to attain better enforcement of speed limits on streets and within the waterways.
- Work with property owners and the City to gain the voluntary screening of existing unenclosed dumpsters.
- Maintain good communication with Community Response Team.
- Obtain information regarding leash law and pet clean-up requirements and disseminate to the neighborhood through newsletters or other public information pieces.
- Continue to increase neighborhood involvement through active community building by the Civic Association.

- Revisit the possibility of placing the overhead utility lines underground.
- Establish committee to initiate evaluation of the Plan and the NCOD development standards every two years after adoption and prepare a written report to present to the Planning Department, City Manager and City Commission.

## **Conclusion**

The development of the Island Estates Neighborhood Plan is evidence of the neighborhood's desire to maintain existing neighborhood standards and quality of life. This special area plan provides a basis for the implementation of the Island Estates Neighborhood Conservation Overlay District in the Clearwater Community Development Code and Zoning Atlas. The development regulations set forth in this document should protect the existing neighborhood character and should ensure that redevelopment is consistent in that character. Many issues identified in the Plan require neighborhood involvement and action; and cannot be addressed through development regulations. Thus, neighborhood organization and participation is key to the implementation of the Island Estates Neighborhood Plan.



## **Appendices**



## **Appendix A – Island Estates Neighborhood Conservation Overlay District Designation and Planning Process Calendar**

### April 19, 2001 - City Commission approval

City Commission approved petition of neighborhood to commence the NCOD designation process for Island Estates. Based on neighborhood input, the City Commission appointed a Neighborhood Conservation Study Committee made up of a chairman, six members, and four alternate members.

### April 25, 2001 - Staff and Study Committee meeting

Preliminary meeting to discuss the City Commission approval and the next steps in the process.

### June 25, 2001 - Staff and Study Committee meeting

Introductions and overview of planning process and committee expectations.

### July 16, 2001 - Staff and Study Committee meeting

Discussed expansion of NCOD boundaries to include all multi-family areas and discussed public meeting schedules.

### July 30, 2001 - Staff and Study Committee meeting

Discussed expansion of NCOD boundaries to include certain townhouse areas and adopted committee Rules and Procedures.

### August 14, 2001 - Staff and Study Committee meeting

Discussed expansion of NCOD boundaries to include certain townhouse areas, finalized planning schedule, and announced websites.

### August 27, 2001 - Staff and Study Committee meeting

Discussed voting protocol, discussed invitations to the first public meeting, and distributed committee handbooks.

### September 6, 2001 - Commission Meeting

City Commission approved petition of neighborhood to expand the boundary of the Island Estates NCOD to include all residential and institutional property in the neighborhood.

September 25, 2001 - Neighborhood Planning Meeting #1

Described purpose of NCOD and Neighborhood Planning Process, discussed the benefits of the NCOD for Island Estates, and identified neighborhood strengths and weaknesses in small groups.

October 3, 2001 - Staff and Study Committee meeting

Consolidated strengths and weaknesses into a combined list and prepared methods, materials, and format for next Neighborhood Planning Meeting.

October 10, 2001 - Neighborhood Planning Meeting #2

Presented and reviewed strengths and weaknesses and prioritized using dot voting.

October 16, 2001 - Staff and Study Committee meeting

Discussed nominations for new study committee members, reviewed results of the ranking exercise, and prepared them to be categorized by City staff.

October 24, 2001 - Neighborhood Planning Meeting #3

Developed goals and objectives in small groups.

November 1, 2001 - City Commission

New members added to the Study Committee.

November 6, 2001 - Staff and Study Committee meeting

Held first meeting with new committee members, reviewed goals and objectives, and determined items that would qualify as development standards.

November 14, 2001 - Neighborhood Planning Meeting #4

Presented condensed list of goals and objectives to neighborhood and facilitated ranking exercise to determine priorities for objectives and development standards.

November 28, 2001 - Staff and Study Committee meeting

Reviewed and organized neighborhood objectives.

December 5, 2001 - Staff and Study Committee

Discussed the proposed development standards and compared to current City code and neighborhood deed restrictions.

December 12, 2001 - Neighborhood Planning Meeting #5

Presented the potential development regulations to the neighborhood and opened for discussion.

January 16, 2002 - Staff and Study Committee Meeting

Discussed the first draft of the plan and worked on language for the development standards.

January 23, 2002 - Staff and Study Committee Meeting

Reviewed draft plan for finalization, finalized language for development standards, and determined neighborhood implementation activities.

January 28, 2002 - Staff and Study Committee Meeting

Finalized review of draft plan, finalized neighborhood implementation strategies, prepared document for public disbursement.

February 6, 2002 - Neighborhood Meeting #6

Presented final draft plan and development regulations to the neighborhood.

February 27, 2002 - Neighborhood Meeting #7, Final Meeting

Final review of plan, presented draft ballot to neighborhood and discussed voting procedure.

March 13, 2002 - Ballots Mailed to Property Owners

Ballots mailed to owners of real property within proposed NCOD boundaries.

April 25, 2002 - Ballots Tallied by City Staff

The Clearwater Planning and City Clerk Departments tallied returned ballots.

May 1, 2002 - Staff and Study Committee Meeting

Presented ballot results to study committee members.

May 8, 2002 - Staff and Study Committee Meeting

Discussed proposed text amendments based on ballot results, staff recommendations and presentation for Community Development Board Meeting.

June 18, 2002 - Community Development Board Meeting

Island Estates Neighborhood Plan, text amendments and rezoning reviewed by the City of Clearwater Community Development Board.

July 25, 2002 - Staff and Study Committee Meeting

Discussed outcome of Community Development Board and prepared for City Commission meeting.

July 8, 2002 - City Commission Meeting

Island Estates Neighborhood Conservation Overlay District development standards and rezoning approved on first reading pursuant to Ordinance Numbers 6981-02 and 6980-02. The neighborhood plan was deferred so changes could be made to reflect the ordinance that was approved on 1<sup>st</sup> reading.

August 22, 2002 - City Commission Meeting

The Clearwater City Commission adopted Ordinance Numbers 6981-02 and 6980-02 establishing the Island Estates Neighborhood Conservation Overlay District and rezoning. The effective date of the ordinances is September 9, 2002.

September 19, 2002 - City Commission Meeting

City Commission approved the Island Estates Neighborhood Plan by adopting Resolution 02-23.

