Chapter 27

ZONING AND LAND DEVELOPMENT*

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*Editor's note—Ordinance No. 2012-126, §§ 1, 2(Exh. A), adopted November 1, 2012, made comprehensive revisions to chapter 27 to read as herein set out. Formerly, said chapter pertained to zoning and derived from Ord. No. 90-203 adopted August 21, 1990. The absence of a history note indicates that the section remains unchanged from this zoning and land development ordinance. See Code Comparative Table for a complete history of past amendments.


Cross references—Ordinances amending the zoning map saved from repeal, § 1-12(6); public art, Ch. 4; building code, Ch. 5; landscaping, tree removal and site clearing, Ch. 13; planning and land development. Ch. 17.5; property maintenance and structural standards, Ch. 19; signs, Ch. 20.5; stormwater management, Ch. 21; streets and sidewalks, Ch. 22; transportation, Ch. 25; water, § 26-66 et seq.; sanitary sewers, § 26-116 et seq.

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ARTICLE I. GENERAL PROVISIONS

DIVISION 1. IN GENERAL

Sec. 27-1. Title.

This chapter and the chapters, articles, and ordinances enumerated herein shall be combined and compiled into a single code to be generally known as the "City of Tampa Land Development Code."

Sec. 27-2. Intent and purpose.

(a) This chapter is adopted as one (1) of the instruments of implementation of the public purposes and objectives of the Tampa Comprehensive Plan. This chapter is declared to be in accord with the Tampa Comprehensive Plan.

(b) It is the intent and purpose of the Tampa Comprehensive Plan, and of this chapter, which aids in implementing it, to promote the public health, safety, morals, convenience, comfort, amenities, prosperity and general welfare of the city and to provide, among other matters, a wholesome, serviceable and attractive community; to increase the safety and security of home life; to preserve and create a more favorable environment in which to rear children; to stabilize and enhance property and civic values; to develop meaningful and productive relationships between the private sector and city government; to provide for a more uniformly just land use pattern and tax assessment base; to aid in the development and redevelopment of the city; to increase traffic safety and ease transportation problems; to provide more adequately for vehicular parking, parks, parkways, recreation, schools, public buildings and facilities, housing, job opportunities, light, air, water, sewerage, sanitation and other public requirements; to lessen the congestion, disorder and danger that often occurs in unplanned and unregulated urban development; to prevent overcrowding of land and undue concentration of population; to ensure compatibility of new development with existing development and open space; to conserve and enhance the natural and manmade resources of the city; and to provide more reasonable and serviceable means and methods of protecting and safeguarding the economic and social structure upon which the good of all depends.

(c) To further the objectives of the Tampa Comprehensive Plan and the intent and purpose of this chapter, the city is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability or use as will accomplish the objectives of the Tampa Comprehensive Plan and this chapter.

Secs. 27-3—27-5. Reserved.

DIVISION 2. LAND DEVELOPMENT CODE AND APPLICABILITY

Sec. 27-6. Establishment of Land Development Code.

Pursuant to the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. Ch. 163, Part II, the City of Tampa Land Development Code shall consist of the following:

1. Chapter 17.5, Article III, section 17.5-41 et seq., Concurrency Management System;
2. Potable Water Wellfield Protection Ordinance;
3. Section 21-6, Alternative Materials and Methods of Construction, Section 21-7, Borrow Pits, Mines, Section 21-8, Drainage Patterns, Section 21-9, Protection of Public Drainage Systems;
4. Chapter 22, section 22-134, Transit Stop Facilities, and Chapter 22, Section 22-314 et seq., Driveways;
5. Subdivision procedures set forth in chapter 27;
6. Sections 25-68 through 25-75, Relating to Transportation Impact Fees;
7. Section 26-118, Required use of Sanitary Sewer; Section 26-128, Technical Standards Adopted;
8. Chapter 27, Zoning and Land Development; and
Sec. 27-7. Area of coverage of chapter.

Except as specifically provided in this chapter, the regulations of this chapter shall apply throughout the jurisdiction of the city. For parcels of land annexed to the city after the effective date of the ordinance from which this chapter was derived, the provisions of F.S. § 171.062 shall govern.

Sec. 27-8. Zoning affects all lands, water, structures, uses and occupancies.

No building, structure, land or water shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, located or structurally altered except in conformity with the regulations set out generally in this chapter and for the district in which it is located. In clarification of the foregoing, it is the specific intent of the city council that all floating structures and buildings and buildings and structures built over water shall meet all the requirements of this chapter and all other applicable provisions of this Code.

Sec. 27-9. Zoning affects height and bulk of buildings, population density, lot coverage, yards and other open spaces, off-street parking and loading and other matters.

In particular, no building or structure or part thereof shall be erected, constructed, reconstructed, moved, located or structurally altered, in any manner so as to:

1. Exceed the permissible height, bulk or floor area;
2. Accommodate or house a greater number of families or other occupants, or to provide a greater number of dwelling units;
3. Occupy a greater percentage or portion of lot area;
4. Provide less lot area per dwelling unit or to occupy a smaller lot;
5. Provide narrower or smaller yards or other open spaces, or spaces or separations between buildings or portions thereof;
6. Provide less off-street parking or off-street loading space;

than herein required or limited, or in any other manner contrary to the provisions of this chapter.

Sec. 27-10. Certain requirements for one structure or use not to be used to meet requirements for another.

No part of a yard, area, open space or off-street parking or off-street loading space required for one (1) structure or use shall be included as meeting requirements for another, except where specific provisions therefor are made in this chapter.

Sec. 27-11. Creation of new lots; reduction of lot or yard dimensions below minimum requirements.

No new lot shall be created after the effective date of the ordinance from which this chapter was derived except in conformity with the requirements of applicable regulations. No yard or zoning lot existing at the time of passage of this chapter shall be reduced in width, depth, or area by private action below the minimum requirements for lot(s) or structure(s) as set forth in this chapter; provided however, reductions in width, depth and area shall be permitted if due to governmental acquisition.

No division or reconfiguration of an existing zoning lot or lot of record may occur that is a configuration which is patently inconsistent with existing lot development pattern in a radius of one thousand three hundred twenty (1,320) feet (3/4 of a mile) of the subject property. Newly created lots must maintain the front orientation and the historical precedent pattern of parcel configuration in the neighborhood. Lots of record may not be reconfigured in conflict with the established pattern of lots within a radius of one thousand three hundred twenty (1,320) feet. Only properties that are within the same zoning district may be considered in making the determination of compatibility.
When considering the appropriateness of reconfiguring a zoning lot or lot of record into buildable lots, the zoning administrator shall: i. receive and review a sealed survey of the proposed lot layout; ii. conduct a site visit to view the actual lot development pattern of the block on which the subject property lies; iii. review the actual development pattern for a radius of one thousand three hundred twenty (1,320) feet from the subject property; and, iv. review the original plat or subdivision documents, prior to determining consistency with the requirements stated in this chapter.

The creation of substandard lot size or setback will cause each new lot created from the original parcel to be a violation to this chapter, and no permits be issued until the violation ceases.

Sec. 27-12. Action where zoning lot contains two or more district designations.

(a) Nonresidential districts. In nonresidential districts, where a zoning lot contains two (2) or more district designations with different basic floor area ratio limits, the basic floor area for the zoning lot shall not exceed the sum of the results obtained by multiplying the privately owned land area of the zoning lot in each district by the applicable basic floor area ratio limit for that portion of the zoning lot. Such permitted floor area may be distributed throughout the zoning lot without regard to district boundaries. However, the resulting basic floor area ratio may not exceed that allowed in the land use plan category or categories in which the zoning lot is located.

(b) Residential districts. In residential districts, where a zoning lot contains two (2) or more district designations with different density regulations, that is, a differing amount of required lot for each dwelling unit, the density (maximum number of dwelling units) shall not exceed the numeric sum of the maximum number of units that could be constructed on individual portions of the zoning lot in each zoning district. Such density may be distributed throughout the zoning lot without regard to district boundaries. However, the density shall not exceed that allowed for the acreage in each respective land use category in which the zoning lot is located.

Sec. 27-13. Calculation and rounding.

Where cumulative requirements or limitations are to be computed for an element or series of elements (i.e., the number of parking or loading spaces required for a combination of uses in the same building), fractions shall be carried forward in the summation, and the total rounded to the nearer whole number. When the fraction is \( \frac{1}{2} \) or \(.5\), the total will be rounded up to the higher whole number. In density calculations for the number of permitted units, all fractions shall be rounded down to the lower whole number.

Secs. 27-14—27-20. Reserved.

DIVISION 3. CONSISTENCY MATRIX AND ZONING ATLAS

Sec. 27-21. Consistency matrix.

The consistency matrix shall be used to determine consistency of existing Chapter 27 zoning districts with the Tampa Comprehensive Plan and to determine consistency of a proposed rezoning request with the Tampa Comprehensive Plan. Any zoning district which is not consistent with the Tampa Comprehensive Plan, according to the consistency matrix, shall not be permitted, applied for, nor approved.
Sec. 27-22. Division of city into zoning districts; identification in official zoning atlas.

The city is divided by this chapter into zoning districts, the boundaries and designations of which are shown in a series of maps, covering in combination the entire land and water area of the city, and identified as the official zoning atlas of the city, hereafter referred to as the official zoning atlas.

Sec. 27-23. Official zoning atlas—Adoption.

(a) The official zoning atlas, together with all lawfully adopted explanatory material shown thereon or therewith, will be adopted by reference and declared to be part of this chapter at such time, after zoning conformance has occurred, that the city council shall by ordinance declare that such is to be the case.

(b) For the special purposes set out below, where boundaries and designations are not shown directly on the basic atlas sheets, they shall be indicated by overlays to such sheets or as separate maps. Overlays or separate maps shall have the same force and effect as the basic atlas sheets.

Sec. 27-24. Same—Inset maps.

Where the scale generally applicable to the basic atlas sheets or supplemental maps is inadequate for presentation of details in particular areas, such areas may be cross referenced on the basic atlas sheets or supplemental maps to separate inset maps at appropriate scale.

Sec. 27-25. Same—Other supplements.

Other supplements, in the form of maps, indexes, guides, illustrations, records, reports, interpretive material and standards, may be officially adopted, directly or by reference, to facilitate administration and public understanding of the official zoning atlas or of regulations adopted for the zoning districts or other divisions established thereby.

Sec. 27-26. District regulations extend to all portions of districts surrounded by boundaries.

A district symbol or name shown within district boundaries in the official zoning atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line, except as otherwise specifically provided.

Sec. 27-27. Rules where there is uncertainty as to boundaries.

Where uncertainty exists as to location of boundaries of districts or other areas delineated for regulatory purposes in the official zoning atlas, the following rules shall apply:

1. Boundaries indicated as approximately following centerlines of streets, alleys, rights-of-way or easements; variation between actual and mapped location; effect of vacation on zoning status of property. Boundaries indicated as approximately following the centerlines of streets, alleys, rights-of-way or easements shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be so interpreted as to avoid such change. In the event of vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated property is divided other than at the center, in which case the boundary shall be construed as moving with the ownership.

2. Boundaries indicated as approximately following boundaries of streets, alleys, other public or private property lines, rights-of-way or easements. Boundaries indicated as approximately following boundaries of streets, alleys, other public or private property lines, rights-of-way or easements shall be construed as following such boundaries, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be so interpreted as to avoid such change.

3. Boundaries indicated as approximately following mean high waterlines or centerlines of rivers, canals, lakes, bays or
other bodies of water. Boundaries indicated as approximately following mean high waterlines or centerlines of rivers, canals, lakes, bays or other bodies of water shall be construed as following such mean high waterlines or centerlines. In the case of a change in mean high waterline, the boundary shall be construed as moving with the change, except where such moving would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such manner as to avoid such change.

(4) **Boundaries indicated as approximately parallel to or extensions of features.** Boundaries indicated as approximately parallel to or extensions of features described in subsections (1), (2) and (3) above shall be construed as being parallel to or extensions of such features.

