



PLANNING & DEVELOPMENT DEPARTMENT COMMUNITY DEVELOPMENT BOARD STAFF REPORT

MEETING DATE: August 17, 2021

AGENDA ITEM: E.2.

CASE: TA2021-07002

ORDINANCE NO.: 9487-21

REQUEST: To amend certain City of Clearwater Community Development Code operational and permit requirements for outdoor cafés, as well as establish a reduced café renewal permit fee in Appendix A, Schedule of Fees, Rates and Charges.

INITIATED BY: City of Clearwater, Planning and Development Department

BACKGROUND:

During the re-opening phases of the COVID emergency the city of Clearwater allowed regulatory flexibility for temporary outdoor cafes and closed Cleveland Street to traffic to accommodate expanded outdoor dining. During this time there was an increase in the number of outdoor cafes in both Downtown and Clearwater Beach. Since the emergency is now over, the city, Amplify Clearwater and the Community Redevelopment Agency are working together to ensure that businesses obtain the proper approval to continue operating outdoor cafes consistent with city ordinances.

Upon review of current outdoor café requirements, the Planning and Development Department identified several needed amendments to the Community Development Code to provide greater clarity on permit and operational requirements. Also, as the city has decided to continue the closure of Cleveland Street for outdoor dining, the code needs to provide for café space in the public right-of-way beyond sidewalk areas.

ANALYSIS:

The proposed amendments to the Community Development Code revise the outdoor café provisions as follows.

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- Clarifies outdoor café permits are issued to those with business tax receipts for the business they serve.
 - Provides for the yearly renewal of outdoor café permits and at a reduced fee.
 - Allows for outdoor cafes in the Cleveland Street right-of-way if the street is closed to traffic and ADA requirements are met.
 - Requires the outdoor café operator to maintain the café area in a neat and orderly appearance and free of debris throughout the business day. It also precludes businesses from using city owned waste receptacles for café food and waste disposal.

CRITERIA FOR TEXT AMENDMENTS:

CDC Section 4-601 sets forth the procedures and criteria for reviewing text amendments. All text amendments must comply with the following:

1. The proposed amendment is consistent with and furthers the goals, policies and objectives of the Comprehensive Plan.

A review of the Clearwater Comprehensive Plan identified the following goals, objectives and policies which will be furthered by the proposed Code amendments:

- Goal A.3 The City of Clearwater shall ensure that all development or redevelopment initiatives meet the safety, environmental, and aesthetic needs of the City through consistent implementation of the Community Development Code.
- Objective A.5.5 Promote high quality design standards that support Clearwater’s image and contribute to its identity.
- Policy A.6.1.6 Land use decisions in Clearwater shall support the expansion of economic opportunity, the creation of jobs and training opportunities as well as the maintenance of existing industries through establishment of enterprise zones, activity centers and redevelopment areas and by coordination with the Chamber of Commerce, Tourist Development Council and other economic development organizations and agencies.
- Objective A.6.2 The City of Clearwater shall continue to support innovative planned development and mixed land use development techniques in order to promote infill development that is consistent and compatible with the surrounding environment.

Objective A.6.6 Tourism is a substantial element of the City’s economic base and as such the City shall continue to support the maintenance and enhancement of this important economic sector.

Policy A.6.8.1 Build active, attractive communities that are designed at a human scale and encourage walking, cycling and use of mass transit.

Outdoor cafes enrich public rights-of-way by creating attractive and inviting areas that increase pedestrian activity and contribute to a vibrant street life. Outdoor cafes also provide opportunities for economic growth as businesses can expand seating areas and serve more customers. This increase in customers and activity generate additional foot traffic in an area which provides spillover effects to other businesses on the street. The proposed amendments are consistent with the goals, objectives, and policies of the Comprehensive Plan.

2. The proposed amendment furthers the purposes of the Community Development Code and other City ordinances and actions designed to implement the Plan.

The proposed text amendment will further the purposes of the CDC in that it will be consistent with the following purposes set forth in CDC Section 1-103:

Sec. 1-103.A. It is the purpose of this Development Code to implement the Comprehensive Plan of the city; to promote the health, safety, general welfare and quality of life in the city; to guide the orderly growth and development of the city; to establish rules of procedure for land development approvals; to enhance the character of the city and the preservation of neighborhoods; and to enhance the quality of life of all residents and property owners of the city.

Sec. 1-103.B.3 Strengthening the City’s economy and increasing its tax base as a whole.

Sec. 1-103.E.2. Protect the character and the social and economic stability of all parts of the city through the establishment of reasonable standards which encourage the orderly and beneficial development of land within the city.

By providing additional clarification to operational and permitting requirements the proposed amendments to the city’s outdoor café standards further the orderly use of the public right-of-way. Outdoor dining contributes to the vibrancy and character of the city’s Downtown and Clearwater Beach which has a positive impact on the city’s quality of life. Outdoor cafes also provide expanded capacity for eating establishments, increasing the viability of businesses, which will strengthen the City’s economy. As the ordinance allows the right-of-way beyond the sidewalk to be used for outdoor dining in the Cleveland Street District, this amendment will further support the Downtown economy. Establishing clear requirements for maintaining

clean outdoor dining areas, free and clear from trash and debris also promotes the health and welfare of the city. Proposed Ordinance 9487-21 furthers the purposes of the Community Development Code.

SUMMARY AND RECOMMENDATION:

The proposed amendment to the Community Development Code is consistent with and will further the goals of the Clearwater Comprehensive Plan and the purposes of the Community Development Code. Based upon the above, the Planning and Development Department recommends **APPROVAL** of Ordinance No. 9487-21 that amends the Community Development Code.

Prepared by Planning and Development Department Staff: _____

Gina L. Clayton
Planning and Development Director

ATTACHMENTS: Ordinance No. 9487-21
Resume