**Appendix B - Ranking Ballot - Used at Public Meeting #4, Nov. 14, 2001**

IMPORTANCE VALUE (1 - 5)	Objectives
	<b><u>RE-DEVELOPMENT:</u></b>
	Maintain limits on home heights to present city code
	Objective: Maintain 30% green space of total lot area
	Prohibit rezoning single family homes to multi-family
	Prohibit subdividing plats
	<b><u>HOUSING &amp; PROPERTY</u></b>
	Prohibit detached outbuilding on residential single-family lots
	Prohibit front yard fences
	Require A/C units to be buffered or shielded with vegetation
	Cleanup parking lot & dumpsters
	Enforce pet cleanup
	Enforce zoning in order to mitigate commercial uses in residential areas
	Establish minimum single family rental periods
	Maintain existing height limitations for all fencing and landscaping
	Prohibit chain link fences
	Prohibit future shingle roofs
	Prohibit new gravel yards
	Prohibit parking on lawns
	Require A/C units and dumpsters not be visible from street

IMPORTANCE VALUE (1 - 5)	<b>Objectives</b>
	<b><u>HOUSING &amp; PROPERTY</u></b>
	Require one front entrance per house
	Restrict trailer parking in the front yard
	<b><u>WATERFRONT</u></b>
	Address dock size restrictions
	Allow only see through fences
	Establish standard setback for new pools and all vertical structures
	Establish standard waterfront setbacks
	Maintain water views
	Objective: Allow covered slips
	Regulate commercial boats docked parked on waterfront property
	Structurally damaged sea wall/docks should be repaired in a reasonable
	<b><u>TRAFFIC &amp; PARKING</u></b>
	Limit RV's and boats short time (24 hrs.) for parking on street and in driveways
	Limit on street parking
	Prohibit parking on grassy medians and cul de sacs
	Prohibit permanent parking of boats/trailers outside of garage
	Restrict overnight commercial vehicle parking.

## Appendix C - Ranked items for development standards

Generally issues with fewer than 200 points were regarded as not significant to the neighborhood.

<b>Items</b>	<b>Total Ranking Votes</b>	<b>Average Ranking Vote per Ballot</b>	<b>Number of Votes 0 to 2</b>	<b>Number of Votes 3 to 5</b>
Prohibit rezoning single family homes to multi-family	290	4.68	3	59
Prohibit subdividing plats	277	4.47	6	56
Prohibit parking on lawns	277	4.47	7	55
Maintain water views	271	4.37	6	56
Restrict trailer parking in the front yard	267	4.31	6	56
Structurally damaged sea wall/docks should be repaired in 60 days	261	4.21	7	55
Maintain existing height limitations for all fencing and landscaping	260	4.19	6	56
Establish standard waterfront setbacks	258	4.16	10	52
Maintain limits on home heights to present city code	251	4.05	12	50
Prohibit front yard fences	250	4.03	10	52
Prohibit new gravel yards	248	4.00	11	51
Enforce zoning in order to mitigate commercial uses in residential areas	247	3.98	12	50
Establish standard setback for new pools and all vertical structures	246	3.97	11	51
Restrict overnight commercial vehicle parking.	245	3.95	15	47
Enforce pet cleanup	244	3.94	11	51
Cleanup parking lot & dumpsters	243	3.92	11	51
Prohibit parking on grassy medians and cul de sacs	241	3.89	13	49
Prohibit permanent parking of boats/trailers outside of garage	233	3.76	15	47

<b>Items</b>	<b>Total Ranking Votes</b>	<b>Average Ranking Vote per Ballot</b>	<b>Number of Votes 0 to 2</b>	<b>Number of Votes 3 to 5</b>
Establish minimum single family rental periods	230	3.71	15	47
Objective: Maintain 30% green space of total lot area	224	3.61	16	46
Limit RV's and boats short time (24 hrs.) for parking on street and in driveways	222	3.58	16	46
Require A/C units and dumpsters not be visible from street	220	3.55	16	46
Regulate commercial boats docked parked on waterfront property	217	3.50	17	45
Require A/C units to be buffered or shielded with vegetation	213	3.44	17	45
Require one front entrance per house	210	3.39	20	42
Address dock size restrictions	203	3.27	21	41
Limit on street parking	191	3.08	23	39
Allow only see through fences	191	3.08	24	38
Prohibit detached outbuilding on residential single-family lots	189	3.05	23	39
Prohibit chain link fences	169	2.73	31	31
Allow covered slips	147	2.37	32	30
Prohibit future shingle roofs	102	1.65	42	20

## Appendix D - Grouped Strengths

The following lists the grouped strengths of Island Estates. This list is ranked with the most important issues first. The main categories are underlined, and the assets fall under each main category.

### Neighborhood Amenities

Quality and availability of services  
such as grocery, gas station, store,  
bank and park  
Holiday lighting and events, including  
boat parade  
Public transportation, including Jolly  
Trolley  
St. Brendan's Church  
Community safety  
Restaurant and bars on island,  
including Island Way Grill  
Island Estates Civic Association  
Sunset Sam Park  
Clearwater Marine Aquarium  
Island Estates Women's club  
Ability to walk on Island Estates  
Island Estates Yacht Club  
Boat yard  
Access to recreation opportunities on  
Causeway

### Not being in overlay district

Island Estates is fine as it is  
Current maximum build out allowed  
Island Estates is unique and  
prospering  
Flexibility of zoning

### Property Maintenance

Well-maintained property  
Eliminating unkempt homes  
Updating properties  
Beautiful properties  
Looks better and newer

### Reclaimed water

### On-street parking-cars only

### Waterfront

Mostly residential waterfront  
community  
Water view  
Waterfront homes  
Boating community  
New money and increased interest in  
neighborhood  
Increase in property values  
All waterfront properties  
Access to water  
Allowed to have multiple boats on  
docks  
Deep water in canals



## Appendix E - Grouped Weaknesses

The following lists the grouped weaknesses of Island Estates. This list is ranked with the most important issues first. The main categories are underlined, and specific issues fall under each main category

### Landscaping & Yard Maintenance

Gravel yards  
Poor yard maintenance  
Chain link fences  
Exposed dumpsters/trashcans on rental and condominium properties  
Lack of street trees in right-of-way  
Landscaping blocking view  
People not controlling animals  
Use of grass in neighborhood wastes water and pollutes bay  
Use of potable water for lawns  
Temporary signs on landscaping (real estate, garage sale)  
Garbage cans out when it is not garbage day  
Lack of streetscape throughout Island  
Yard debris piles placed in roadway instead of on property  
Playground equipment in front yard  
Litter (newspapers)