(5) **Distances not specifically indicated.** Where distances are not specifically indicated on any map in the official zoning atlas, they shall be determined by reference to the scale of the map.

(6) **Boundaries indicated as entering any body of water.** Boundaries indicated as entering any body of water, but not continuing to intersect with other zoning boundaries or with the limits of the jurisdiction of the city, shall be construed as extending, in the direction in which they enter the body of water, to intersect with other zoning boundaries or with the limits of city jurisdiction.

(7) **Council action in cases of remaining uncertainty, conflicts.** In other circumstances not covered above or where existing natural or manmade features are at variance with those shown in the official zoning atlas where it is illegible or unclear, where interpretation based on the above rules appears to produce contradiction or conflict with the intent of this chapter or upon request from the zoning administrator or from any affected property owner, the city council shall, by resolution, make a finding and interpretation concerning the boundaries involved in accord with the intent and purpose of this chapter. In cases where such finding and interpretation involves only correction to the official zoning atlas or any official supplement and does not change the zoning of any lot, the city council may direct, by resolution, corrections without proposing an amendment to the map involved. In cases where the zoning of any lot would be changed by such correction, the city council shall initiate a proposed corrective amendment.

Sec. 27-28. **Official zoning atlas—Location.**

The official zoning atlas shall be maintained and located in the Planning and Development Department.

Sec. 27-29. **Authentication; recording of nature and dates of amendments.**

Amendments shall be authenticated by entries on atlas sheets, supplements, schedule sheets affected, and a record of the nature and date thereof maintained. Such entries shall indicate the date the amendment was made, the date the change became effective (if other than the date of the actual approval), the number of the amending ordinance, and an indication of the nature of the change sufficient to facilitate specific identification.

Sec. 27-30. **Unauthorized changes prohibited.**

No changes of any nature shall be made in the official zoning atlas or any matter shown thereon, except in conformity with the requirements and procedures set forth in this chapter. Any unauthorized changes of whatever kind by any person shall be considered a violation of this chapter and punishable as provided by law; provided, this provision shall not be held to foreclose action under other applicable criminal statutes of the state against any person alleged to have made unauthorized changes in this chapter.

Sec. 27-31. **Final authority.**

Regardless of the existence of purported copies of all or part of the official zoning atlas that may
from time to time be made, published or reproduced, the official zoning atlas and amendments thereto in the office of land development coordination shall be the final authority as to the current zoning status of all lands and waters in the city. Provided, however, in the event of a conflict between the official zoning atlas and any ordinance of the City of Tampa, the ordinance shall control the zoning status of the land or water.

Sec. 27-32. Retention of earlier zoning maps or atlases.

At least one (1) copy of all zoning maps or atlases or remaining portions thereof which have had the force and effect of official zoning maps or atlases for the city prior to the effective date of adoption of the ordinance from which this chapter was derived or amendment of this chapter shall be retained by the office of land development coordination and preserved as a public record and as a guide to the zoning status of lands and waters prior to such dates.

Secs. 27-33—27-40. Reserved.

DIVISION 4. DEFINITIONS

Sec. 27-41. Interpretation of terms or words.

For the purpose of this chapter, certain terms or words used in this chapter shall be interpreted as follows:

(a) The word "shall" is always mandatory and the word "may" is permissive.

(b) The words "used" or "occupied" include the words "intended, designed or arranged to be used or occupied.

Sec. 27-42. Definitions of groupings of various districts.

(a) Residential districts. Where the phrases "all residential districts," "residential districts," "zoned residence or residentially," "residentially zoned" or phraseology of similar intent are used in this chapter, the phrases shall be construed to include the following districts: RS-150, RS-100, RS-75, RS-60, RS-50, RM-12, RM-16, RM-18, RM-24, RM-35, RM-50, RM-75, YC-2, YC-4, YC-8, and YC-9, SH-RS, SH-RS-A, SH-RM, SH-PD and planned development districts (PD and PD-A) approved primarily for residential uses.

(b) Office districts. Where the phrases "all office districts," "office districts," "zoned office," "office zoned" or phraseology of similar intent are used in this chapter, the phrases shall be construed to include the following districts: RO, RO-1, OP, OP-1, and YC-3, SH-RO, SH-PD and planned development districts (PD and PD-A) approved primarily for office uses.

(c) Commercial districts. Where the phrases "commercial districts," "zoned commercial or commercially," "commercially zoned" or phraseology of similar intent are used in this chapter, the phrases shall be construed to include the following districts: CN, CG, CI, YC-1, YC-5, YC-6, and YC-7, SH-CN, SH-CG, SH-Cl, SH-PD and planned development districts (PD and PD-A) approved primarily for commercial uses.

(d) Industrial districts. Where the phrases "industrial districts," "industrially zoned," "zoned industrial," "industrial zoning" or phrases of similar intent are used in this chapter, the phrases shall be construed to include the following districts: IG and IH.

(e) Other districts. Districts not included in the listings of residential, office, commercial and industrial districts above shall not be construed to fall within any of the four (4) classifications. Where regulations apply to properties zoned in one (1) of the four (4) classifications and it is desired to include an unlisted district for regulatory purposes, such district shall be specifically stated in the regulation applicable thereto.

Sec. 27-43. Definitions.

For the purpose of the Land Development Code, certain abbreviations, terms, phrases, words and their derivatives shall have the meanings as described below. Furthermore, unless otherwise specifically defined, the words and terms used in this Code related to alcoholic beverages shall have the same meaning as defined by the Bever-
age Laws of the State of Florida, F.S. Ch. 561 et seq. Words not defined herein shall be interpreted in accordance with section 1-3.

**Abandoned sign:** Any sign which:

1. Through age and/or obsolescence no longer conforms to structural or maintenance specifications of this chapter; or

2. Any pole, pylon or structure expressly installed for the purpose of affixing a sign which bears no sign or copy for a period of three (3) consecutive months; or

3. Displays information which incorrectly identifies the business, owner lessor or principal activity conducted on the site; or

4. After February 1, 2003, and subject to any notice and curative provisions contained in this Code, any billboard sign for which a current operating permit does not exist.

**Accessway:** A driveway as defined in Chapter 25 of this Code and shall be included in the term "vehicle use area" as defined in this section, unless specifically and expressly excluded in the context thereof.

**Acquisition:** For Upland Habitat Protection purposes, acquisition shall mean the action of transferring fee simple interest in a parcel of land to a governmental or non-profit land conservation agency for the preservation in perpetuity of the land for the protection of a particular species, natural area or other environmental resource.

**Activated component:** That portion of a sign which causes the change in appearance of a sign through the use of flashing or alternating lights, movable parts or changing colors.

**Activated sign:** Any sign which contains or uses for illumination any light, lighting device or lights which change color, flash or alternate, or change appearance of said sign or any part thereof automatically, except electronic message signs. Any sign which contains moving parts as part of its normal operation, except revolving signs, shall be considered an activated sign. Additionally, a sign which depicts or contains copy which moves or appears to be moving.

**Activity elements:** An item, feature or use that provides a pedestrian amenity and/or encourages some type of public use. Such elements may include but are not limited to seating, performances, sidewalk cafés, food vendors, water fountains and public art.

**Adaptive reuse:** The reuse of any structure in, or eligible for inclusion in, the Tampa Historical Register for residential, office and/or neighborhood serving commercial use.

**Adult day care:** A use of land and buildings that provides care to adults away from their homes, and by persons other than family members, guardians or custodians, and where a payment, fee or grant is made for such care.

**Adult uses:**

1. **Adult bookstore:** An establishment having as a substantial or significant portion of its stock in trade books, magazines, films, newspapers, photographs, paintings, drawings or other publications or graphic media, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, as defined in this section. For purposes of this definition a "substantial or significant portion of its stock in trade" shall be deemed to occur when more than five (5) percent or five hundred (500) square feet (whichever is less) of the floor area of the establishment contains the items listed above, or when more than five (5) percent of the store's inventory in quantity or value is comprised of the items listed above.

2. **Adult entertainment establishment:** Any premises, except those businesses otherwise defined in this chapter, on which is offered to members of the public or any person, for a consideration, entertainment featuring or in any way including specified sexual activities, as defined in this section, or entertainment featuring the displaying or depicting of specified anatomical areas, as defined in this section; "entertainment" as used in this definition shall include, but not be limited to,
books, magazines, films, newspapers, photographs, paintings, drawings, sketches or other publications or graphic media, filmed or live plays, dances or other performances, either by single individuals or groups, distinguished by their display or depiction of specified anatomical areas or specified sexual activities, as defined in this section.

(3) Adult theater: An enclosed building or an enclosed space within a building used for presenting either filmed or live plays, dances or other performances, either by individuals or groups, distinguished or characterized by an emphasis on material depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, for observation by patrons therein.

(4) Special cabarets: Any bar, dance hall, or other place of business at which food or beverages, alcoholic or nonalcoholic, are served which features nude, topless, or bottomless dancers, or any such establishment the advertising for, or sign or signs identifying which, use the words "adult," "topless," "bottomless," or "nude."

(5) Escort services: Any premises whereon there is provided or which in any way contributes to the providing to any member of the public or any person, for a consideration, male or female personnel for the purpose of companionship, accompaniment, consultation, entertainment or any similar purpose however designated.

(6) Live model studio: Any premises where there is provided for members of the public or for any person, for a consideration, live human models, whether male of female, displaying specified anatomical areas or featuring or in any way including, specified sexual activities.

Ad valorem tax exempt program: A program authorized by F.S. §§ 196.1997 and 196.1998 that allows a property tax exemption in local jurisdictions for improvements to historic properties to stimulate rehabilitation of historic structures.

Advertiser: Any person who is a lessee or owner of a sign, an agent of same or anyone who has beneficial use of a sign.

Advertising balloon: A sign constructed from nonporous material, which is filled with hot air or other lighter-than-air gases, which is designed to rise and float in the atmosphere. Included in this definition are those advertising balloons which represent the form of a person, place or thing. Aircraft which may meet this definition are not considered advertising balloons. Advertising balloons may be tethered or tied to the ground or may be designed to float freely in the atmosphere.

Affordable housing: Housing that is affordable for home buyers or renters whose gross annual income, adjusted for family size, is at or below one hundred twenty (120) percent of the annual median adjusted gross household income for the Tampa Metropolitan Statistical Area. Monthly housing costs (contract rent, mortgage payment, plus utilities payments, insurance, property taxes, and homeowner's association fees where applicable) shall not exceed thirty (30) percent of the adjusted monthly gross income of the renter or home buyer.

A-frame sign: A sign consisting of two (2) sign faces connected at the top with either hinges or fixed fastening devices.

Aggregate: When used in reference to the total allowable sign area, the total available display area of all sides or portions of a sign shall constitute the aggregate sign area.

Aggrieved person or person aggrieved: An applicant or any owner of property within two hundred fifty (250) feet of the subject parcel.

Air conditioned storage: A single or multi-level building with self contained climate control consisting of multi-tenant spaces, intended solely as dead storage, leased to individuals or businesses.

Airports and airport-related uses:

(1) Airports: The use of land to accommodate the operation of aircraft and the processing of passengers and goods carried by aircraft, including but not limited to, runways, taxiways and associated ramps; aprons in aircraft parking areas; aircraft
carrier terminal buildings with associated administrative offices, hotel facilities, restaurants and retail facilities; navigational, communications and meteorological equipment; heliports/helistops; field storage and transmission facilities; aircraft hangers and repair facilities; fixed based operators' facilities; air cargo facilities, aircraft service, repair and maintenance facilities; air taxi, air ambulance and airborne sightseeing services; clear zones and other buffer areas; airport administrative offices; airport maintenance facilities and associated administrative offices; and other facilities essential to the operation of airports.

