

the use of significant portions of the property will be use for passive recreational purposes.

E. Residential infill projects.

1. The development or redevelopment of the parcel proposed for development is otherwise impractical without deviations from one or more of the following: intensity; other development standards;
2. The development of the parcel proposed for development as a residential infill project will not materially reduce the fair market value of abutting properties;
3. The uses within the residential infill project are otherwise permitted in the district;
4. The uses within the residential infill project are compatible with adjacent land uses;
5. The development of the parcel proposed for development as a residential infill project will upgrade the immediate vicinity of the parcel proposed for development;
6. 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;
7. Flexibility in regard to lot width, required setbacks, height, off-street parking, access or other development standards are 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.

F. Schools.

1. The parcel proposed for development fronts on a major arterial street;
 2. All off-street parking is located at least 200 feet from any property used for residential purposes or is designated as residential in the Zoning Atlas;
 3. All outdoor lighting is designed and located so that no light fixture is within 200 feet from the nearest existing building used for residential purposes and so that no light falls on residential property.
- (Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6595-00, § 2, 9-7-00; Ord. No. 7413-05, § 4, 5-5-05; Ord. No. 7449-05, § 38, 12-15-05; Ord. No. 7605-06, § 22, 4-20-06)

**DIVISION 3. MEDIUM DENSITY
RESIDENTIAL DISTRICT ("MDR")**

Section 2-301. Intent and purpose.

The intent and purpose of the Medium Density Residential District ("MDR") is to protect and preserve the integrity and value of existing, stable residential neighborhoods of medium density while at the same time, allowing a careful and deliberate redevelopment and revitalization of existing neighborhoods in need of revitalization or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the City.

Section 2-301.1. Maximum development potential.

The Medium Density Residential District ("MDR") may be located in more than one land use category. It is the intent of the MDR District that development be consistent with the Countywide Future Land Use Plan as required by State law. The uses and development potential of a parcel of land with the MDR District shall be determined by the standards found in this Development Code as well as the Countywide Future Land Use Designation of the property, including any acreage or floor area restrictions set forth in the Rules Concerning the Administration of the Countywide Future Land Use Plan, as amended from time to time. Development potential for the County wide Future Land Use Designations that apply to the MDR District are as follows:

<i>Countywide Future Land Use Designation</i>	<i>Maximum Dwelling Units per Acre of Land</i>	<i>Maximum Floor Area Ratio/Imper- vious Surface Ratio</i>
Residential Urban	7.5 dwelling units per acre	FAR .40/ISR .65
Residential Low Medium	10 dwelling units per acre	FAR .50/ISR .75
Residential Medium	15 dwelling units per acre	FAR .50/ISR .75
Residential/Office General	15 dwelling units per acre	FAR .50/ISR .75
Residential/Office/Retail	18 dwelling units per acre	FAR .40/ISR .85

(Ord. No. 7449-05, § 6, 12-15-05; Ord. No. 7835-07, § 2, 1-17-08; Ord. No. 8043-09, § 5, 9-3-09)