### Parking and Traffic

Parking of commercial vehicles in front yard and on street  
Parking of cars/boats/RV's on lawns & driveways looks cluttered  
On-street parking  
Large number of cars parked in driveway  
Parking in cul-de-sacs and medians  
Dangerous intersections  
Speeding traffic

Turning lane into Island Estates often blocked by traffic

### Aboveground utilities

### Canal Use and Maintenance

Restricted water flow  
Contaminates dumped in canal (grass clippings, gas spillage)  
Shoaling under bridge  
Airboat noise  
Boatlift covers block view  
Speeding on canals  
No wake zone needs extending & enforcement  
Damaged or deteriorated docks and seawalls  
Dock covers are not allowed  
Lack of public docks

### Character of Redevelopment

Too many variances on setbacks  
No minimum lot size/ could crowd houses  
Waterfront setback requirements are not maintained  
Losing waterfront yards  
Can ruin views/tall buildings  
Fences on waterfront  
Sheds in rear  
Houses too large



## Appendix F - Ballot Package and Ballot Tally

March 13, 2002

Dear Island Estates Property Owner,

In May 2001, the Island Estates neighborhood began planning for a Neighborhood Conservation Overlay District (NCOD). The purpose of the NCOD is to preserve and enhance the character of the neighborhood and ensure that any new development is consistent with the existing character of Island Estates. Through a series of public meetings, the residents of Island Estates developed a neighborhood plan as well as a list of development and property maintenance regulations designed to protect the health, safety, welfare and quality of life of the neighborhood.

One of the final steps in the Island Estates NCOD planning process is a neighborhood poll to determine the proposed development and property maintenance regulations. The results of the vote will be provided to the Community Development Board and the City Commission for consideration when reviewing the proposed regulations. Development standards with support of at least fifty-one (51) percent of the votes cast will be forwarded for consideration. Please refer to the enclosed "Comparison of Proposed Island Estates NCOD Regulations and the City Development Code" for information about the proposed changes. *Any existing legally permitted use, lot size, setback, building height, fence, landscaping and any existing mechanical equipment, dumpster or trash containers not screened in accordance with the development standards in the overlay district will be considered a legal nonconformity and may continue to exist and be maintained as allowed by the Clearwater Community Development Code.*

Enclosed with this letter you will find:

1. A reference map distinguishing the single-family areas from the multi-family areas (p. 2);
2. A table comparing the proposed regulations to the existing City Community Development Code (pp.3-4);
3. A two-sided ballot with proposed development regulations on which to vote (pp. 5-6); and
4. A self-addressed, postage-paid envelope for ballot return.

Ballots are being sent to property owners of each real property as listed on the Property Appraiser's tax roll. One vote per property will be tallied. This is a line-item vote and each item will be tallied separately. **Vote either "FOR" or "AGAINST" in response to each issue.** Make a mark in the box directly below the choice you have selected. The most appropriate marks would be an "X," a check mark or filling in of the box. Appropriate examples:



Votes must be marked clearly. If votes are not marked clearly or if there are marks in more than one box for each issue, no vote will be tallied for that item. If an item is left unanswered on a ballot, no vote will be tallied for that item, but all other eligible marked votes will be counted for that ballot.

Place the completed ballot in the enclosed self-addressed, postage-paid envelope labeled "ISLAND ESTATES BALLOT." Seal the envelope and mail it to the City of Clearwater Planning Department. Ballots returned that are not enclosed in this provided envelope will not be counted. No copies of ballots will be accepted. **The ballot must be returned or postmarked on or before April 5, 2002.**



COMPARISON OF PROPOSED ISLAND ESTATES NCOD REGULATIONS & THE CITY DEVELOPMENT CODE		
Any existing legally permitted use, lot size, setback, building height, fence, landscaping and any existing mechanical equipment, dumpster or trash containers not screened in accordance with the development standards set forth in the overlay district will be considered a legal nonconformity and may continue to exist and be maintained as allowed by the Clearwater Community Development Code.		
	PROPOSED NCOD REGULATIONS	EXISTING CITY CODE REGULATIONS
<b>Ballot Item 1 - Permitted Uses for Single Family Areas</b>	Single-family dwellings (including community residential homes with up to 6 residents) and utility/infrastructure facilities.	Single-family dwellings (including community residential homes with up to 6 residents), utility/infrastructure facilities, attached dwellings, schools, non-residential off-street parking, and parks and recreation facilities.
<b>Ballot Item 2 - Minimum Lot Size for Single Family Areas</b>	7,500 sf	5,000 sf
<b>Building Setbacks for Single-family Areas</b>		
<b>Principal Structures</b>		
<b>Ballot Item 3 - Front</b>	25'	25'
<b>Ballot Item 4 - Side</b>	7.5'	5'
<b>Ballot Item 5 - Rear</b>	non-waterfront - 15'	non-waterfront - 15'
	waterfront - 25' - if adjacent structures are set at 20', then required setback is 20'.	waterfront - 25' - if adjacent structures are set at 20', then required setback is 20'.
<b>Accessory Structures</b>	(including pool enclosures)	
<b>Ballot Item 6 - Side</b>	7.5'	5'
<b>Ballot Item 7 - Rear</b>	10'	10'
<b>Ballot Item 8 - Elevated Pools</b>	Any pool exceeding 1' in height above grade shall comply with the required rear setback for the principal structure.	Same requirement - through policy
<b>Ballot Item 9 - Building Height for Single-Family Areas</b>	30' above the base flood elevation	30' above the base flood elevation
<b>Ballot Item 10 - Parking on Landscaped Areas for All Areas</b>	Parking on any landscaped area shall be prohibited.	Allows 1 car to be parked on lawn next to driveway.
<b>Ballot Item 11 - Parking of Certain Vehicles for Single-family Areas</b>	All boats, personal watercraft, recreation vehicles, trailers, commercial vehicles, race cars, dune buggies, farm equipment, go karts, ATV's or other similar vehicles shall be required to be parked in a garage. The temporary parking of such vehicles outside of a garage shall be permitted for no more than four (4) consecutive days no more than twice a month. Commercial vehicles may be parked outside of garages if onsite to actively conduct business on the premises. <i>Parking of personal automobiles and motorcycles shall be permitted outside of the garage in a driveway.</i>	Boats in excess of 20 ft, hauling trailers, recreational vehicles, travel trailers, motor homes, camping trailers, semi-trailer trucks, any commercial vehicle (in excess of 20 ft length, 7 ft width, or seven ft height), race cars, dune buggies, farm equipment, go karts, ATVs, or other similar vehicles shall not be parked within any required front setback. Commercial vehicles during the actual performance of a service at the premises is allowed. Loading/unloading/ cleaning of vehicles allowed provided completed with 6 hours twice a month.
<b>Ballot Item 12 - Parking of Certain Vehicles for Multi-family Areas</b>	All boats, personal watercraft, recreation vehicles, trailers, commercial vehicles, race cars, dune buggies, farm equipment, go karts, ATV's or other similar vehicles shall be prohibited to be parked between any portion of the principal structure and any right-of-way line. The temporary parking of such vehicles within the front setback shall be permitted for no more than four (4) consecutive days no more than twice a month. Commercial vehicles may be parked between any portion of the principal structure and any right-of-way line, if onsite to actively conduct business on the premises. <i>Parking of personal automobiles and motorcycles shall be permitted between any portion of the principal structure and any right-of-way line in a paved parking area.</i>	Boats in excess of 20 ft, hauling trailers, recreational vehicles, travel trailers, motor homes, camping trailers, semi-trailer trucks, any commercial vehicle (in excess of 20 ft length, 7 ft width, or seven ft height), race cars, dune buggies, farm equipment, go karts, ATVs, or other similar vehicles shall not be parked with in any required front setback. Commercial vehicles during the actual performance of a service at the premises is allowed. Loading/unloading/ cleaning of vehicles allowed provided completed with 6 hours twice a month.