(2) Airport-related uses: Uses of land which are dependent upon proximity to the airport for effective performance, or which provide services to the airport which improve the effectiveness of the airport, including, but not limited to, aircraft parts manufacture, sales of new and used aircraft and aircraft parts, sales of aircraft fuels, lubricants and other aircraft supplies; airline administrative offices; automobile parking and storage; rental car parking, storage and maintenance; bus, taxi and limousine parking; in-flight kitchen and catering services; aerial photography and air-survey services; air freight and air cargo services; governmental facilities; flight training schools; flight trade schools; aviation research and testing laboratories; temporary contractors' offices and storage areas; other airport-related uses compatible with the operation of airports.

Alcoholic beverage classification: Classification issued to an establishment related to the type of alcoholic beverage sold (adopted as reference for approvals granted prior to April 1, 2011):

(1) 1-APS (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight in sealed containers for consumption off the premises only;

(2) 2-APS (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines regardless of alcoholic content in sealed containers for consumption off the premises;

(3) 1-COP (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight for consumption on the premises and in sealed containers for consumption off the premises;

(4) 2-COP (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines regardless of alcoholic content for consumption on the premises and in sealed containers for consumption off the premises;

(5) 3-PS (Beer, wine and liquor). Sale of beverages regardless of alcoholic content in sealed containers for consumption off the premises only;

(6) 4-COP (Beer, wine and liquor). Sale of beverages regardless of alcoholic content for consumption on the premises and in sealed containers for consumption off the premises;

(7) 1-COP-R (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight for consumption on the premises only in connection with a restaurant having a minimum indoor, outdoor, or combination thereof in seating capacity of not less than eleven (11) seats and a combined gross sales of the business operation is more than fifty-one (51) percent attributable to the sale of food and non-alcoholic beverages, during any semi-annual period. Where outdoor seating is utilized to satisfy the seating requirement, the area of such seating shall be clearly delineated by fences or other barriers, with the exception of outdoor seating located within a public sidewalk;

(8) 2-COP-R (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines
regardless of alcoholic content for consumption on the premises only in connection with a restaurant having a minimum indoor, outdoor, or combination thereof in seating capacity of not less than eleven (11) seats and a combined gross sales of the business operation is more than fifty-one (51) percent attributable to the sale of food and non-alcoholic beverages, during any semi-annual period. Where outdoor seating is utilized to satisfy the seating requirement, the area of such seating shall be clearly delineated by fences or other barriers, with the exception of outdoor seating located within a public sidewalk;

(9) 4-COP-R (Beer, wine and liquor). Sale of beverages regardless of alcoholic content for consumption on the premises only in connection with a restaurant having a combined minimum indoor, outdoor, or combination thereof in seating capacity of not less than eleven (11) seats and a combined gross sales of the business operation is more than fifty-one (51) percent attributable to the sale of food and non-alcoholic beverages, during any semi-annual period. Where outdoor seating is utilized to satisfy the seating requirement, the area of such seating shall be clearly delineated by fences or other barriers, with the exception of outdoor seating located within a public sidewalk;

(10) 1-COP-X (Beer). Sale of malt beverages containing alcohol of more than one (1) percent by weight for consumption on the premises only;

(11) 2-COP-X (Beer and wine). Sale of beverages containing alcohol of more than one (1) percent by weight and not more than fourteen (14) percent by weight and wines regardless of alcoholic content for consumption on the premises only;

(12) 4-COP-R (Beer, wine and liquor). Sale of beverages regardless of alcoholic content for consumption on the premises only;

(13) 11-C (Beer, wine and liquor; Non-profit private clubs). Sale of beverages regard-

less of alcoholic content for consumption on the premises only to members and guests of members of nonprofit private clubs. For the purpose of this subparagraph, a "non-profit private club" is defined as any establishment which restricts admissions to individuals who are members of a fraternal order, private organization or other private association, which individuals may be identified by reference to a list kept by the owner or operator of such establishment and which establishment does not in any way operate or solicit a public calling or invite general members of the public to the premises to utilize the establishment and which establishment does not operate for profit;

(14) 4-PGC (public golf course). Beer, wine and liquor for sale or consumption from mobile carts and temporary bars on a public golf course owned and/or operated by a public entity, having at least nine (9) holes and comprised of a minimum of thirty-five (35) acres of land. The 4-PGC is not subject to the provisions of section 14-150.1 and section 27-317.

Alcoholic beverages: Distilled spirits and all beverages containing one-half (1/2) of one percent or more of alcohol by volume. Volume measurements are determined by F.S. Ch. 561.

Alcoholic beverage sales area ["AB sales area"]: The area, defined as applicable to the permit application, from which alcoholic beverages may lawfully be sold.

Alcoholic beverage sales—On premises: Sale of beverages in containers for consumption on the premises only.

Alcoholic beverage sales—Package: Sale of beverages in sealed containers for consumption off the premises.

Alcoholic beverage sales—Large venue: A commercial establishment with more than two hundred ninety-nine (299) person occupancy, which sells alcoholic beverages.
**Alcoholic beverages sales—Small venue:** A commercial establishment with less than three hundred (300) person occupancy, which sells alcoholic beverages.

**Alley:** A dedicated and publicly maintained right-of-way twenty (20) feet or less in width that is intended to provide only a secondary means of access to abutting property, and is not intended for general traffic circulation.

**Alter:** This term shall include, but not be limited to, the addition of sign surface area, the changing or relocation of light source or the relocation of an outdoor advertising display from one (1) position to another. This term shall include any and all structural changes in the sign, but shall not include the changing of copy on a sign which is designed as a changeable copy sign.

**Alteration:** Any construction on or change to the exterior of a building, object, structure or site when the construction or change is visible to the public and may be seen by a person located on a public street or on a street open to the public. An alteration shall include construction or changes on landmark sites and on lots within an historic district. An alteration shall include a change from an existing lawn to the use of paving materials or any change in paving materials on a landmark site or a lot within an historic district. An alteration shall include signs or commercial lighting visible through windows.

**Animal:** Every nonhuman species of animal, including aquatic, farm, domestic and wild animals.

**Animated component:** That portion of a sign which causes movement or motion of a character, letter(s), or figure or combination thereof.

**Annual bed:** Any landscape where the majority of plants are replaced yearly or more frequently.

**Annual capacity statement:** The statement issued by the city on February 1, 1990 and on October 1, 1990, and on the same date each year thereafter indicating the available capacity for each public facility or service, with the exception of stormwater and transportation. Transportation statements shall be issued quarterly.

**Annual report(ing):** A period from January 1 to December 31.

**Appliance repair:** Any profit-making activity that renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**Applicant:** The record owner of property or the record owner’s duly designated representative or any person or entity authorized under this chapter to file an application with the city.

**Aquatic animal:** Any animal living or growing in the water.

**Arbor:** A shady resting place in a garden or park, often made of rustic work or latticework on which plants, such as climbing shrubs or vines, are grown.

**Arborist:** An arborist certified by the International Society of Arboriculture (ISA).

**A.R.C.:** The Architectural Review Commission of the city.

**Architectural feature or element:** A prominent or conspicuous part of the architectural design of a structure that aids in the creation of a character or style and that adds to the structure's overall aesthetic effect.

**Artificial barrier:** A protective, ornamental device such as a wall, fence, berm or other similar nonliving, immovable, material object that shields, separates or demarcates an area from view and that is at least eighty (80) percent opaque.

**Artificial stabilization:** The use of artificial products which are spread over the surface of the ground to hold and restrain the soils and any seeds during a rain event and which keep them from being eroded until they have had a chance to germinate and provide a natural stabilizing ground cover.

**As-built drawings:** Drawings showing applicable locations, elevations and dimensions of all infrastructures and facilities, including, but not limited to, streets, sidewalks, utilities, storm drainage facilities, etc., as they have been constructed and installed.
Automatic irrigation controller: A timer mechanism and its mounting box. The controller signals the automatic valves to open and close on a pre-set program or based on sensor readings. Control systems shall provide the following minimum capabilities: ability to be programmed in minutes, by day of week, season, and time of day; ability to accommodate multiple start times and programs; automatic shut off after adequate rainfall; ability to maintain time during power outages for a minimum of three (3) days; and operational flexibility to meet applicable year-round water conservation requirements and temporary water shortage restrictions.

Auto rental: A facility used for the rental of automobiles on a short term (four (4) weeks) basis.

Awning signs: A structure supported entirely from the exterior wall of a building and composed of nonrigid materials (except for the supporting framework) upon which a sign is indelibly drawn, painted or printed.

Bank: Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

Bank, drive-in: A bank with one (1) or more windows or other openings in the wall of a principal or accessory structure which facilitates the provisions of banking services directly to customers in motor vehicles that eliminates the need for such customers to exit their motor vehicles for service. This term shall also include the mechanical structures and apparatus through which documents are transmitted between the bank and the customer.

Banner: Any sign intended to be hung, either with or without frames, by being tethered by at least two (2) corners and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions or other governmental entity and symbolic flags of any institution, or other such entity shall not be considered banners for the purpose of this chapter. This term shall not include ground signs or pylon signs, regardless of whether the ground signs or pylon signs are on-site or off-site.

Bar or lounge: A commercial establishment whose principal business is the sale of alcoholic beverages for consumption on premises.

Beacon light(s): Any light source, whether fixed or activated, which is designed to attract attention to a specific location, place or thing.

Bed and breakfast: A residential building or group of buildings where transient lodging unit accommodations (without independent kitchen facilities), are offered for rental by the day or week, and meal services are provided. Such use shall contain no more than eleven (11) transient lodging units, in addition to the resident manager's unit.

Bench signs: A bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted or printed.

Best practices: Defined as the techniques, methodologies, processes, practices, and systems identified by public and private organizations that performed exceptionally well utilizing available and appropriate resources. They are widely recognized as continuously improving an organization's performance and efficiency in specific areas that, through experience and research, have proven to reliably lead to a desired result.

Billboard signs: A billboard sign is any free-standing off-site sign, including without limitation a changeable copy sign, that is erected on a parcel which identifies or advertises a use, establishment, product, activity or service not sold, produced, manufactured, located, provided or furnished on the parcel on which the sign is located (or identifies a use, product, activity or service which is only incidentally sold or available on that parcel).

Block: A piece of land entirely surrounded by streets, rights-of-way and/or natural boundaries.

Blood donor center: Any corporation, partnership or business whatsoever which engages in the
activity of receiving or taking blood, plasma or any component thereof from human donors for a monetary consideration.

**Bona fide agricultural use:** means a parcel which qualifies as such under section F.S. § 193.461, and which has greater than fifty (50) percent of the parcel in active agricultural production.

**Bonus cost ratio (multiplier for CBD periphery):** Every one dollar ($1.00) contribution to the city in the form of a bonus amenity, the developer receives ten dollars ($10.00) in equivalent development dollars, which then translates to a bonus FAR based on the proposed improvements SF overall development costs.

**Bottle club:** Place of business where no alcoholic beverages are sold, but where patrons may keep or bring their alcoholic beverage for consumption on the premises. Non-alcoholic mixers or so-called "set-ups" may be provided by the club.

**Broker identification strips:** Strips of wood or like material or paper affixed to, around or upon a real estate sign to indicate the name of the broker advertising the sale of property.

**Buildable area:** The portion of a lot remaining after required yards have been provided. Buildings may be placed within the buildable area, but limitations on percentage of the lot which may be covered by buildings may require open space within the buildable area.

**Building:** Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

**Building, accessory:** A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

**Building frontage:** The linear length of a building facing a public street right-of-way, exclusive of alleys; or the linear length of the street right-of-way which faces the building, whichever is smaller.

**Building official:** The officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the Florida Building Code.

**Building permit (for purposes of this chapter):** permit which authorizes the construction of a new building or the expansion of floor area or the increase in the number of dwelling units contained in an existing building or a change of use.

**Building, principal:** A building or, where the context so indicates, a group of buildings, in which is conducted the principal use of the lot on which such building is located.

**Building sign:** A sign displayed upon or attached to any part of the exterior of a building. Included within this definition are wall signs.

**Building system:** A functionally related group of elements, components and/or equipment, such as the electrical, plumbing and mechanical systems of a building.