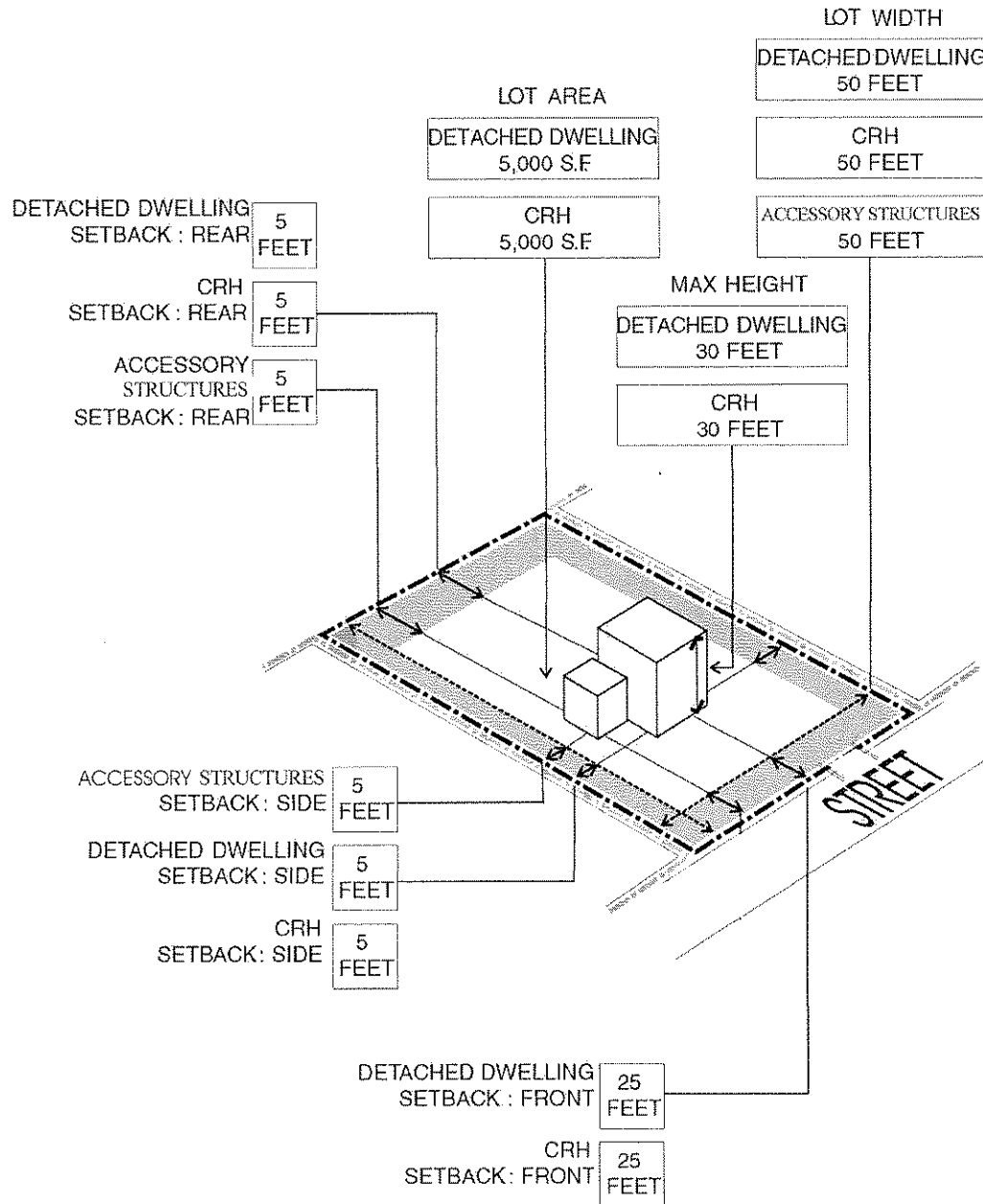
Section 2-302. Minimum standard development.

The following uses are Level One permitted uses in the MDR District subject to the minimum standards set out in this Section and other applicable provisions of Article 3.

<i>Table 2-302. "MDR" District Minimum Standard Development</i>							
<i>Use</i>	<i>Min. Lot Area (sq. ft.)</i>	<i>Min. Lot Width (ft.)</i>	<i>Min. Setbacks (ft.)</i>			<i>Max. Height (ft.)</i>	<i>Min. Off-Street Parking</i>
			<i>Front</i>	<i>Side</i>	<i>Rear(1)</i>		
Community Residential Homes (up to 6 residents)	5,000	50	25	5	5	30	2/unit
Detached Dwellings	5,000	50	25	5	5	30	2/unit

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from a seawall.

MEDIUM DENSITY RESIDENTIAL DISTRICT ("MDR")
MINIMUM STANDARD DEVELOPMENT



Medium Density Residential

(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6928-02, § 6, 5-2-02)

Section 2-303. Flexible standard development.

criteria set out in this section and other applicable regulations in Article 3.