COMPARISON OF PROPOSED ISLAND ESTATES NCOD REGULATIONS & THE CITY DEVELOPMENT CODE		
Any existing legally permitted use, lot size, setback, building height, fence, landscaping and any existing mechanical equipment, dumpster or trash containers not screened in accordance with the development standards set forth in the overlay district will be considered a legal nonconformity and may continue to exist and be maintained as allowed by the Clearwater Community Development Code.		
	PROPOSED NCOD REGULATIONS	EXISTING CITY CODE REGULATIONS
Fences for All Areas		
<b>Ballot Item 13 - Front Fences</b>	All fences shall be prohibited between any portion of the principal structure and any right-of-way line.	Allows 3' fences in front and corner side yards.
<b>Ballot Item 14 - Side Fences</b>	Fences shall not exceed 6 feet in height between any portion of the principal structure and any side lot line.	Allows fences in the side yard up to 6 feet in height.
<b>Ballot Item 15 - Rear Fences</b>	For waterfront properties, fences shall not exceed 3 feet in height between the rear building setback line and the seawall. If the fence encloses a pool, it may be 4 feet in height.	Fences in the rear yards abutting the water must not exceed 3' in height or 4' in height if enclosing a pool. Fence in rear yards not abutting the water may be up to 6' in height.
<b>Ballot Item 16 - Rear Fences</b>	All fences between the rear building setback line and the seawall shall be non-opaque (see-through.)	Fences in the rear yards abutting the water must be non-opaque (see-through.)
<b>Ballot Item 17 - Screening for all Areas</b>	All trash containers, dumpsters and mechanical equipment shall be screened from the rights-of-way, adjacent property and the water. Provision shall apply to new construction. If improvements are made to any structure exceeding 50% of the value appraised by the Pinellas County Property Appraiser's Office, then the screening of mechanical equipment, dumpsters and trash containers must be brought into compliance.	All dumpsters and mechanical equipment shall be screened from rights-of-way and adjacent property.
<b>Ballot Item 18 - Landscaping for all Areas</b>	Use of gravel, stones, cinders and other similar material in any yard shall be prohibited unless included as an integral, but minor, element of a landscaping plan.	All yards not covered with a building shall be landscaped with grass or other ground cover.
<b>Ballot Item 19 - Landscaping Coverage For Single-family Areas</b>	In the single-family areas, 35% of the area between any portion of the principal structure and any right-of-way line shall be landscaped.	No landscaping requirement as such. 65% of entire lot may be covered with impervious surfaces (building, pavement, pool area, etc.)
<b>Ballot Item 20 - Landscaping Coverage For Multi-family Areas</b>	In the multi-family areas, 25% of the area between any portion of the principal structure and any right-of-way line shall be landscaped.	No landscaping requirement as such. 75%-85% of entire lot may be covered with impervious surfaces (building, pavement, pool area, etc.)
<b>Ballot Item 21 - Minimum Rental Periods for Single-family Areas</b>	In single-family areas, the minimum rental period shall be 90 days.	City code does not regulate, however, the Countywide Rules of the Pinellas Planning Council imposes 30 day minimum.
<b>Ballot Item 22 - Outdoor Storage for all Areas</b>	The storage of commercial fishing and crabbing equipment shall be prohibited on any residential property.	Outdoor storage is prohibited nor may goods and materials be stored in any manner which is visible from the public right-of-way or from abutting properties. Equipment, materials or furnishings not designed for outdoor use may not be stored outdoors.
<b>Ballot Item 23 - Deviations for all Areas</b>	Deviations from Code requirements for at-grade structures and/or the expansion of existing non-conforming side and/or rear setbacks may be approved through a flexible standard approval process. Flexible standard approval includes a recommendation by the City Development Review Committee and final decision by the Community Development Coordinator. All other deviations must be approved by the Community Development Board at a public hearing.	Review and approval for certain uses and/or deviations related to dimensional requirements for accessory and primary structures may be reviewed and approved through a flexible standard development (approved by staff). Certain uses and dimensional requirements require review and approval by the Community Development Board (flexible development).

1	In single-family areas, permitted uses shall be restricted to single-family dwellings (including community residential homes with up to 6 residents) and infrastructure/utility installations.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
2	In single-family areas, the minimum lot size shall be 7,500 square feet.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
3	In single-family areas, front building setbacks for principal structures shall be 25 feet.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
4	In single-family areas, side building setbacks for principal structures shall be 7.5 feet.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
5	In single-family areas, rear building setbacks for principal structures shall be 15 feet for non-waterfront lots and 25 feet for waterfront lots. If adjacent structures on either side of a waterfront lot are setback 20 feet, then the minimum rear setback shall be 20 feet.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
6	In single-family areas, side building setbacks for accessory structures, including screened pool enclosures shall be 7.5 feet.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
7	In single-family areas, rear building setbacks for accessory structures, including screened pool enclosures shall be 10 feet.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
8	Any pool exceeding 1 foot in height above grade shall comply with the required rear setback for the principal structure.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
9	In single-family areas, building height shall be limited to 30 feet above base flood elevation.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
10	Parking on any landscaped area shall be prohibited.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
11	In single-family areas, all boats, personal watercraft, recreation vehicles, trailers, commercial vehicles, race cars, dune buggies, farm equipment, go karts, ATV's or other similar vehicles shall be required to be parked in a garage. The temporary parking of such vehicles outside of a garage shall be permitted for no more than four (4) consecutive days no more than twice a month. Commercial vehicles may be parked outside of garages if onsite to actively conduct business on the premises. Parking of personal automobiles and motorcycles shall be permitted outside of the garage in a driveway.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
12	In multi-family areas, all boats, personal watercraft, recreation vehicles, trailers, commercial vehicles, race cars, dune buggies, farm equipment, go karts, ATV's or other similar vehicles shall be prohibited to be parked between any portion of the principal structure and any right-of-way line. The temporary parking of such vehicles within the front setback shall be permitted for no more than four (4) consecutive days no more than twice a month. Commercial vehicles may be parked between any portion of the principal structure and any right-of-way line in multi-family areas if onsite to actively conduct business on the premises. Parking of personal automobiles and motorcycles shall be permitted between any portion of the principal structure and any right-of-way line.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>