**Bulletin board:** Any sign which is composed of a flat, continuous and uninterrupted surface which measures less than seventy-five (75) square feet and upon which advertising or other matter may be displayed. Bulletin boards may also be changeable copy signs.

**Business school:** An establishment offering to the public, for a consideration, instruction in administration, accounting, bookkeeping, computer use, typewriting and other skills for use in commerce or service activities.

**Cable service:** The transmission of video, audio, or other programming service to purchasers, and the purchaser interaction, if any, required for the selection or use of any such programming service, regardless of whether the programming is transmitted over facilities owned or operated by the cable service provider or over facilities owned or operated by one (1) or more other providers of communications services. The term includes point-to-point or point-to-multipoint distribution services by which programming is transmitted or broadcast by microwave or other equipment directly to the purchaser's premises, but does not include direct-to-home satellite service. The term includes basic, extended, premium, pay-per-view, digital, and music services.

**Camouflaged structures:** Structures designed primarily to support commercial antennas but also designed to be integrated into the natural or...
built environment. Camouflaged structures can resemble a natural or man made structure through the use of less obtrusive antenna arrays, shape, color and texture to cause an object to appear to become a part of something else in order to be compatible with the architectural elements of the surrounding properties, including bulk, massing and scale. Camouflage does not mean “invisible.”

**Canopy sign**: A roof-like cover, attached or unattached, extending from the exterior wall of a building and composed of supporting framework of rigid materials upon which a sign is indelibly drawn, painted or printed.

**Capital improvements element**: That element of the Tampa Comprehensive Plan which evaluates the need for public facilities as identified in the other comprehensive plan elements and as de-
defined in the applicable definitions for each type of public facility, which estimates the cost of improvements for which the local government has fiscal responsibility, which analyzes the fiscal capability of the local government to finance and construct improvements, which adopts financial policies to guide the funding or improvements, and which schedules the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on needs identified in the other comprehensive plan elements.

Capture rate: That percentage of the total parking demand for the specified use which is internally generated from other uses already generating a demand within the central business district.

Cargo storage area: Any outdoor area which is used for bulk, neobulk or general cargo storage and requires free movement for loading, unloading, storage and staging in connection with the pickup and delivery of general cargo, neobulk and bulk material to and from a port.

Catering shop: An establishment whose principal use is the preparation and provision of food served to the customer at a location off the premises. A catering shop may be accessory to a restaurant.

CDD: A community development district as provided in F.S. Ch. 190.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Certificate of appropriateness: The permit issued by the Barrio Latino Commission or the Architectural Review Commission which gives its approval for work to be done on a landmark, a landmark site or within a historic district. The certificate may contain conditions relating to the proposed work, and the applicant will still need permits from other municipal departments before starting his work. A certificate of appropriateness must be issued prior to the issuance of a building permit by the planning and development department (PDD).

Certificate of concurrency: The official document issued by the city upon finding that an application for a final development permit will not result in the reduction of the level of service standards set forth in the Tampa Comprehensive Plan for public facilities and services.

Certificate of occupancy (C.O.): An official document evidencing that a building satisfies the city requirements for occupancy of a building.

Certified local government: A government meeting the requirements of the National Historic Preservation Act, amendments of 1980 (P.L. 96-515), and the implementing regulations of the United States Department of the Interior and the state.

CGO: The city's green officer.

Change of occupancy: A change from one Standard Building Code occupancy class to another.

Changeable copy sign: Any framed sign, illuminated or not, which is principally devoted to, and designed for change or replacement of sign face or lettering or graphics. This definition shall not include electronic message signs.

Change of use: A modification to the use (most intense, legally established use in the public record) of a structure or property to accommodate a more intensive use, which adds floor area, increases density or intensity, or increases occupancy loads, and requires more total parking spaces than the previous use of the property or structure, as determined by the parking table applicable to the underlying zoning district, as set forth in this Code. Such changes will be subject to concurrency review for the net increase only.

(1) A shopping center of three (3) or more business suites which was designed and permitted for a variety of uses may consider office, retail and personal services as interchangeable. All other changes which require an increase in parking as determined by PKG Table 1 of section 27-283.7 will be reviewed for concurrency.

(2) An office building which is zoned PD is subject to the ancillary uses identified on the approved PD site plan. An office building which is not zoned PD is limited to the
ancillary uses identified in the approved building plans or permits. Other changes in use which require an increase in parking as determined by PKG Table 1 of section 27-283.7 will be reviewed for concurrency.

**Character district:** One (1) of the twelve (12) districts in the central business district established to guide development to a desired character and more particularly defined and described in the CBD land use policy plan.

**Cigar factory:** A commercial enterprise involved in the manufacturing, processing, distribution and warehousing of cigar products.

**Circumference:** The distance around the periphery of a tree at four and one-half (4½) feet above existing grade.

**Clearing:** The removal of trees, shrubs and other vegetation from the existing ground surface. Clearing is usually undertaken where subsequent land alteration, construction or agricultural activities are to occur.

**Clinic:** An establishment used for medical or dental care which is comprised of a variety of medical specialties and which has equipment on site to diagnose and administer treatment on an outpatient basis.

**Club:** An establishment operated by a corporation or association of persons for social, literary, political, educational, fraternal or charitable purposes, but which is not operated for profit or to render a service which is customarily conducted as a business.

**Clubhouse (alcoholic beverage):** Establishment where alcoholic beverages of any type may be brought and served, but not sold, stored, kept, or maintained on the premises overnight.

**College:** A degree-granting establishment providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries and professional schools (architectural, dental, engineering, law, medical, etc.).

**Commemorative decoration:** An ornate embellishment placed to honor a certain event, person or place.

**Commercial building:** Any building, structure or improvement other than a single- or two-family dwelling.

**Commercial communication tower:** A ground mounted structure, which is greater than twenty (20) feet in height, intended to support devices used for the transmitting or receiving of television, radio, or wireless telephone communications (excluding those used exclusively for dispatch communication, ham radio, and satellite dishes).

**Commercial district:** A commercial district is any property which is zoned CN, CG, CI, YC-1, YC-3, YC-5, YC-6, YC-7, YC-9 (approved primarily for commercial uses), M-AP-1, M-AP-2, M-AP-3, M-AP-4, CD-1, CD-2, CD-3, PD and PD-A (approved primarily for commercial uses), SH-CN, SH-CG, SH-CI, SH-PD (approved primarily for commercial uses), U-C and any other site plan controlled districts approved primarily for any of the aforementioned districts.

**Commercial equipment:** Vehicles, machinery, materials or furnishings owned, used, or designed and/or intended for commercial purposes, except that a personal vehicle (car, one-ton pickup truck or van) used by an individual for transportation to and from home and job sites will not be considered commercial equipment, regardless of any commercial names, insignias or markings advertised on the vehicle.

**Commercial nursery:** An ongoing business licensed for the planting, growing and sale of plants and trees. A commercial nursery does not include an ongoing silviculture operation.

**Communications facility:** The plant, equipment and property, including but not limited to, any and all such conduits, cables, poles, wires, supports, ducts, fiber optics, antenna and other structures, equipment, appurtenances and pathways as may be reasonably necessary to be used to provide communications services.

**Communications services:** The transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including
cable services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term does not include:

1. Information services.
2. Installation or maintenance of wiring or equipment on a customer's premises.
3. The sale or rental of tangible personal property.
4. The sale of advertising, including, but not limited to, directory advertising.
5. Bad check charges.
6. Late payment charges.
8. Internet access service, electronic mail service, electronic bulletin board service, or similar on-line computer services.

Community garden, private: An area of land managed and maintained by a group or a group of individuals to grow and harvest crops (food or non-food) for personal or group use, consumption, or donation. Community gardens may be divided into separate plots for cultivation by one or more individuals, or may be farmed collectively by members of a group, and may include common areas maintained and used by group members.

Comprehensive plan: The Tampa Comprehensive Plan adopted by Ordinance No. 89-167 on July 17, 1989 by the city council pursuant to F.S. Ch. 163, Part II, as such plan may be amended from time to time.

Concurrency management system (CMS): The procedures and processes utilized by the city to determine that development permits and development orders, when issued, will not result in the reduction of the level of service standards as set forth in the Tampa Comprehensive Plan.

Congregate living facility: Any building, residence, boardinghouse or other place, whether operated for profit or not, which provides personal care services to persons not related to the owner or operator by blood, marriage or adoption and licensed, certified or approved by the state department of health and rehabilitative services. Congregate facilities of six (6) or fewer residents, licensed by the state department of health and rehabilitative services as a type of community residential home, are permitted in single-family and multi-family zoning districts, provided that no other congregate living facility is within a radius of one thousand (1,000) feet. "Personal care services," for the purpose of this definition, means services in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security and any other related service. Personal care service does not include nursing or medical treatment. Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment as it is defined herein. Congregate living facilities are further defined by the following types:

1. Group care facility, large. A facility providing room, board and personal care services to twenty (20) or more persons unrelated to the caregiver. For the purposes of this chapter, large group care facility shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, motels, emergency shelters, professional residential facilities, recovery homes or nursing homes.

2. Group care facility, small. A home or facility providing room, board and personal care services to seven (7) and not more than nineteen (19) persons unrelated to the caregiver. For the purpose of this chapter, small group care facility shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries or convents, hotels, motels, emergency shelters, professional residential facilities, recovery homes or nursing homes.

Conservation areas: See "Environmentally sensitive areas."
Construction cost per space: Shall be assessed by the department of public works and approved by resolution of the city council.

Construction costs: The total value of the construction or renovation of a structure as determined by the building department in issuing a building permit for such construction or renovation. Construction cost calculations include architectural and engineering fees, site work and contingency allowance. Land acquisition is not included. All construction costs shall be calculated as of the date the contract is executed.

Construction sign: Any sign giving the names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Container (refuse): The common thirty-two (32) through ninety-five (95) gallon plastic or galvanized iron garbage can with well-fitted lid, a plastic bag of similar capacity, a molded polyethylene barrel, or a City of Tampa issued cart available in various capacities and used to store solid waste generated at residences and small businesses.

Contributed tree: A recommended tree that is contributed to the department tree bank in accordance with section 13-164 to replace a protected tree that is dug up, irreversibly damaged or destroyed.

Contributing: A building, site, structure, or object that adds to the historic architectural qualities, historic associations or archaeological values for which a property is significant.

Copy: The letters, colors, text or other graphics displayed upon the sign surface area.

Correctional facility: A facility for the housing of persons convicted of, or being held for, a crime, including:

1. Major facility: A prison facility regulated by the State of Florida Department of Corrections designed for maximum security to house persons convicted of a crime.

2. Community facility: A facility designed to house persons convicted of a crime, or for the custody of persons arrested for a crime and awaiting adjudication. Such facilities shall include community correctional centers, probation and restitution center vocational training centers and forestry camps (all as defined by the State of Florida Department of Corrections), or local government jails or detention centers.

CPTED: Crime prevention through environmental design; accomplished through design and effective use of built environment, which can lead to a reduction in the incident and fear of crime.

Crematorium: An establishment for the burning of human remains.

Crosswalk: A right-of-way within a block dedicated to public use, intended primarily for pedestrian use and which is designed to provide access to adjacent roads, lots or public use areas.

Cul-de-sac: A street having one (1) end open to traffic and the other end terminated with a paved turnaround.

Cypress swamp: Forested plant community dominated by cypress trees, with water at or above the ground level during the rainy season or for a considerable portion of the year. Associated trees and shrubs include swamp black gum, red maple, sweet bay, buttonbush, fetterbush, and dahoon holly.

Damage or abuse: Any action or inaction which does not follow good arboricultural practices as established by the National Arborist Association. Abuse also includes damage inflicted upon roots by machinery, changing the natural grade above the root system or around the trunk, destruction of the natural shape or any action which causes infection, infestation or decay.