The following Level One uses are permitted in the MDR District subject to the standards and

Table 2-303. "MDR" District Flexible Standard Development							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
Attached Dwellings	10,000	100	25	5	10	30—40	2/unit
Community Residential Homes (up to 14 residents)	5,000	50	25	5	10	30—40	1 per 2 residents
Detached Dwellings	3,000—5,000	30—50	25	0—5	5	30—40	2/unit
Schools	40,000	200	25	10	25	30—40	1/3 students
Utility/Infrastructure Facilities(2)	n/a	n/a	25	10	10	n/a	n/a

- (1) The Building Code may require the rear setback on a waterfront lot to be at least 18 feet from a seawall.
- (2) 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:

A. Attached dwellings.

1. *Height:*

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.
2. The parcel proposed for development is not contiguous to a parcel which is designated as low density residential in the Zoning Atlas.
 3. Off-street parking is screened from adjacent parcels of land and any adjacent street by a landscaped wall for fence of at least four feet in height.

B. Community residential homes.

1. The number of residents does not exceed 14;
2. The neighborhood in which the parcel proposed for development is a stable neighborhood where the average assessed value of improvements exceeds the assessed value of land.
3. The parcel proposed for development is not located within 1,000 feet of another parcel of land used for community residential home purposes.
4. Height:
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

C. Detached dwellings.

1. The parcel of land proposed for development was an existing lot of less than 5,000 square feet and was not in common ownership with any contiguous property on May 1, 1998;
2. The parcel of land proposed for development was an existing lot less than 50 feet in width and was not in common ownership with any contiguous property on May 1, 1998;
3. Side setback:
 - a. The reduction in side setback is limited to a single side setback;
 - b. The reduction in side setback is necessary to permit the development or redevelopment of a vacant lot or lot improved with a substandard structure, the redevelopment of which would not otherwise be economically feasible.
4. Rear setback:
 - a. The reduction in rear setback will allow for the preservation of existing vegetation which could not otherwise be preserved;
 - b. The reduction in rear setback will allow the development or redevelopment of a substandard structure which would otherwise not be economically feasible; or
 - c. The structures located within the rear setback otherwise required in the MDR District are only used for accessory uses such as a swimming pool; and
 - d. The structures located within the rear setback otherwise required in the MDR District are buffered with landscape material and fences to protect the privacy and value of adjacent properties.
5. Height:
 - a. The increased height results in an improved site plan, landscaping ar-

eas in excess of the minimum required and/or improved design and appearance;

- b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

D. Schools.

1. The parcel proposed for development fronts on a major arterial street;
2. All off-street parking is located at least 200 feet from any property used for residential purposes or is designated as residential in the Zoning Atlas;
3. All outdoor lighting is designed and located so that no light fixture is within 200 feet from the nearest existing building used for residential purposes and so that no light falls on residential property.
4. Height:
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

E. Utility/infrastructure facilities.

1. No above ground structures are located adjacent to a street right-of-way;
2. Any above ground structure other than permitted telecommunication 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 will five years after installation substantially obscure the fence or wall and the above ground structure.
(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 7449-05, § 38, 12-15-05)

Section 2-304. Flexible development.

The following Level Two uses are permitted in the MDR District subject to the standards and criteria set out in this Section and other applicable regulations in Article 3.

Table 2-304. "MDR" District Flexible Development							
Use	Min. Lot Area (sq. ft.)	Min. Lot Width (ft.)	Min. Setbacks (ft.)			Max. Height (ft.)	Min. Off-Street Parking
			Front	Side	Rear(1)		
Assisted Living Facilities	20,000	100	25	5	10	30—50	1 per 2 residents
Attached Dwellings	10,000	100	25	5	10	30—50	2/unit
Congregate Care	20,000	100	25	5	10	30—50	1 per 2 residents
Non-Residential Off-Street Parking	n/a	n/a	25	5	10	n/a	n/a
Overnight Accommodations	20,000	100	25	5	10	30—50	1/unit
Parks and Recreational Facilities	n/a	n/a	35	20	25	30	1 per 20,000 SF land area or as determined by the community development director based on ITE Manual standards
Residential Infill Projects(2)	n/a	n/a	10—25	0—5	0—10	30—50	2/unit

- (1) The Building Code may require the rear setback to be at least 18 feet from any seawall.
- (2) The development standards for residential infill projects are guidelines and may be varied based on the criteria specified in Section 3-304(G).