*Any existing legally permitted use, lot size, setback, building height, fence, landscaping and any existing mechanical equipment, dumpster or trash containers not screened in accordance with the development standards set forth in the overlay district will be considered a legal nonconformity and may continue to exist and be maintained as allowed by the Clearwater Community Development Code.*

(Please turn over to finish voting)

13	All fences shall be prohibited between any portion of the principal structure and any right-of-way line.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
14	Fences shall not exceed 6 feet in height between any portion of the principal structure and any side lot line.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
15	For waterfront properties, fences shall not exceed 3 feet in height between the rear building setback line and the seawall. If the fence encloses a pool, it may be 4 feet in height.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
16	All fences between the rear building setback line and the seawall shall be non-opaque (see-through.)	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
17	All trash containers, dumpsters and mechanical equipment shall be screened from the rights-of-way, adjacent property and the water. Provision shall apply to new construction. If improvements are made to any structure exceeding 50% of the value appraised by the Pinellas County Property Appraiser's Office, then the screening of mechanical equipment, dumpsters and trash containers must be brought into compliance.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
18	Use of gravel, stones, cinders and other similar material in any yard shall be prohibited unless included as an integral, but minor, element of a landscaping plan.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
19	In single-family areas, 35% of the area between any portion of the principal structure and any right-of-way line shall be landscaped.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
20	In multi-family areas, 25% of the area between any portion of the principal structure and any right-of-way line shall be landscaped.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
21	In single-family areas, the minimum rental period shall be 90 days.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
22	The storage of commercial fishing and crabbing equipment shall be prohibited on any residential property.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>
23	Deviations for at-grade structures and/or the expansion of existing non-conforming side and/or rear setbacks may be approved through a flexible standard approval process. Flexible standard approval includes a recommendation by the City Development Review Committee and final decision by the Community Development Coordinator. All other deviations must be approved by the Community Development Board at a public hearing.	FOR <input type="checkbox"/>	AGAINST <input type="checkbox"/>

*Any existing legally permitted use, lot size, setback, building height, fence, landscaping and any existing mechanical equipment, dumpster or trash containers not screened in accordance with the development standards set forth in the overlay district will be considered a legal nonconformity and may continue to exist and be maintained as allowed by the Clearwater Community Development Code.*

(End of ballot)

**Upon completion, place this ballot in the self-address, postage-paid envelope labeled "Island Estates Ballot" and return it to the City of Clearwater Planning Department. Mailed ballots must be postmarked by April 5, 2002.**

Island Estates Ballot Total Tally		Total Votes For	Total Votes Against	No Vote Cast	Total Votes Cast	Percent For	Percent Against
<b>Item 1</b>	In single-family areas, permitted uses shall be restricted to single-family dwellings (including community residential homes with up to 6 residents) and infrastructure/utility installations.	225	192	4	417	54.0%	46.0%
<b>Item 2</b>	In single-family areas, the minimum lot size shall be 7,500 square feet.	223	193	5	416	53.6%	46.4%
<b>Item 3</b>	In single-family areas, front building setbacks for principal structures shall be 25 feet.	238	175	8	413	57.6%	42.4%
<b>Item 4</b>	In single-family areas, side building setbacks for principal structures shall be 7.5 feet.	215	202	5	417	51.6%	48.4%
<b>Item 5</b>	In single-family areas, rear building setbacks for principal structures shall be 15 feet for non-waterfront lots and 25 feet for waterfront lots. If adjacent structures on either side of a waterfront lot are setback 20 feet, then the minimum rear setback shall be 20 feet.	218	197	6	415	52.5%	47.5%
<b>Item 6</b>	In single-family areas, side building setbacks for accessory structures, including screened pool enclosures shall be 7.5 feet.	197	220	4	417	47.2%	52.8%
<b>Item 7</b>	In single-family areas, rear building setbacks for accessory structures, including screened pool enclosures shall be 10 feet.	235	181	5	416	56.5%	43.5%
<b>Item 8</b>	Any pool exceeding 1 foot in height above grade shall comply with the required rear setback for the principal structure.	217	197	7	414	52.4%	47.6%
<b>Item 9</b>	In single-family areas, building height shall be limited to 30 feet above base flood elevation.	225	192	4	417	54.0%	46.0%
<b>Item 10</b>	Parking on any landscaped area shall be prohibited.	237	181	3	418	56.7%	43.3%
<b>Item 11</b>	In single-family areas, all boats, personal watercraft, recreation vehicles, trailers, commercial vehicles, race cars, dune buggies, farm equipment, go karts, ATV's or other similar vehicles shall be required to be parked in a garage. The temporary parking of such vehicles outside of a garage shall be permitted for no more than four (4) consecutive days no more than twice a month. Commercial vehicles may be parked outside of garages if onsite to actively conduct business on the premises. Parking of personal automobiles and motorcycles shall be permitted outside of the garage in a driveway.	213	206	2	419	50.8%	49.2%
<b>Item 12</b>	In multi-family areas, all boats, personal watercraft, recreation vehicles, trailers, commercial vehicles, race cars, dune buggies, farm equipment, go karts, ATV's or other similar vehicles shall be prohibited to be parked between any portion of the principal structure and any right-of-way line. The temporary parking of such vehicles within the front setback shall be permitted for no more than four (4) consecutive days no more than twice a month. Commercial vehicles may be parked between any portion of the principal structure and any right-of-way line in multi-family areas if onsite to actively conduct business on the premises. Parking of personal automobiles and motorcycles shall be permitted between any portion of the principal structure and any right-of-way line.	218	199	4	417	52.3%	47.7%