Day care and nursery facility: A use of land and buildings that provides care to children or adults away from their homes, and by persons other than family members, guardians or custodians, and where a payment, fee or grant is made for such care; where the designation "numbers limited" is used, the maximum number of clients shall not exceed five (5).

Demolish: To tear down or raze.

Demolition: The complete or partial removal, destruction or wrecking of a building, site, struc-
ture, or object. An omission or series of omissions can constitute a demolition when the failure to take such repair and maintenance actions compromise the historical integrity of the building, site, structure or object or its architectural or historical components.

**DPW (Department):** The Department of Public Works (DPW).

**Developer:** A person, property owner, partnership, corporation or any legal entity who seeks to conduct land alteration, site clearing, filling, or construction of any type on a parcel of land described in a land use decision and/or any permit application.

**Development:** The carrying out of any building activity or the making of any material change to any structure or the natural surface of the land. For the purposes of this chapter, development shall include the following activities or uses:

1. A reconstruction or alteration of the size of a structure;
2. A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure;
3. Commencement of drilling, except to obtain soil samples, mining or excavation on a parcel of land; and
4. Activities that change or disturb the natural surface of the land such as clearing, grading, excavating and filling.

**Development order:** Any order granting or denying or granting with conditions an application for a building permit, zoning permit, rezoning, plat, variance, site plan approval, development of regional impact or other action having the effect of permitting development as defined in this chapter.

**Development review and compliance staff (DRC):** The DRC shall be composed of members from various city departments, including the commercial plans examiners, and other agencies as needed.

**Diameter breast height (d.b.h.):** The diameter, in inches, of a tree trunk measured at four and one-half (4½) feet above existing grade. D.b.h. is also referred to as the diameter of a tree.

**Directional signs:** Any sign which is used principally for the purpose of indicating the direction or location of any object, place or area including, but not limited to, those signs which indicate the avenues of ingress and egress from a particular premise.

**Directory sign:** A sign having two (2) display surfaces, not necessarily displaying the same copy, which are parallel and back-to-back and not more than forty-eight (48) inches apart.

**DPW director:** The director of the department of public works or designee who shall be responsible for the management of the affairs of such department.

**Domestic or companion animal:** Any animal, including aquatic animals, kept for pleasure rather than utility; domestic egg-laying chickens; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter; any animal not deemed to be a wild or exotic animal pursuant to Florida Game and Freshwater Fish Commission regulations.

**Dripline:** An imaginary perpendicular line that extends downward from the outermost branches of a tree to the ground.

**Drive-in window:** A window or other opening in the wall of a principal and accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.

**Drought tolerant plant:** A plant, once established, that survives on natural rainfall with occasional irrigation during dry periods, as identified by the University of Florida IFAS Extension Florida Yards and Neighborhoods Florida-Friendly Plant List 2006, as may subsequently be revised.

**Dry-cleaning plant, large:** A facility of greater than three thousand (3,000) square feet which
includes the on-site process of chemically cleaning fabrics and may also include laundry or dyeing services.

Dry-cleaning plant, small: A facility of three thousand (3,000) square feet or smaller which includes the on-site process of chemically cleaning fabrics and may also include laundry or dyeing services.

Dry prairie: Dry prairies are plains with few or no trees. Scattered bayheads, cypress ponds, freshwater marshes and wet prairies often occur in dry prairie areas. Dry prairie appear to be flatwoods minus the overstory trees, containing similar vegetative ground cover. The dry prairie community is dominated by many species of grasses such as wiregrass, broomsedges and several types of carpet grasses. Palmettos are the most common shrubby plant over large areas, with fetterbush, staggerbush, and blueberry common in places. Also, like pine flatwoods, water is at or near the surface during the wet season and slowly drains to lower lying areas by sheet flow. Representative soils: Eaton, Immokalee, Myakka, Smyrna, and Ona.

Dwelling, efficiency: A dwelling unit attached to other dwelling units and consisting of combined living and sleeping quarters within one (1) habitable room and separate kitchen facility and sanitary facilities.

Dwelling, multi-family: A structure containing three (3) or more attached dwelling units either stacked vertically above one another or attached by side and rear walls or both.

Dwelling, multi-family high-rise: A structure over eight (8) stories containing multi-family residential units.

Dwelling, multi-family mid-rise: A three (3) to eight (8) story structure containing multi-family residential units.

Dwelling, multi-family townhouse-style: A structure, constructed in a series or group of three (3) or more attached units with property lines separating each unit, attached by side and rear walls.

Dwelling, single-family: Where used in this Code, it shall mean single-family attached, single-family detached and single-family semidetached.

Dwelling, single-family attached: A structure containing not less than three (3) or more than eight (8) dwelling units with both side walls (except end units of building) attached from the ground to roof. No continuous group of dwellings shall exceed two hundred (200) feet in frontage width.

Dwelling, single-family detached: A structure containing one (1) dwelling unit with open space on all sides.

Dwelling, single-family semidetached: A structure containing two (2) dwelling units attached by a common side or rear wall.

Dwelling, two-family: A structure containing two (2) dwelling units one (1) above the other with open space on all sides.

Dwelling unit: A room or group of rooms forming a single independent habitable unit used for or intended to be used for living, sleeping, sanitation, cooking and eating purposes by one (1) family only; for owner occupancy or for rental, lease or other occupancy on a weekly or longer basis; and containing independent kitchen, sanitary and sleeping facilities.

Easement: Any strip or portion of land created by a developer for public or private utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Economic hardship: The imposition of an inordinate financial burden on a property, or its owner, due to the denial of a demolition permit or the designation of that property as a landmark or landmark site. Inordinate burden shall mean that the property owner is permanently unable to attain the reasonable, investment backed expectation of the existing use of the real property or a vested right to a specific use of the real property with respect to the real property as a whole or that the property owner is left with existing or vested uses that are unreasonable such that the property owner bears permanently a disproportionate share of a burden imposed for the good of the public, which in fairness should be borne by the public at large. The term "existing use" means
an actual, present use or activity on the real property (including normal periods of inactivity), or such reasonably foreseeable, nonspeculative land uses which are suitable for the subject real property and compatible with adjacent land uses and which have created an existing fair market value in property greater than the fair market value of the actual present use or activity. For purposes of this definition, a designation under section 27-256 shall be deemed permanent.

**Electronic message sign:** A sign emitting an illuminated message, image or design created electronically by any light source, LED (light emitting diodes), bare electric bulbs, luminous tubes, fiber optics, or any other combination of light sources creating a message. This definition shall include time, temperature and date signs. An electronic message sign which has copy which moves continuously or appears to be moving, flashing, changes color, pulses or alternates shall be considered an activated sign.

**Emergency shelter facility:** A facility providing temporary residential housing, rooming-or dormitory-style (with or without board), for persons otherwise homeless or seeking shelter from abuse.

**Emitter:** A device which is used to control the discharge of irrigation water from lateral pipes. This term is primarily used to refer to the low flow rate devices used in low-volume irrigation devices.

**Employee or employees:** A person who works for financial or other form of compensation, including but not limited to, the owner or owners of the establishment.

**Endangered and threatened species:** Flora and fauna as identified by the U.S. Fish and Wildlife Service's "List of Endangered and Threatened Wildlife and Plants" in 50 CFR 17.11-12. Fauna identified by the Florida Game and Fresh Water Fish Commission in Section 9-27.03-05, FAC, and flora identified by the Department of Agriculture and Consumer Services "Preservation of Native Flora Act," F.S. § 581.185 through 581.187. Endangered species are so designated due to rapid decline in number of habitat such that they are likely to become endangered without corrective action.

**Engineer:** A professional engineer registered in the state.

**Environmentally sensitive areas:** Lands that, by virtue of some qualifying environmental characteristic (e.g., wildlife habitat), are regulated by either the Florida Department of Environmental Protection, the Southwest Florida Water Management District, or any other governmental agency empowered by law for such regulation. Environmentally sensitive areas include Conservation Areas and Preservation Areas. Conservation Areas include the following types of wetlands (w), natural water bodies (nwb), and uplands (u); freshwater marshes (w), wet prairies (w), hardwood swamps (w), cypress swamps (w), natural shorelines other than natural beaches and dunes (w), Class III Waters (w, nwb), and significant wildlife (w, nwb, u). Preservation Areas include the following types of wetlands, natural water bodies and uplands; coastal marshes (w), mangrove swamps (w), marine grassbeds (w, nwb), natural beaches and dunes (w, u), Class I and II Waters (w, nwb), aquatic preserves (w, nwb), essential wildlife habitat (w, nwb, u), and natural preserves (w, nwb, u).

**Erect:** Erect shall mean to build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs. This term shall not apply to copy changes on existing permitted signs.

**Essential wildlife habitat:** Land or water bodies that, through the provision of breeding or feeding habitat, are necessary to the survival of endangered or threatened plant and animal species, or species of special concern, as determined by the Florida Game and Freshwater Fish Commission or the U.S. Fish and Wildlife Service.

**Establishment:** An establishment is any commercial, industrial, institutional, educational, office, social, business or financial entity.

**Excavation:** The action or process of creating a depression or hole in the ground by removing the soil in excess of two (2) feet in depth.
Exempt signs: All signs for which permits are not required but which must, nonetheless, conform to the other terms and conditions of this chapter.

Explosive storage and manufacturing: The bulk storage, distribution and/or manufacturing of explosives and fireworks.

Extended family residence: Within a single family residence, a living area designed to provide independence and privacy by allowing a separate bedroom, bathroom, dining area, and kitchen for an extended family member.

Exterior: The outside surface of any building, improvement, object or structure.

Exterior lighting: Illumination emanating from any source or fixture on the exterior of a building, including walkways, marquees, and hallways exposed toward the property line.

Family: Any number of people related by blood, marriage, legal guardianship, or adoption or not more than four (4) unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. One (1) family may keep up to four (4) domestic, companion, utility, or assistance animals, or combination thereof. The term "family" shall not be construed to include a fraternity or sorority, club, roominghouse, institutional group or the like.

Farm animal: Any horse, goat, swine, cattle, sheep, mule, bee, fowl (excluding wild or domestic birds), or similar farm animal.

Fence or wall: A partition, greater than twelve (12) inches above grade, erected for the purpose of enclosing a piece of land or to divide a piece of land into distinct portions.

FGBC: The Florida Green Building Coalition.

Final development permit: Any building permit issued or commercial site plan approved pursuant to chapter 5 of this Code, any construction drawing or final plat approved pursuant to subdivision procedures set forth in chapter 27 of this Code, or any development order or an approved Florida Quality Development or amendment thereto issued pursuant to F.S. § 380.06 et seq.

Final local development order (for the purposes of vesting, means the following):

1. A commercial site plan approved pursuant to chapter 5 of this Code on or before January 31, 1990;

2. A development of regional impact development order or an approved Florida Quality Development or amendment thereto, issued pursuant to F.S. Ch. 380, which is approved by the city on or before January 31, 1990;

3. A building permit issued pursuant to Chapter 5 of this Code on or before January 31, 1990; and

4. Construction drawings approved pursuant to subdivision procedures set forth in chapter 27 of this Code on or before January 31, 1990 and a final plat approved pursuant to subdivision procedures set forth in chapter 27 of this Code on or before January 31, 1990 may be considered final local development orders if, pursuant to section 17.5-47(b) of this article, the city attorney determines that vested rights are deemed to exist.

Floor area: The sum of enclosed areas on all floors of a building measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies and any belowgrade floor areas used for access and storage. Not countable as floor area are open terraces, patios, atriums, balconies, breezeways and parking.

Floor area ratio, basic: The ratio of permitted floor area to the area of the lot.

Floor area ratio, maximum permitted: The floor area ratio permitted as of right in the several districts, excluding any bonus or transferred floor area.

Florida friendly yard or landscape (as provided for in F.S. § 373.185): A landscape that incorporates the Best Management Practices and philosophies described in "A Guide to Florida-Friendly Landscaping", Third Edition, 2006, as may subsequently be amended, and conserves water and protects the environment and are adaptable to
local conditions and which are drought tolerant. Florida-friendly landscape principles include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.”