Flexibility criteria:

A. Assisted living facilities.

1. The building in which the facilities are to be located does not have a flat roof;
2. Off-street parking is screened from adjacent parcels of land and any adjacent street by a landscaped wall or fence of at least four feet in height;
3. No sign of any kind is designed or located so that any portion of the sign is more than six feet above the finished grade of the front lot line of the parcel proposed for development unless such signage is a part of an approved comprehensive sign program;
4. All outdoor lighting is designed and located so that no light fixtures cast light directly on to adjacent land used for residential purposes;
5. All waste disposal containers which serve the proposed use are located within a landscaped enclosed structure;
6. The parcel proposed for development is not located in a designated Neighborhood Conservation District, or if the parcel is within the boundaries of a designated

Neighborhood Conservation District, the lot area, lot width and setbacks are not less than 90 percent of the average lot area, lot width and setbacks of all improved parcels of land which are located within the Neighborhood Conservation Immediate Vicinity Area and the height does not exceed 120 percent of the average height of buildings and structures located within the Neighborhood Conservation Immediate Vicinity Area.

7. Height:

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
- b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

B. Attached dwellings.

1. Height:

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
- b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

2. The parcel proposed for development is not contiguous to a parcel of land which is designated as low density residential in the Zoning Atlas.

3. Off-street parking is screened from adjacent parcels of land and any adjacent street by a landscaped wall or fence of at least four feet in height.

C. Congregate care.

1. The buildings in which the dwellings are to be located do not have flat roofs;

2. Off-street parking is screened from adjacent parcels of land and any adjacent street by a landscaped wall or fence of at least four feet in height;

3. All outdoor lighting is designed and located so that light fixtures do not cast light directly onto adjacent land used for residential purposes;

4. All waste disposal containers which serve the proposed use are located within a landscaped enclosed structure;

5. The parcel proposed for development is not located in a designated Neighborhood Conservation District, or if the parcel is within the boundaries of a designated Neighborhood Conservation District, the lot area, lot width and setbacks are not less than 90 percent of the average lot area, lot width and setbacks of all improved parcels of land which are located within the Neighborhood Conservation Immediate Vicinity Area and the height does not exceed 120 percent of the average height of buildings and structures located within the Neighborhood Conservation Immediate Vicinity Area.

6. Height:

- a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
- b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

D. Non-residential off-street parking.

1. The parcel proposed for development is contiguous to the parcel on which the non-residential use which will be served by the off-street parking spaces, is located and has a common boundary of at least 25 feet, or the parcel proposed for development is located immediately across a public road from the non-residential use which will be served by the off-street parking

spaces, provided that access to the off-street parking does not involve the use of local streets which have residential units on both sides of the street.

2. No off-street parking spaces are located in the required front setback for detached dwellings in the MDR District or within ten feet, whichever is greater, or within ten feet of a side or rear lot line, except along the common boundary of the parcel proposed for development and the parcel on which the non-residential use which will be served by the off-street parking spaces.
3. Off-street parking spaces are screened by a wall or fence of at least four feet in height which is landscaped on the external side with a continuous hedge or non-deciduous vine.
4. All outdoor lighting is automatically switched to turn off at 9:00 p.m.
5. All parking spaces shall be surface parking.