Island Estates Ballot Total Tally (cont.)						
Item	Description	Total Votes For	Total Votes Against	No Vote Cast	Total Votes Cast	Percent For / Percent Against
Item 13	All fences shall be prohibited between any portion of the principal structure and any right-of-way line.	173	242	6	415	41.7% / 58.3%
Item 14	Fences shall not exceed 6 feet in height between any portion of the principal structure and any side lot line.	218	200	3	418	52.2% / 47.8%
Item 15	For waterfront properties, fences shall not exceed 3 feet in height between the rear building setback line and the seawall. If the fence encloses a pool, it may be 4 feet in height.	210	207	4	417	50.4% / 49.6%
Item 16	All fences between the rear building setback line and the seawall shall be non-opaque (see-through.)	214	200	7	414	51.7% / 48.3%
Item 17	All trash containers, dumpsters and mechanical equipment shall be screened from the rights-of-way, adjacent property and the water. Provision shall apply to new construction. If improvements are made to any structure exceeding 50% of the value appraised by the Pinellas County Property Appraiser's Office, then the screening of mechanical equipment, dumpsters and trash containers must be brought into compliance.	209	208	4	417	50.1% / 49.9%
Item 18	Use of gravel, stones, cinders and other similar material in any yard shall be prohibited unless included as an integral, but minor, element of a landscaping plan.	216	202	3	418	51.7% / 48.3%
Item 19	In single-family areas, 35% of the area between any portion of the principal structure and any right-of-way line shall be landscaped.	203	214	4	417	48.7% / 51.3%
Item 20	In multi-family areas, 25% of the area between any portion of the principal structure and any right-of-way line shall be landscaped.	217	201	3	418	51.9% / 48.1%
Item 21	In single-family areas, the minimum rental period shall be 90 days.	199	221	1	420	47.4% / 52.6%
Item 22	The storage of commercial fishing and crabbing equipment shall be prohibited on any residential property.	232	186	3	418	55.5% / 44.5%
Item 23	Deviations for at-grade structures and/or the expansion of existing non-conforming side and/or rear setbacks may be approved through a flexible standard approval process. Flexible standard approval includes a recommendation by the City Development Review Committee and final decision by the Community Development Coordinator. All other deviations must be approved by the Community Development Board at a public hearing.	202	213	6	415	48.7% / 51.3%

<b>Total ballots</b>	<b>641</b>
Total ballots not returned	220
Total ballots returned	421
<b>Percentage returned</b>	<b>65.7%</b>

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**Appendix G - Ordinance No. 6981-02 - Ordinance Adopting Island Estates Neighborhood Conservation Overlay District**

**ORDINANCE NO. 6981-02**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, AMENDING THE COMMUNITY DEVELOPMENT CODE; AMENDING ARTICLE 2, ZONING DISTRICTS, BY CREATING SECTION 2-1602, ISLAND ESTATES NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT, WHICH ESTABLISHES ADDITIONAL DEVELOPMENT STANDARDS TO BE APPLIED ONLY IN THE ISLAND ESTATES NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT; PROVIDING AN EFFECTIVE DATE

WHEREAS, the Island Estates neighborhood has developed the Island Estates Neighborhood Plan pursuant to Community Development Code Section 4-608, which supports additional code requirements to implement the Plan; and

WHEREAS, the City of Clearwater has approved the Island Estates Neighborhood Plan in Resolution No. 02-23; and

WHEREAS, the City of Clearwater has determined that additional standards shall be applied to the Island Estates neighborhood to implement such plan; and

WHEREAS, the residents of Island Estates voted on certain additional standards that shall be applied to the Island Estates neighborhood to implement such plan; and

WHEREAS, the Island Estates neighborhood via the Island Estates Civic Association has committed to be a partner with the City in implementing the provisions of this overlay district by committing to educating neighborhood property owners of the overlay district requirements and providing the initial means of enforcement of any violation of the requirements of the overlay district pursuant to Community Development Code Section 4-608(E); and

WHEREAS, the Community Development Board, pursuant to its responsibilities as the Local Planning Agency, has reviewed this amendment, conducted a public hearing to consider all public testimony and has determined that this amendment is consistent with the City of Clearwater's Comprehensive Plan; and

WHEREAS, the City Commission has fully considered the recommendation of the Community Development Board and testimony submitted at its public hearing; now, therefore,

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

Section 1. Article 2, Zoning Districts, Division 16, Section 2-1602 Island Estates Neighborhood Conservation Overlay District is hereby created containing the following provisions.

**2-1602 Island Estates Neighborhood Conservation Overlay District.**

*Intent and Purpose.* The Island Estates Neighborhood Plan was developed in response to neighborhood needs and approved by the City Commission on August 8, 2002 to provide guidance and policy direction for all public and private actions within and in the vicinity of the Island Estates neighborhood. The intent and purpose of the Island Estates Neighborhood Conservation Overlay District (IENCOD) is to provide overlay requirements to ensure that infill and redevelopment activities are consistent with the protection of the existing established character within the district and to protect the health, safety and general welfare of the district. Development and redevelopment shall be reviewed for consistency with the Island Estates Neighborhood Plan. Any development requesting flexibility from the minimum development standards of the IENCOD shall be consistent with the Island Estates Neighborhood Plan.

*Jurisdictional Boundaries.* The Island Estates Neighborhood Conservation Overlay District (IENCOD) shall be consistent with the boundaries of all the land in Clearwater Harbor, known as Island Estates lying northerly of the northerly right of way line of Memorial Causeway, less and except the following described tracts: (1) All of Block C, and Lots 1-3, 7, 9-13, Block D, and the westerly 61 feet of the vacated right-of-way of Dory Passage, Unit 5 Island Estates of Clearwater as recorded in Plat Book 51, Page 34, of the Public Records of Pinellas County, Florida; (2) Begin at the most easterly corner of Lot 13, Block D of Unit 5 Island Estates of Clearwater; as recorded in Plat Book 51, Page 34, of the Public Records of Pinellas County, Florida; thence N49°23'41"W, 100.00 feet; thence N04°23'41"W, 71.42 feet, to a point on a curve to the left; thence along the arc of said curve, having a radius of 70.00 feet, a chord bearing of N75°47'40"E, a chord length of 23.86 feet, 23.98 feet; thence S49°23'41"E, 136.75 feet; thence S08°12'32"E, 81.05 feet; thence S40°36'19"W, 16.63 feet; thence N49°23'41"W, 61.00 feet to the Point of Beginning; (3) Island Yacht Club Condominium, as recorded in Condominium Plat Book 39, Page 74, of the Public Records of Pinellas County, Florida; (4) the land bounded on the north by Dory Passage, on the south by Windward Passage, on the west by Larboard Way and on the east by Island Way.