Foot candle: A measurement of light cast on a surface one (1) square foot in area on which one (1) unit of light is uniformly distributed.

Franklin Street Mall: The area of Franklin Street lying between Cass Street to the north and Jackson Street to the south.

Franklin Street Mall Phase II District: The area of Franklin Street lying between Fortune Street to the north and Cass Street to the south, and that area of Franklin Street lying between Whiting Street to the north and Garrison Channel to the south; and the area of Fortune Street, Cass Street, Jackson Street and Whiting Street lying between Morgan Street to the east and Tampa Street to the west; and the area of Royal Street, Harrison Street, Tyler Street, Polk Street, Zack Street, Twiggs Street, Madison Street, Kennedy Boulevard and Brorein Street lying between Franklin Street to the east and Tampa Street to the west; and the area of Royal Street lying between Florida Avenue to the east and Franklin Street to the west; and the area of Harrison Street, Tyler Street, Polk Street, Zack Street, Twiggs Street, Madison Street, Kennedy Boulevard, Cumberland Street, Brorein Street, Platt Street and Ashley Drive lying between Morgan Street to the east and Franklin Street to the west; and the area of Washington Street and Ella Mae Street lying between Morgan Street to the east and Florida Avenue to the west.

Franklin Street personal service use or personal service use: An establishment that primarily provides services such as barbershops, beauty salons, seamstress shops, shoe repair shops, dry cleaning, banks and financial service institutions.

Franklin Street retail district: An area within the central business district of the city as more particularly described in the CBD land use policy plan. Specifically, it is described as the first floor of buildings and areas along and facing Franklin Street bounded by Tyler Street on the north and Whiting Street on the south.

Franklin Street retail use or retail uses: Establishments that serve both the day-to-day commercial needs of a community as well as the more durable and permanent needs of a whole community including: Drugstores, tobacco shops, newsstands, bakeries, confectioneries, delicatessens, eating and drinking establishments, entertainment establishments (theaters), department stores, discount stores, variety stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, appliance stores and establishments that cater to specific markets, such as tourists, ethnic groups, collectors, etc.

Fraternity or sorority: A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college, university or professional school students who are affiliated with a social, honorary or professional organization recognized by the college, university or professional school. Such establishments provide social and leisure facilities primarily for student members (with visits by alumni and guests) and may provide lodging and/or meals.

Freestanding sign: Those signs that are supported by structures or supports in or upon the ground and independent of the support of any building. Included within this definition are pole signs, pylon signs, ground signs and monument signs.

Freshwater marsh: Herbaceous plant community occurring on lands where the soil is saturated or submerged during part of the year. Freshwater marshes include a number of vegetative types such as flag marshes (dominated by pickerelweed, arrowhead and other non-grass herbs), sawgrass marshes, bulrush marshes and shrub marshes.

Front building façade: The most significant or prominent surface (principal face) of a building, which contains architectural features or elements and the primary entrance to the building.
Funeral parlor: An establishment engaged in preparing human remains for burial and conducting funerals and cremating human remains.

GFA: Gross floor area (see "floor area").

General merchandise sign: A sign which contains copy or a logo of general merchandise sold on the premises.

Government sign: Any sign erected by or on the order of a public official in the performance of his office or duty including, but not limited to, traffic-control signs, street name signs, warning and directional signs, historical markers, official commemorative signs, public notices, signs identifying governmental or public facilities or signs of similar nature.

Grading: Leveling or planing land to a smooth horizontal or sloping land surface by the use of mechanical leveling or grading equipment or, in the case of stockpiled soil, other mechanical equipment.

Grand tree: A tree and its root system of the species listed in Schedule A located in section 13-6 whose circumference, height and crown measurements are of the size and character to total the minimum points for the species as outlined in Schedule A.

Green building: Any building which increases the efficiency with which it uses resources, such as energy, water, and materials, while reducing a buildings negative impact on human health and the environment, through better siting, design, construction, operation, maintenance, and removal, completing building life cycle.

Greenhouse: A building made of glass, plastic, or fiberglass in which plants are cultivated.

Green space: The entire parcel less the building footprint, driveways, vehicular use areas, hardscapes such as decks, swimming pools, decorative fountains, patios and other non-porous areas. Stormwater management system, wetland conservation areas, lakes, rivers, and creeks are excluded in the calculation of green space area.

Gross land area: All area within the boundaries of a zoning lot or PD district.

Ground cover: Any ornamental plant or grass which grows along the ground.

Ground level: Ground level shall mean the finished grade at the base of a sign structure.

Ground sign: Those signs that are supported by structures or supports in or upon the ground and independent of support any building(s) and which have a sign face the base of which is constructed within eight (8) feet from ground level. A sign, other than a portable sign as defined herein, with eight (8) feet or more ground clearance when measured from the grade at the base of the sign to the bottom of the sign face, shall be considered a pylon sign.

Grubbing: The removal of understory vegetation including the removal of any tree with a DBH less than five (5) inches by the use of mechanical equipment, provided no understory vegetation is removed within the dripline of any tree with a DBH of five (5) inches or greater or within an environmentally sensitive area. In the case of the natural plant community vegetation outside of environmentally sensitive areas, grubbing is the removal of understory vegetation necessary to provide limited access to the parcel.

Guyed tower: Guyed tower means a vertical support structure which consists of metal crossed strips or bars, and is steadied by wire guys around the tower.

Hardwood swamp: Deciduous and evergreen hardwood forest community occurring on lands where the soil is saturated or submerged during part of the year. This major habitat category includes riverine swamps, and usually but not always includes floodplain forests, bay forests and red maple forests.

Hazardous materials: The manufacturing, storage or distribution of explosive, hazardous, toxic chemical and extreme high or low Ph solution, including the storage of fire works and similar items.

Hedge: A close planting of shrubs which forms a compact, dense, living barrier which protects, shields, separates or demarcates an area from view and which is eighty (80) percent opaque within twelve (12) months after planting.
**Height:** The vertical distance between the mean elevation of the proposed finished grade at the structure front, not including strictly aesthetic landscape berms to the highest point of the structure. Finished grade shall be determined by utilizing all applicable regulations of the city, county, state and federal government.

**Height, sign:** The vertical distance measured from ground level to the highest point of any sign.

**Herman C. Massey Park:** The area described in Ordinance No. 9124-A.

**Heliport:** An area, either at ground level or elevated on a structure, licensed or approved for the loading, landing, and takeoff of helicopters, and including auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**Helistop:** A heliport, but without auxiliary facilities such as parking, waiting room, fueling and maintenance equipment.

**Historic conservation overlay district:** A special overlay district which recognizes and protects historic patterns of development including but not limited to the following physical elements: setback, height, site orientations and massing of buildings and accessory structures, placement of sidewalks, parking areas and infrastructure. Its purpose is to conserve existing neighborhood patterns of development by retaining historic structures that contribute to that pattern, while assuring that new construction will be consistent with it. The historic pattern for each conservation district designated may vary from district to district and shall be delineated.

**Historic district:** A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development that has been designated by the city as set forth in section 27-256 herein and meets the designation criteria set forth in section 27-257 herein. The Ybor City Historic District, as established by state law and as amended from time to time by local ordinance, is also an historic district.

**Historic property:** A building, site, structure, or object that was constructed or achieved its significance over fifty (50) years earlier, even if additional structures were added within the past fifty (50) years, so long as the added structures were consistent with and contributed to the overall historic character of the building, site, structure, or object.

**Historic sign:** A sign that contributes to the character-defining elements of the structure's period of historical significance, which can be documented to have existed through the use of historical, pictorial, or other physical evidence as determined by the Architectural Review Commission or the Barrio Latino Commission.

**Holiday decoration:** An ornate embellishment placed specifically for the purpose of celebrating a specific holiday, holiday event or holiday season.

**Home occupation:** An occupation conducted as an accessory use in a dwelling unit, employing only members of the resident facility, in a manner clearly incidental and accessory to the residential use. See Article VI for additional conditions.

**Hoophouse:** A structure made of PVC piping or other material covered with translucent plastic, constructed in a "half-round" or "hoop" shape.

**Hospital:** An institution providing physical and mental health services primarily for human inpatient medical or surgical care for the sick or injured, including related facilities such as laboratories, outpatient services, training facilities, central service facilities and staff offices.

**Hotel or motel:** A building or group of buildings containing in combination ten (10) or more transient lodging units offered for rental by the day or week. Typically, accessory uses to a hotel or motel include such things as restaurant, bar/lounge, meeting rooms, and outdoor recreational areas (subject to all applicable use standards and/or processes).

**HPC:** The City of Tampa Historic Preservation Commission.

**Identification sign:** A sign which depicts the name and or address of a building or establishment on the parcel where the sign is located as a means of identifying said building or establishment.

**Illegal sign:** An unpermitted sign which was not lawfully erected or a permitted sign not constructed in accordance with the representations set forth in the permit documents or a sign constructed in violation of city codes.

**Illuminated sign:** An illuminated sign is one which either:

1. Provides artificial light through exposed bulbs, lamps or luminous tubes on the sign surface;
2. Emits light through transparent or translucent material from a source within the sign; or
3. Reflects light from a source intentionally directed upon it.

**Improvements:** Improvements required by the land development code, including but not limited to, street pavements, curbs and gutters, streetlights, sidewalks, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street signs and traffic-control signs. Improvements may be found on-site or off-site and may be either public or private.

**Incidental:** Occurring or likely to occur as a minor or subordinate (less than the majority) event, circumstance, item, or expense.

**Industrial district:** An industrial district is any property which is zoned IG, IH, or PD or PD-A (approved primarily for industrial uses.)

**Infill development:** Development on scattered vacant sites within the urbanized area of a community.

**Information service:** The offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, using, or making available information via communications services, including, but not limited to, electronic publishing, web-hosting service, and end-user 900 number service. The term does not include any video, audio, or other programming service that uses point-to-point or point-to-multipoint distribution by which programming is delivered, transmitted, or broadcast by any means, including any inter-action that may be necessary for selecting and using the service, regardless of whether the programming is delivered, transmitted, or broadcast over facilities owned or operated by the seller or another, or whether denominated as cable service or as basic, extended, premium, pay-per-view, digital, music, or two-way cable service.

**Infrastructure:** Roads, water, sewer, stormwater or drainage facilities and utilities designed to accommodate development.

**In-lieu factor:** One (1) minus the capture rate, as approved by resolution of the city council.

**In-lieu payment:** The payment by the developer for each in-lieu parking space credit required to meet this Code.

**Institutional uses:** A category of uses that includes places of religious assembly, public facilities, and elementary, secondary, and post-secondary educational facilities.

**Interim parking lot:** The principal use of property for the parking of vehicles for a period of no more than five (5) years [plus a possible one (1) year extension], after which development of the property shall change to a permanent use status and require compliance with the standards of a principal use parking lot.

**Interior sign:** A sign which is located in the interior of a structure. Additionally, a sign which is located outside a structure but, because of the sign's placement, design or orientations is not visible to persons from a public place. An interior sign is not considered an on-site or off-site sign.

**Invasive species:** An exotic plant or tree species whose growth habit and reproductive strategy threaten to displace native species and disrupt ecological processes of natural communities common to Florida.

**Irrigation:** A permanent watering system equipped with surface, subsurface or overhead emitters and which provides one hundred (100) percent water coverage.

**Irrigation zone:** A control valve circuit containing irrigation devices with consistent application rates.
Jogged: Protruding or receding part in a surface or line; an abrupt change in direction.

Junkyard: Any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, dismantling, purchase, sale or abandonment of wastepaper, rags, scrap metal or other scrap or discarded goods, materials, machinery or unregistered, inoperable motor vehicles or other type of junk. For purposes of this definition, the storage of junk is not limited to a specific time.

Kennel, large: Any lot or premises on which animals, more than six (6) months of age, are kept, groomed, bred, boarded, trained, and/or sold. Such use is considered an intensive commercial use of land.

