

ORDINANCE NO. 7928-08

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA RELATING TO SOLICITING, BEGGING, AND PANHANDLING; CREATING SECTION 21.18, CODE OF ORDINANCES, TO PROHIBIT SOLICITING, BEGGING, AND PANHANDLING IN THE CLEARWATER DOWNTOWN CORE REDEVELOPMENT ZONE AND THE CLEARWATER BEACH CORE TOURIST ZONE AS DEFINED HEREIN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater's 112,000 plus residents enjoy a vibrant economy resulting from a huge influx of 4.5 million annual tourists to Pinellas County with Clearwater Beach alone attracting around 900,000 tourists annually in addition to the approximate 600,000 residents in the region who annually visit the beach;

WHEREAS, the improvement of the downtown and Clearwater Beach has been a high priority in the City's plan to expand the economic base of the City by attracting new investment and patrons to the area;

WHEREAS, Clearwater Beach has an economic impact of over \$1 billion and is projected to increase its impact as redevelopment on the beach continues to occur;

WHEREAS, the downtown is also projected to attract additional tourists and visitors as redevelopment continues to be completed;

WHEREAS, the emergence of the City's downtown and beachfront as quality redevelopment areas is due in no small part to the following projects and expenditures by the City of Clearwater:

- Cleveland Street Streetscape - Cost: \$10 Million

As the city's traditional, downtown "Main Street," it was important that Cleveland Street offer a pedestrian-friendly environment that attracts residential and destination development, especially restaurant and retail activity. Infrastructure improvements have included new utility work, landscaping, amenities and medians with opportunity for public art. The project is a central element in the City's downtown revitalization strategy.

- Main Public Library - Cost: \$20.2 million

Clearwater is home to one of the most spectacular and impressive public library facilities in North America. The 90,000 square foot library is located on the waterfront and opened in the spring of 2004. In addition to distinctive

architecture, the library features a local history center, meeting rooms, rooftop terrace and galleries.

- Myrtle Avenue Reconstruction - Cost: \$16.13 million

Construction was completed in 2006 on Myrtle Avenue between Lakeview and Fairmont. Infrastructure maintenance, including an improved roadway drainage system, installation of new water mains, hydrants, gas mains and sewer pipes, are among the upgrades.

- Downtown Boat Slips Project - Cost: \$11-million

The project is in its earliest stages. Design plans should be ready by December 2008. Construction of the 120 to 149 public boat slips at the foot of the Memorial Causeway Bridge is slated to begin next year. The project should take a year to complete.

- Mandalay Streetscape Improvements - Cost: \$3.4 million

A major streetscape improvement project along the primary North Beach arterial, completed in February 2003.

- Beach Walk - Cost: \$30 million

Project along Clearwater's prized waterfront. Beach Walk is designed to revitalize the community that surrounds Clearwater's popular south beach destination. Part of the city's "Beach by Design" plan, it has already played a vital role in attracting new hotel development to the beach;

WHEREAS, the City's downtown has recently attracted the following private investment:

- Jamba Juice, Starbuck's Coffee and Dunkin Donuts/Baskin Robbins - national chain franchises that are now leasing on Cleveland Street.
- Water's Edge - Waters Edge will have 157 condominium units and 10,000 square feet of retail space. The project is under construction and slated for completion in Fall 2008.
- Station Square - The project is a 15-story building with 126 residential condominium units, and 10,000 square feet of ground floor retail including a major restaurant space. In addition, the project will provide more than 100 public parking spaces within a structured garage. The project is under construction and slated for completion in Fall 2008.

- Marriott Residence Inn - 7-story, 115-room select service hotel in downtown Clearwater is under construction and slated for completion in Fall 2008.

WHEREAS, the City's beachfront has recently attracted the following private investment:

- Aqualea Resort & Residences - 250 hotel/resort units; 18 permanent residential condominiums. Hyatt will manage hotel portion. The project is under construction.
- Holiday Inn Hotel & Suites - 189 renovated hotel rooms and suites.
- Kiran Grand Resort & Spa - Proposed project consisting of 350 hotel units and 75 permanent residences (also know as the Patel project).
- Sandpearl Resort - 253-room resort, 50 resort suites and 117 condominium homes (on the former site of the Clearwater Beach Hotel) opened in August 2007.
- Former Adams Mark Hotel property – Proposed 230-room overnight accommodations in the planning stages.