Relationship to Underlying Districts and Other Provisions of the Community Development Code. The designation of the Island Estates Neighborhood Conservation Overlay District on the zoning atlas provides requirements in addition to those contained in the Low Medium Density Residential, Medium Density Residential, Medium High Density Residential, High Density Residential, Institutional and Commercial Districts. The provisions contained herein shall govern in this overlay district only. Issues not specifically addressed in this overlay district shall be governed by the remaining provisions of this Community Development Code.

Minimum standard development for areas zoned LMDR/IENCOD. The following uses are Level One permitted uses in the LMDR/IENCOD District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

<u>Use</u>	<u>Min. Lot Area (sq. ft.)</u>	<u>Min. Lot Width (ft.)</u>	<u>Min. Setbacks (ft.)</u>			<u>Max. Height (ft.) (1)</u>	<u>Min. Off-Street Parking</u>
			<u>Front</u>	<u>Side</u>	<u>Rear (2)</u>		
<u>Accessory pools and screen enclosures</u>				<u>5</u>	<u>10</u>		
<u>Community Residential Homes (up to 6 residents)</u>	<u>7,500</u>	<u>50</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>30</u>	<u>2/unit</u>
<u>Detached Dwellings</u>	<u>7,500</u>	<u>50</u>	<u>25</u>	<u>7.5</u>	<u>15</u>	<u>30</u>	<u>2/unit</u>

- (1) In special flood hazard areas designated by the National Flood Insurance Program, maximum height is measured above base flood elevation.
- (2) Any pool exceeding 1 foot in height above grade shall comply with the required rear setback for the principal structure. Waterfront detached dwellings in the LMDR/IENCOD District should be 25 feet except as provided in Article 3, Division 8, Section 3-805 and Division 9, Section 3-904 and except where adjacent structures on either side of the parcel proposed for development are setback 20 feet and then the rear setback shall be 20 feet. The Building Code may require the rear setback to be at least 18 feet from a seawall.

Flexible standard development for areas zoned LMDR/IENCOD. The following Level One uses are permitted in the LMDR/IENCOD District subject to the standards and criteria set out in this Section and other applicable regulations in Article 3.

<i>Table 2-1601(E). "LMDR/IENCOD" Flexible Standard Development</i>							
<u>Use</u>	<u>Min. Lot Area (sq. ft.)</u>	<u>Min. Lot Width (ft.)</u>	<u>Min. Setbacks (ft.)</u>			<u>Max. Height (ft.) (1)</u>	<u>Min. Off-Street Parking</u>
			<u>Front</u>	<u>Side</u>	<u>Rear (2)</u>		
<u>Detached Dwellings</u>	<u>7,500</u>	<u>50</u>	<u>15-25</u>	<u>7.5</u>	<u>5 - 15</u>	<u>30</u>	<u>2/unit</u>
<u>Residential Infill Project (3)</u>	<u>n/a</u>	<u>n/a</u>	<u>15-25</u>	<u>3-7.5</u>	<u>5 - 15</u>	<u>30</u>	<u>2/unit</u>
<u>Utility/Infrastructure Facilities (4)</u>	<u>n/a</u>	<u>n/a</u>	<u>25</u>	<u>10</u>	<u>15</u>	<u>n/a</u>	<u>n/a</u>

- (1) In special flood hazard areas designated by the National Flood Insurance Program, maximum height is measured above base flood elevation.
- (2) Any pool exceeding 1 foot in height above grade shall comply with the required rear setback for the principal structure. Waterfront detached dwellings in LMDR/IENCOD District should be 25 feet except as provided in Article 3, Division 8, Section 3-805 and Division 9, Section 3-904 and except where adjacent structures on either side of the parcel proposed for development are setback 20 feet and then the rear setback shall be 20 feet. The Building Code may require the rear setback to be at least 18 feet from a seawall.
- (3) The development standards for residential infill projects are guidelines and may be varied based on the criteria specified in Section 2-1602.E.2.
- (4) Utility/infrastructure uses shall not exceed three acres. Any such use, alone or when added to contiguous like uses which exceed three acres shall require a land use plan map amendment to transportation/utility which shall include such uses and all contiguous like uses.

Flexibility criteria:

1. Detached Dwellings.

a. The development or redevelopment of the parcel proposed for development is consistent with the Island Estates Neighborhood Plan.

b. Front setback:

i. A determination of the front setback shall consider the extent to which existing structures in the neighborhood have been constructed to a regular or uniform setback from the right-of-way;

- ii. The reduction in front setback will not adversely affect adjacent property values;
- iii. The reduction in front setback is consistent with neighborhood character;
- iv. The reduction in front setback results in an efficient house layout.

c. Rear setback:

- i. The reduction in rear setback will allow for the preservation of existing vegetation which could not otherwise be preserved; or
- ii. The reduction in rear setback will allow the development or redevelopment of a substandard lot which would otherwise not be feasible; or
- iii. The reduction in rear setback results in an efficient house layout; and
- iv. The structures located within the rear setback otherwise required in the LMDR/IENCOD District are buffered with landscape material or fences to protect the privacy and value of adjacent properties.

2. Residential infill.

- a. The development or redevelopment of the parcel proposed for development is consistent with the Island Estates Neighborhood Plan;
- b. Single-family detached dwellings and community residential homes with six (6) or fewer residents are the only permitted uses eligible for residential infill project application;
- c. The development or redevelopment of the parcel proposed for development is otherwise impractical without deviations from the intensity and other development standards;
- d. The development of a parcel proposed for development as a residential infill project will not materially reduce the fair market value of abutting properties;
- e. The uses within the residential infill project are compatible with adjacent land uses;
- f. The development of the parcel proposed for development as a residential infill project will upgrade the immediate vicinity of the parcel proposed for development;

- g. The design of the proposed residential infill project creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole; and
- h. Flexibility in regard to lot width, required setbacks, height, off-street parking, access or other development standards is justified by the benefits to community character and the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole.

3. Utility/infrastructure facilities.

- a. The development or redevelopment of the parcel proposed for development is consistent with the Island Estates Neighborhood Plan;
- b. The siting and screening of the proposed utility/infrastructure facility protects the established character of the Island Estates neighborhood;
- c. No above ground structures are located adjacent to a street right-of-way; and
- d. Any above ground structure other than permitted telecommunications towers and utility distribution lines located on or along a rear lot line shall be screened from view by a landscaped opaque wall or fence which is at least two-thirds the height of the above ground structure and shall be landscaped with trees and hedges which five years after installation will substantially obscure the fence or wall and the above ground structure.