Kennel, small: Any lot or premises on which animals, more than six (6) months of age, are kept, groomed, bred, boarded, trained, and/or sold. Such use is considered a general commercial use of land.

Laboratory, dental and medical: A facility intended to be a support service to dental, optical and medical offices by providing diagnostic analysis of patient's medical tests (such as blood test urinalysis, CT scan, X-ray or other medical tests related to diagnostic treatment) or producing such items as dentures, caps, bridges and optical prescriptions.

Land and/or lands: Shall include both unplatted and platted real property within the city, regardless of when the real property, if platted, shall have been placed on the public records of the county.

Land alteration: Any activity which removes vegetation from or changes the topography of the land by grubbing, tree removal, clearing, grading, filling or excavating, except for activities undertaken to maintain existing grounds.

Land development decisions: Those decisions which require a public hearing prior to a decision being rendered including an amendment to the Tampa Comprehensive Plan future land use map, a parcel or area rezoning, a special use application, a variance application, a petition to review, a request for vacation of rights-of-way, or a HPC application as defined in article V, division 3 of this chapter.

Land surveyor: A land surveyor registered under F.S. Ch. 472, who is in good standing with the state board of professional engineers and land surveyors.

Landfill: Land used for the disposal of waste, excluding hazardous waste.

Landmark: A building, site, structure, or object that has achieved significance as established by the criteria of the National Register of Historic Places as set forth in section 27-257 herein, that has been recommended for designation by the HPC and designated by the city as set forth in section 27-256 herein, identified by its legal description.

Landmark site: A landmark site is the location and the grounds, the premises or the setting for a landmark or a site that has been designated by the city as set forth in section 27-256 herein and meets the designation criteria set forth in section 27-257 and 27-258 herein, identified by its legal description.

Landscape: The planting of plant material, native plant material, recommended trees, grand trees or protected trees, including retention of existing, in such a way as to conserve, preserve and enhance land uses, natural land features and natural and aesthetic values. Nonliving natural material which permits percolation may also be used as accessory material in landscaping.

Landscape structure: A structure which utilizes manmade materials and vegetation to create a landscape feature.

Landscape and tree planting plan: A plan that meets the requirements set forth in this chapter.

Landscape area trust fund: The fund established in section 16-46 of the Code for the purpose of acquiring new park land or improving existing public park land or public right-of-way by providing landscape area.

Landscape buffer: The prescribed, pervious area required for tree planting and landscaping be-
between the vehicular use or vehicular display areas and street right-of-way and adjacent properties.

**Landscape plant zone:** A grouping of plants with similar water, light, and soil needs. Plant groupings based on water use are as follows: natural plants, drought tolerant plants, and oasis plants.

**Landscaped area:** The minimum area on a parcel that is required to be landscaped pursuant to a landscape and tree planting plan. The types of plants and other materials permitted in a landscaped area are outlined in the definition of landscape in this section.

**Landscaping:** The installation or removal of plants and/or trees.

**Large scale commercial development** (for purposes of the alcoholic beverage sales permit process): A development that contains five hundred thousand (500,000) square feet or more in gross floor area, exclusive of residential and/or office floor area.

**Lattice tower:** Lattice tower means a wireless communication support structure that consists of metal crossed strips, bars, or braces, forming a tower which may have three (3), four (4), or more sides.

**Level of service:** An indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of a facility.

**License (city):** A city occupational license tax receipt.

**LLF:** Light loss factor.

**Listed animal species:** Animal species which are identified as endangered, threatened, or species of special concern in Chapter 39, Florida Administrative Code, and occur in the City of Tampa.

**Listed plant species:** Plant species which are identified as endangered or threatened by the Florida Department of Agriculture and Consumer Services or the United States Fish and Wildlife Service, and occur in the City of Tampa.

**Listed species:** All species of plants and animals which are listed as threatened, endangered or species of special concern in Chapter 39, Florida Administrative Code, or by the Florida Department of Agriculture and Consumer Services or the United States Fish and Wildlife Service, and occur in the City of Tampa.

**Loading dock:** Any outdoor area of a vehicular use area or cargo storage area which is used primarily for bulk, neobulk and general cargo pickups and deliveries, refuse collection, port cargo loading, unloading, storage and staging, airport runways and apron areas or any other similar areas which require the free movement of large or heavy commercial trucks, cargo handling equipment or vehicles.

**Loading, off-street:** Space located outside of any street right-of-way or easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

**Local streetlights:** Streetlights benefiting only one (1) platted subdivision.

**Lot:** Land bounded by lines legally established for the purpose of property division. As used in this chapter, unless the context indicates otherwise, the term refers to a zoning lot. For subdivision purposes, "lot" includes "tract" or "parcel" and means the least fractional part of subdivided lands having limited fixed boundaries and an assigned number, letter or other name through which it may be identified.

**Lot, butt:** A lot located at the end of a block between two (2) corner lots.

**Lot depth:** The mean horizontal distance between the front and rear lines of a lot.

**Lot, irregular:** An irregular lot is a lot which is created out of the rear portion of a larger lot of record and is accessed through a private easement or driveway. These lots are typically known as "flag lots." An irregular lot complies with the minimum lot area and width requirement of the applicable zoning district. The minimum width requirement is measured at the front setback from the end point of the access easement.

**Lot line:** A line that marks the boundary of a lot.
Lot line, interior: Any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot line, street: Any lot line separating a lot from a street right-of-way or general access easement. Where a lot line is located within such street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot shall be considered the street lot line.

Lot of record: An entire lot as it was originally platted in a subdivision, the plat of which has been recorded in the office of the clerk of the circuit court of the county; or any parcel of land, whether or not of a subdivision, that has been officially recorded by a deed in the office of the clerk; provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording.

Lot width: The horizontal distance measured along a straight line connecting the points at which a line demarcating the minimum front yard intersects with interior lot lines or other street lot lines.

Lot, zoning: A lot or combination of lots shown on an application for a zoning compliance permit which together meet all applicable requirements for development.

Low-volume irrigation: An irrigation system with a maximum flow rate per emitter of thirty (30) gallons per hour or less. These systems are not approved for turfgrass applications.

Lux: A metric measure of illumination, approximately one-tenth (\(\frac{1}{10}\)) of a foot candle.

Maintenance or storage facility: Land, building or structure devoted primarily to the maintenance and/or storage of equipment and materials.

Major renovation: Any construction, reconstruction, structural alteration, expansion, enlargement or remodeling conducted within any two-year period, the total cost of which exceeds fifty-one (51) percent of the assessed value of the property.

Major street map: A map depicting the arterial streets and collector streets within the city.

Management plan: A plan prepared to address preservation/restoration and management of significant or essential wildlife habitat, and which is approved by the city in accordance with this article. The management plan describes and depicts the location of areas to be preserved, including any protective buffers. The plan indicates the location of individuals of listed species, their nest sites, dens, burrows, feeding locations, roosting and perching areas, and trails, as appropriate. The plan identifies habitat management activities and contains an action plan with specific implementation activities, schedules, and assignments of responsibilities.

Manufacturing, heavy: An establishment whose principal purpose is the mechanical or chemical transformation of materials or substances into new products, including the bulk storage of raw materials, but may emit noise, vibration, dust, odor or pollutants. Activities include manufacturing, assembly and fabrication, including large scale or specialized industrial operations, processing and compounding of semi-finished products from raw material in bulk form to be used in an industrial operation.

Manufacturing, light: An establishment whose principal purpose is the manufacturing, assembling, compounding, processing, packing, baling, repairing, storage or distribution of products made from previously prepared basic materials, such as bond, cloth, cork, fibre (fiber), leather, paper, plastics, metals (not involving punch presses over fifty (50) tons rated capacity), stones, tobacco, wax, yarns, or wood (except where sawmills or planing mills are employed). Light manufacturing does not include microbrewery as otherwise defined in this Code. Examples of light manufacturing activities include:

Adhesives

Apparel and similar finished products

Automatic merchandising and amusement machines

Bakery goods, candy, ice cream and other food products

Beverages, nonalcoholic

Canvas goods
Electric equipment for internal-combustion engines and kindred electric components and products
Furniture, metal or wood
Glass products
Instruments, professional and scientific
Jewelry; jewelers' findings and materials
Leather products
Luggage
Musical instruments
Novelties
Office equipment
Orthopedic and medical appliances
Paper products, small, such as envelopes, stationery, bags, boxes and wallpaper printing
Photographic and optical goods
Plaster of paris and paper-mache products
Plastic products, but not including the processing of raw materials
Pottery, figurines and other ceramic products from previously prepared minerals and earth
Radio, radar, television, electrical and electronic equipment
Rubber products, excluding tires, from purchases rubber
Small appliances
Watches and clocks
Wood products, provided that all operations and storage are within an enclosed building
X-ray apparatus

Marina: A facility for storing, berthing, securing and launching of private pleasure craft which may also include the sale of fuel and incidental supplies and minor repairs.

Marquee sign: Any sign which is attached to, or hung from, a permanent, rooflike structure which is supported by a building wall and which projects out from the building line usually but not necessarily over a public right-of-way such as a sidewalk.

Master lot: The lot of recorded on October 12, 1989.

Master improvement: Streetlight improvements that benefit more than one platted subdivision.

Material recovery facility (MRF): A MRF is a building or enclosed space (screened with a solid wall) used for the collection and processing of recyclable materials (solids only) limited to paper, glass, plastic, aluminum and metal cans, and "scrap metals/tubing/wiring". For purposes of this definition and use, "scrap metals/tubing/wiring" shall not include automotive parts. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing. No fluids or hazardous materials shall be collected or processed on the subject location as part of the material recovery facility. The establishment must comply with all necessary requirements of local, state, and federal law.

Memorial sign: Any sign erected in remembrance of a person or event or which is commemorative in nature.

Mesic habitats: Mesic habitats are moderately moist habitats. Mesic habitats occur as dry to moist, level to hilly uplands on poorly to somewhat poorly drained soils containing variable amounts of clay or organic material, and support a diverse array of mesic-adapted plants and animals. Mesic habitats occurring in the City of Tampa include pine flatwoods, dry prairies and mesic hammocks.

Mesic hammocks: Mesic hammocks, also known as upland hardwood forest, constitute the climax community of the area. There is no single dominant stress factor in most mesic hammocks. The result is a high plant diversity, particularly in the mature successional stages. Fire does not normally play a major role in this community. A variety of hardwood trees are found in this community and occur on fairly rich, sandy soils. Southern magnolia, laurel oak, American holly, dogwood, pignut hickory and live oak are characteristic species of this association. Variations in the species composition of mesic hammocks are
partially due to differences in soil moisture. A major variation of this vegetation association is the live oak-cabbage palm hammock. Live oak-cabbage palm hammocks often border large lakes and rivers. Because this variant community type often functions as an econtonal area adjacent to wetlands, it affords suitable habitat for a wide variety of plants and animals. Representative soils: Fort Meade, Gainesville, Millhopper, Kendrick, Lochloosa, Zolfo, Winder and Pinellas.

**Microbrewery:** An establishment in which the principal purpose is the production of malt liquors or beer, including the fermentation, bottling and distribution of beer, and which includes accessory uses that are tourist-oriented, such as tours of the microbrewery, retail sales of beer and related food products. The maximum annual production for a microbrewery is sixty thousand (60,000) barrels.

**Minor subdivision:** A subdivision comprised of ten (10) or less lots.

**Mobile home:** A single portable manufactured housing unit, or a combination of two (2) or more such units connected on-site, that is:

1. Designed to be used for living, sleeping, sanitation, cooking, and eating purposes by one (1) family only and containing independent kitchen, sanitary and sleeping facilities;

2. Designed so that each housing unit can be transported on its own chassis;

3. Placed on a temporary or semipermanent foundation; and

4. Is over thirty-two (32) feet in length and over eight (8) feet in width.

**Mobile home park:** A combination of ten (10) or more mobile homes on a single zoning lot.

**Modular news rack:** A connected grouping of at least two (2) pockets within a single news rack in or upon, or projecting onto, or over, any part of the public right-of-way, and which is bolted directly to concrete surface, installed or used for the display, sale or distribution of newspapers, other periodicals or advertising circulars.