E. *Overnight accommodations.*

1. The use is accessory to the use of the principal building as a private residence.
2. The number of units in the proposed overnight accommodations use does not exceed six;
3. Food service in conjunction with the overnight accommodations shall be limited to guests of the use;
4. The parcel proposed for development fronts on a major arterial street or is a corner lot;
5. Off-street parking is screened to a height of four feet by a landscaped wall or fence so that headlamps from automobiles in the off-street parking area can not project into adjacent properties and streets;
6. All outdoor lighting is designed and located so that no light fixtures cast light directly on to adjacent land used for residential purposes;

7. All waste disposal containers which serve the proposed overnight accommodations use are located within a landscaped enclosed structure;
8. The parcel proposed for development is not located in a designated Neighborhood Conservation District, or if the parcel is within the boundaries of a designated Neighborhood Conservation District, the lot area, lot width and setbacks are not less than 90 percent of the average lot area, lot width and setbacks of all improved parcels of land which are located within the Neighborhood Conservation Immediate Vicinity Area and the height does not exceed 120 percent of the average height of buildings and structures located within the Neighborhood Conservation Immediate Vicinity Area.
9. Height:
 - a. The increased height results in an improved site plan, landscaping areas in excess of the minimum required and/or improved design and appearance;
 - b. The increased height will not reduce the vertical component of the view from a parcel of land which is designated as low density residential in the Zoning Atlas.

F. *Parks and recreational facilities.*

1. The proposed use is compatible with the surrounding properties.
2. Off-street parking is screened from adjacent parcels of land and any street by a landscaped wall or fence of at least four feet in height.
3. All outdoor lighting is designed so that no light fixtures cast light directly on adjacent land used for residential proposes.
4. The characteristics of the parcel proposed for development are such that the uses of the property will require fewer parking spaces than otherwise required or that

the use of significant portions of the property will be used for passive recreational purposes.

G. Residential infill projects.

1. The development or redevelopment of the parcel proposed for development is otherwise impractical without deviations from one or more of the following: intensity; other development standards;
2. The development of the parcel proposed for development as a residential infill project will not materially reduce the fair market value of abutting properties;
3. The uses within the residential infill project are otherwise permitted in the district;
4. The uses within the residential infill project are compatible with adjacent land uses;
5. The development of the parcel proposed for development as a residential infill project will upgrade the immediate vicinity of the parcel proposed for development;
6. 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;
7. Flexibility in regard to lot width, required setbacks, height, off-street parking access or other development standards are 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.

(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 6595-00, § 3, 9-7-00; Ord. No. 7413-05, § 5, 5-5-05; Ord. No. 7449-05, § 38, 12-15-05; Ord. No. 7605-06, § 23, 4-20-06)

DIVISION 4. MEDIUM HIGH DENSITY RESIDENTIAL DISTRICT ("MHDR")

Section 2-401. Intent and purpose.

The intent and purpose of the Medium High Density Residential District ("MHDR") is to pro-

tect and preserve the integrity and value of existing, stable residential neighborhoods of medium high density while at the same time, allowing a careful and deliberate redevelopment and revitalization of such neighborhoods in need of revitalization or neighborhoods with unique amenities which create unique opportunities to increase property values and the overall attractiveness of the City.

Section 2-401.1. Maximum development potential.

The Medium High Density Residential District ("MHDR") may be located in more than one land use category. It is the intent of the MHDR District that development be consistent with the Countywide Future Land Use Plan as required by state law. The uses and development potential of a parcel of land within the MHDR District shall be determined by the standards found in this Development Code as well as the Countywide Future Land Use Designation of the property, including any acreage or floor area restrictions set forth in the Rules Concerning the Administration of the Countywide Future Land Use Plan, as amended from time to time. Development potential for the Countywide Future Land Use Designations that apply to the MHDR District are as follows:

<i>Countywide Future Land Use Designation</i>	<i>Maximum Dwelling Units per Acre of Land</i>	<i>Maximum Floor Area Ratio/Impervious Surface Ratio</i>
Residential Medium	15 dwelling units per acre	FAR .50/ISR .75
Residential High	30 dwelling units per acre	FAR .60/ISR .85

(Ord. No. 6526-00, § 1, 6-15-00; Ord. No. 8043-09, § 6, 9-3-09)