Flexible development for areas zoned LMDR/IENCOD. The following Level Two uses are permitted in the LMDR/IENCOD District subject to the standards and criteria set out in this Section and other applicable regulations in Article 3.

<i>Table 2-1601(E). "LMDR/IENCOD" Flexible Development</i>							
<u>Use</u>	<u>Min. Lot Area (sq. ft.)</u>	<u>Min. Lot Width (ft.)</u>	<u>Min. Setbacks (ft.)</u>			<u>Max. Height (ft.) (1)</u>	<u>Min. Off-Street Parking</u>
			<u>Front</u>	<u>Side</u>	<u>Rear (2)</u>		

<u>Detached Dwellings</u>	<u>4,500 - 7,500</u>	<u>25 - 50</u>	<u>15 - 25</u>	<u>3 - 7.5</u>	<u>5 - 15</u>	<u>30</u>	<u>2/unit</u>
<u>Residential Infill Project (3)</u>	<u>n/a</u>	<u>n/a</u>	<u>10 - 25</u>	<u>0 - 7.5</u>	<u>0 - 15</u>	<u>30</u>	<u>1/unit</u>

- (1) In special flood hazard areas designated by the National Flood Insurance Program, maximum height is measured above base flood elevation.
- (2) Any pool exceeding 1 foot in height above grade shall comply with the required rear setback for the principal structure. Waterfront detached dwellings in LMDR/IENCOD District should be 25 feet except as provided in Article 3, Division 8, Section 3-805 and Division 9, Section 3-904 and except where adjacent structures on either side of the parcel proposed for development are setback 20 feet and then the rear setback shall be 20 feet. The Building Code may require the rear setback to be at least 18 feet from a seawall.
- (3) The development standards for residential infill projects are guidelines and may be varied based on the criteria specified in Section 2-1602.F.2.

*Flexibility criteria:*

*1. Detached Dwellings.*

- a. The development or redevelopment of the parcel proposed for development is consistent with the Island Estates Neighborhood Plan;
- b. Minimum lot size per dwelling of less than 7,500 square feet is an existing lot or a lot size of less than 7,500 square feet is necessary to the development or redevelopment of a vacant lot which would otherwise not be economically feasible;
- c. The volume to lot size ratio of the structures to be developed on the lot is not more than ten percent greater than the average volume to lot size ratio of all existing structures located on the same local street and within a 700 feet radius of the lot;
- d. Front setback:
  - i. The existing structures along the same side of the road have been constructed with irregular setbacks and the proposed reduction in front setback will not be out of character with the neighborhood;
  - ii. The extent to which existing structures in the neighborhood have been constructed to a regular or uniform setback from the right-of-way;
  - iii. The reduction in front setback will not adversely affect adjacent property values;

e. Rear setback:

- i. The reduction in rear setback will allow for the preservation of existing vegetation which could not otherwise be preserved;
- ii. The reduction in rear setback will allow the development or redevelopment of a substandard structure which would otherwise not be feasible; or
- iii. The reduction in rear setback will result in an efficient house layout.

f. Side setback: The reduction in side setback will allow for the preservation of existing vegetation that could not otherwise be preserved.

2. Residential Infill.

- a. The development or redevelopment of the parcel proposed for development is consistent with the Island Estates Neighborhood Plan;
- b. Single-family detached dwellings and community residential homes with six (6) or fewer residents are the only permitted uses eligible for residential infill project application;
- c. The development or redevelopment of the parcel proposed for development is otherwise impractical without deviations from the intensity and other development standards;
- d. The development of a parcel proposed for development as a residential infill project will not materially reduce the fair market value of abutting properties;
- e. The uses within the residential infill project are compatible with adjacent land uses;
- f. The development of the parcel proposed for development as a residential infill project will upgrade the immediate vicinity of the parcel proposed for development;
  - g. The design of the proposed residential infill project creates a form and function which enhances the community character of the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole; and
  - h. Flexibility in regard to lot width, required setbacks, height, off-street parking, access or other development standards is justified by the benefits

to community character and the immediate vicinity of the parcel proposed for development and the City of Clearwater as a whole.

G. Additional development standards for single-family areas zoned LMDR/IENCOD

1. Parking on Landscaped Areas. The parking of any type of vehicle, trailer, boat, personal watercraft, recreational vehicle, or any other similar vehicle shall be prohibited on grass or any other landscaped area;
2. Fences.
  - a. Fences shall not exceed 6 feet in height between any portion of the principal structure and any side lot line;
  - b. All fences between the rear building setback line and the seawall shall be non-opaque (see-through);
3. Landscaping Requirements. Use of gravel, stones, cinders and other similar material in any yard shall be prohibited unless included as an integral, but minor, element of a landscaping plan; and
4. Outdoor Storage. The storage of commercial fishing and crabbing equipment shall be prohibited outdoors on any residential property.

H. Additional development standards for multi-family areas zoned MDR/IENCOD, MHDR/IENCOD, HDR/IENCOD and C/IENCOD.

1. Parking. The parking of any type of vehicle, trailer, boat, personal watercraft, recreational vehicle, or any other similar vehicle shall be prohibited on grass or any other landscaped area.
2. Fences.
  - a. Fences shall not exceed 6 feet in height between any portion of the principal structure and any side lot line.
  - b. All fences between the rear building setback line and the seawall shall be non-opaque (see-through.)
3. Landscaping Requirements. Use of gravel, stones, cinders and other similar material in any yard shall be prohibited unless included as an integral, but minor, element of a landscaping plan.

4. Outdoor Storage. The storage of commercial fishing and crabbing equipment shall be prohibited outdoors on any residential property.

I. Additional development standards for areas zoned I/ENCOD.

1. Landscaping Requirements. Use of gravel, stones, cinders and other similar material in any yard shall be prohibited unless included as an integral, but minor, element of a landscaping plan.

Section 2. This ordinance shall take effect on September 9, 2002.

PASSED ON FIRST READING August 8, 2002

PASSED ON SECOND AND FINAL  
READING AND ADOPTED AS AMENDED August 22, 2002

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Brian J. Aungst  
Mayor-Commissioner

Approved as to form:

Attest:

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Leslie K. Dougall-Sides  
Assistant City Attorney

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Cynthia E. Goudeau  
City Clerk