WHEREAS, the City of Clearwater also spends annually around \$620,000 on special events, with \$465,000 allocated to downtown events and \$135,000 allocated to Beach events;

WHEREAS, the City of Clearwater has a substantial interest in providing its citizens and tourists a safe, aesthetic, pleasant environment in which recreational activities can be maximized in the downtown and on Clearwater Beach;

WHEREAS, the City of Clearwater has a substantial interest in ensuring the safety and convenience of the public by promoting the free flow of traffic on public streets and sidewalks in the downtown and on Clearwater Beach;

WHEREAS, soliciting, begging, and panhandling in the Clearwater downtown core redevelopment zone and the Clearwater Beach core tourist zone adversely impacts tourism and patronage of businesses by creating a sense of annoyance and intimidation among those tourists, visitors, and citizens who are subjected to such activity;

WHEREAS, soliciting, begging, and panhandling in the Clearwater downtown core redevelopment zone and the Clearwater Beach core tourist zone discourages tourism and retail and contributes to the lack of enjoyment of public places; now therefore

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

Section 1. Section 21.18, Code of Ordinances, is created to read as follows:

Sec. 21.18. Soliciting, begging, or panhandling in the Clearwater downtown core redevelopment zone and the Clearwater Beach core tourist zone

(1) Definitions.

(a) *Soliciting, begging, or panhandling* means any request made in person for an immediate donation of money or other thing of value for oneself or another person or entity. Purchase of an item for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is, in substance, a donation, is a donation for the purpose of this section. Soliciting, begging, or panhandling shall not include the act of passively standing or sitting, performing music, or singing with a sign or other indication that a donation is being sought but without any vocal request other than a response to an inquiry by another person.

(b) *Clearwater downtown core redevelopment zone* means any of the following areas, which generally are shown on Diagram 1, including the contiguous rights-of-way, sidewalks, piers, promenade, boardwalks, and docks: The area bounded on the east by Myrtle Avenue, on the west by the waters of Clearwater Harbor, on the north by Drew Street westward until it terminates at Clearwater Harbor, and on the south by Pierce Street westward until it terminates at Clearwater Harbor, excluding Coachman Park.

GRAPHIC LINK: [Click here](#)

(c) *Clearwater Beach core tourist zone* means any of the following areas, which generally are shown on Diagram 2, including the contiguous rights-of-way, sidewalks, and piers: The area bounded on the north by Avalon Street; on the west by the Gulf of Mexico; on the south by the waters of Clearwater Pass; and on the east beginning at Gulf Boulevard on the northern end of the Sand Key Bridge until Gulf Boulevard intersects with South Gulfview Boulevard, then northerly along South Gulfview Boulevard to the intersection of Hamden Drive, then northerly along Hamden Drive until the intersection of Coronado Drive, then northerly along Coronado Drive to and including the Clearwater Marina and Causeway Boulevard, then northerly along Mandalay Avenue to the intersection at Avalon Street.

GRAPHIC LINK: [Click here](#)

(2) Prohibition. It shall be unlawful for any person after being first warned by a law enforcement officer to continue engaging in an act of soliciting, begging, or panhandling in the Clearwater downtown core redevelopment zone or the Clearwater Beach core tourist zone.

(3) Exceptions. Nothing in this section shall be deemed or construed to apply to following:

(a) Any person located on privately owned property who has the permission of the owner or lessee of the property.

(b) Any person who has obtained approval for activities in connection with an event at the main Clearwater public library or Harborview Center.

(c) Any person who has obtained approval to participate in the Sunsets at Pier 60 event or in any other special event within the Clearwater downtown core redevelopment zone or the Clearwater Beach core tourist zone.

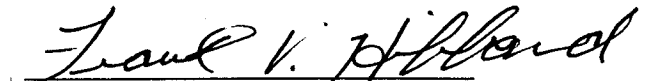
Section 2. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

May 1, 2008

PASSED ON SECOND AND FINAL
READING AND ADOPTED

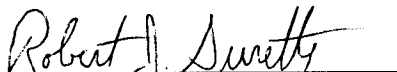
May 15, 2008



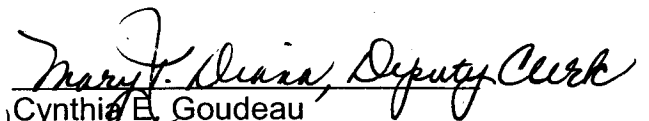
Frank V. Hibbard
Mayor

Approved as to form:

Attest:



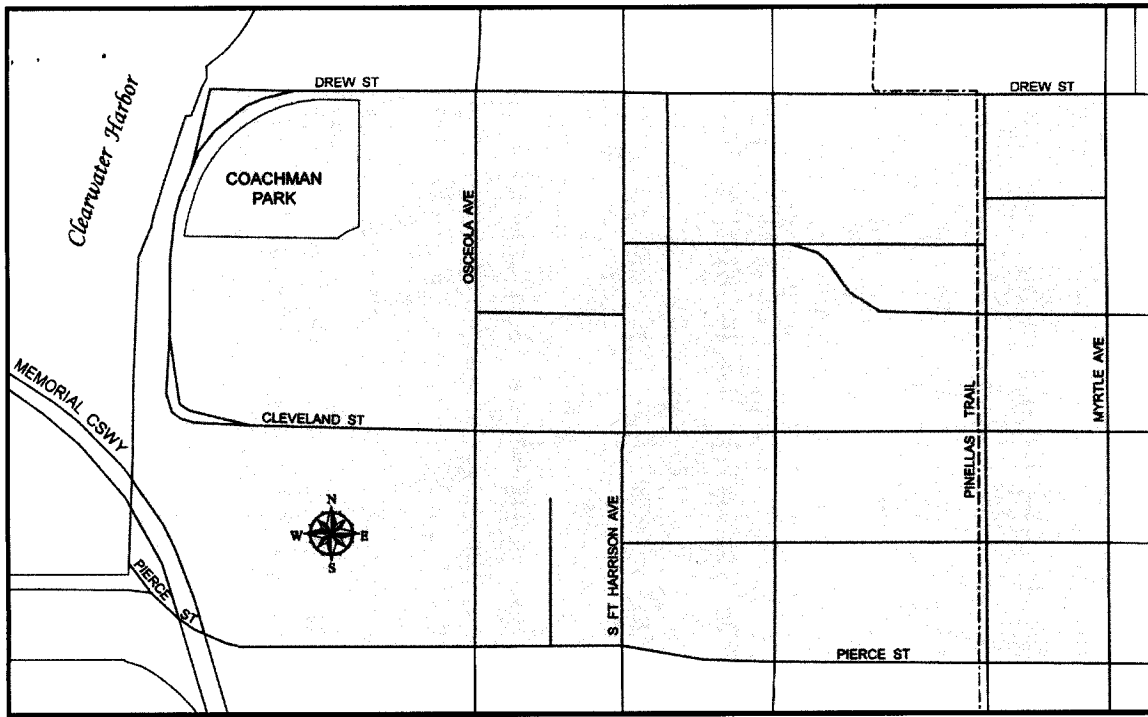
Robert J. Surette
Assistant City Attorney



Cynthia E. Goudeau
City Clerk

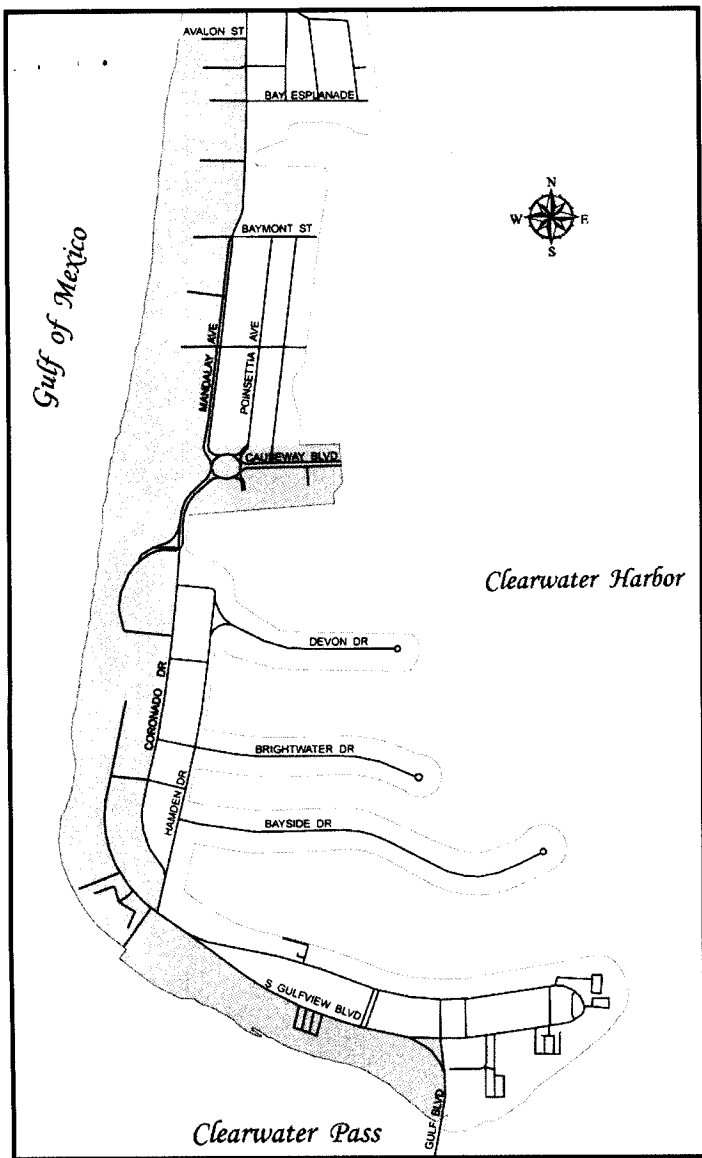
for





Clearwater Downtown Core
Redevelopment Zone
Diagram 1

■ = Prohibited Zone



Clearwater Beach
Core Tourist Zone
Diagram 2

■ = Prohibited Zone