**Monopole:** Monopole means a vertical support structure, consisting of a single vertical metal, concrete or wooden pole, typically round or square, and driven into the ground or attached to a foundation.

**Mulch:** Any material applied to the soil surface to retain soil moisture, control erosion, inhibit weeds, and/or regulate soil temperatures.

**Multiple listing strips:** Strips of wood or like material or paper affixed to, around or upon a real estate sign to indicate that the property being advertised for sale is also advertised within the real estate industry by virtue of their multiple listings service.

**Multiple occupancy parcel:** Any parcel which is occupied by more than one (1) establishment.

**Multiple property designation:** A group of historic properties related by common theme, general geographical area, and period of time that has been recommended for designation by the HPC and designated by the city as set forth in section 27-256 herein. A group of historic properties shall qualify for designation as a multiple property designation when each individual historic property meets the designation criteria set forth in section 27-257 herein.

**National Historic Landmark:** A historic property evaluated and found to have significance at the national level and designated as such by the Secretary of the Interior.

**National Register of Historic Places:** The official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture.

**Native:** An adjective used to describe species of flora and fauna which naturally occur in Hillsborough County and the City of Tampa; not to mean naturalized or indigenous species which originate from outside the city.

**Native plant community:** Those plant communities naturally occurring in north and central Florida.

**Native plant material:** Any plant material indigenous to central Florida and which is naturally grown or commercially propagated or cultivated for the nursery or landscaping industry.
Native tree: Any tree indigenous to central Florida or the city and which is naturally grown or commercially propagated or cultivated for the nursery or landscaping industry.

Natural plant: A plant, once established, that survives on rainfall without irrigation.

Natural plant communities: Naturally occurring stands of native plant associations exhibiting minimal signs of anthropogenic disturbance. Specific community types can be identified by characteristic dominant plant species composition. Community types found in the City of Tampa include pine flatwoods, dry prairie, sand pine scrub, sandhill, scrubby flatwoods, xeric oak scrub, xeric hammock, mesic hammock, hardwood swamps, cypress swamps, freshwater marsh, wet prairies, coastal marsh, mangrove swamp, coastal strand (see natural beaches and dunes) and marine grasslands.

Natural preserves: Publicly or privately owned lands or waters set aside for preservation in their natural state.

Natural resources coordinator: As part of the planning division in the PDD, the coordinator is the city official responsible for interpretation and enforcement of applicable provisions set forth in this chapter and Chapter 13, Landscaping, Tree Removal and Site Clearing.

Natural shorelines (other than natural beaches and dunes): All emergent and submerge lands which are not classified as preservation areas, which border class I, II or III waters, which are within the mean annual floodplain of said waters and whose topography has not been significantly altered by human activity.

NCNB Plaza: The area described in Ordinance No. 9130-A.

New construction: The erection of a building or structure or the addition of greater than fifty (50) percent of the existing building size in square feet.

News rack: Any unstaffed, self-service, free, or coin-operated box, container, storage unit or other dispenser located in or upon, or projecting onto, or over, any part of the public right-of-way, and which is installed, used or maintained for the display, sale, or free distribution of newspapers and other publications. News rack includes modular news rack.

Nightclub: An establishment that may include a restaurant or bar component, and wherein paid (hired for compensation) floor shows or other forms of paid entertainment, including but not limited to DJs and live bands, are provided for customers as a part of the commercial enterprise.

No dumping sign: A sign having copy which includes the words "no dumping" and which is designed to inform the public that permission to place any putrescible or non-putrescible material or other solid or liquid waste is expressly denied.

Nonconforming parking lot: Any property used as a principal or interim parking lot, which does not comply with the requirements of section 27-283.12.

Nonconforming sign: Any sign lawfully in existence within the City of Tampa on the effective date of this chapter (December 15, 2012) which does not conform to the requirements of this chapter. An illegal sign shall not be considered to be a nonconforming sign.

Nonconformities: Those characteristics of the property, structure, or use, as determined through a formal decision, which are not permitted in the schedule of permitted uses or do not conform to the schedule of area, height, bulk, and placement regulations, or other provisions of this chapter, but were legal at the time they were established.

Non-contributing: A building, object, or structure that does not add to the historic architectural qualities, historic associations or archaeological values for which a property is significant because (a) it was not present during the period of significance, (b) due to alterations, disturbances, additions, or other changes, it no longer possesses historical integrity reflecting its character at that time or is incapable of yielding important information about the period, or (c) does not independently meet the historic landmarks criteria set forth in Appendix V of the National Register of Historic Places Bulletin 16A, "How to Complete the National Register Registration Form" or any amendment or replacement thereof.
Non-profit land conservation agency or organization: An agency or organization whose purpose is the preservation of natural areas, and which is exempt from federal income tax under Section 501(c)(3) of the United States Internal Revenue Code.

Non-transient lodging unit: A room or group of rooms forming a separate habitable unit used or intended to be used for living and sleeping purposes, without independent kitchen facilities. It is presumed that the lodging unit is the sole residence of the occupant(s).

Nonwooded land: A parcel greater than one (1) acre less than fifty (50) percent of which is covered by native tree canopy and/or forested native plant communities, exclusive of wetlands.

Notice (notification): Unless otherwise specified, where notice is required by this chapter to be
given, it shall be given by certified mail delivery to the last known address of the person to be notified, or by hand delivery to such person. Additionally, the sign structure or property on which the sign is located shall be posted with a notice of violation. If certified mail delivery or hand delivery is not possible, then an advertisement in any regularly published newspaper in the city shall suffice.

No trespassing sign: A sign having copy which includes the words "no trespassing" and which is designed to inform the public that permission to enter a parcel of land is expressly denied.

Number of off-site spaces: The total number of spaces located within five hundred (500) feet of the property and which meet the code requirements of this chapter.

Number of on-site spaces: The total number of spaces contained on the site which meet the code requirements of this chapter.

Number of spaces required: The required number of parking spaces for the designated land use as defined in this chapter.

Nursing, convalescent and extended care facility: Any facility which provides nursing services as defined in F.S. Ch. 464. "Facility" means any institution, building, residence, private home or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care or custodial care for more than twenty (20) persons not related to the owner or manager by blood or marriage, who by reason of illness, physical infirmity or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill.

Oasis plant: A plant, once established, requiring frequent irrigation.

Object: A construction primarily artistic in nature or relatively small in scale and simply constructed, such as a statue or milepost.

Office, business or professional: An establishment offering services or knowledge to the business community or to individuals, but excluding a medical office. Such activities would include accounting, brokerage, insurance, advertising, employment services, real estate services, lawyer and architect.

Office district: An office district is any property which is zoned RO, RO-1, OP, OP-1, SH-RO, or PD or PD-A (approved primarily for office uses).

Office, medical: An establishment offering medical services and knowledge to the community or individuals. Such activities would include physician, dentist, psychologist, chiropractor, mental health therapist and physical and recuperative therapists.

Off-site conservation fund: A fund established for the purpose of acquisition, restoration and management of significant or essential wildlife habitat. The fund shall be managed by a local government or the local government may contract with a non-profit land conservation agency or organization to manage such fund.

Off-site preservation land bank: An area of land in the City of Tampa or Hillsborough County which is approved by the city as appropriate for off-site preservation of upland habitats as provided in this article and which is in either public or private ownership or has been acquired by a non-profit land conservation organization for the purpose of being used as a land bank for the preservation or restoration of land.

Off-site sign: Any sign upon which commercial or noncommercial advertising or any other matter may be displayed, advertising goods, services or other things not sold or available upon the parcel (or zoning lot, if a signage plan is approved for the parcel) or only incidentally available where the sign is located.

One foot-candle: The amount of illumination provided by one (1) lumen uniformly distributed on one (1) square foot of surface.

On-site sign: Any sign upon which commercial or noncommercial advertising or any other matter may be displayed, advertising goods, services or other things sold or available upon the parcel where the sign is located. Any authorized or permitted on-site sign is allowed to contain non-commercial speech in lieu of any other speech.
Open display: The display outside of a structure of finished products or merchandise which is available for sale or lease at the establishment where it is displayed. By way of illustration, open display may include but is not limited to boats, recreational vehicles, cars, trucks and lawn care equipment.

Open storage: The storage or keeping, outside of a completely enclosed building, of any materials, goods, merchandise, equipment or vehicles.

Ordinary maintenance: Work done to repair ordinary damage or to prevent ordinary deterioration or decay of a building, improvement, object, structure or site or any part thereof as nearly as possible to its condition prior to such damage, deterioration, or decay, and which does not involve or cause a change in the design, the material, or the exterior appearance of the building, improvement, object or structure or site.

Overlay districts: Geographic areas, identified in Chapter 27, which overlay the underlying zoning districts providing for additional development and sign regulations. See Chapter 27 for the applicable sign regulations for overlay districts.

Overspray: Water that is delivered beyond the landscape area wetting pavements, walks, structures, or other non-landscaped areas.

Owner: The person to whom a permit or license shall be issued, for example, to install, operate and maintain trash receptacles upon the sidewalks of the city.

Parcel: A contiguous area of land with its appurtenances and buildings which, because of its unity of use or commonality of ownership, may be regarded as the smallest conveyable unit of real estate and is capable of being described with such definiteness that its location and boundary can be established, and which is leased, owned, or designated by its owner or developer as land to be used or developed as part of a consistent development plan; provided, however, a parcel may consist of more than one (1) parcel under separate ownership if these parcels are: (i) one zoning lot of record or subject to a single PD zoning site plan and (ii) a common signage plan is prepared and approved as part of the zoning of the parcels or pursuant to the procedures provided for in this chapter.

Parking, accessory: Space located outside of any street right-of-way or easement and designed to accommodate the parking of motor vehicles on the same zoning lot as the principal use and where the principal use is also a permitted use within the zoning district of the property used for said parking.

Parking, bicycle: Designated area for parking bicycles, which may consist of standard bicycle racks, storage lockers, or other secured, lockable facilities.

Parking, commercial: Any garage or surface level lot used and designed to accommodate the parking of motor vehicles for an adjacent commercial or office use.

Parking, principal: Any garage or surface level lot at which the parking of vehicles is the principal use of the property, which lot is intended to be used for a period longer than six (6) years, whether operated for commercial or private purposes.

Parking lot, temporary: An area or portion of a lot located outside of any public right-of-way or easement used during the construction or reconstruction of a building project to park motor vehicles of employees, tenants, guests, patrons, construction workers or other like visitors whenever the off-street parking required by this chapter cannot be provided or is displaced for a temporary period of time due to the construction or reconstruction.

Parking space credit: The equivalent of one (1) parking space paid for by the developer through an in-lieu parking payment.

Participating organization: An organization that has an interest in land development decisions made within the City of Tampa. In order to qualify as a participating organization, the organization must either be (1) an Officially Registered Neighborhood Association with the City of Tampa Neighborhood and Community Relations office or (2) after March 31, 2011 an incorporated not for profit entity or condominium association as evidenced by a valid certificate of status issued
by the Department of State. A participating organization must appoint an authorized representative to receive mailed notice and to act on behalf of the participating organization. Applications for land development decisions filed prior to March 31, 2011 shall only be required to provide good neighbor notice to Officially Registered Neighborhood Associations.

Patently inconsistent: Clearly, obviously, and plainly incompatible or lacking consistency with.

Paving base: Material placed prior to the final riding surface, usually consisting of shell, marl, limestone, soil, cement or bituminous concrete.

P.C.P.: "Permanent Control Point," which shall be a secondary horizontal control monument and shall be a metal marker with the point of reference marked thereon; or a four-inch by four-inch concrete monument a minimum of twenty-four (24) inches long with the point of reference marked thereon. P.C.P.'s shall bear the registration number of the surveyor filing the plat of record.

PDD: Abbreviation for the planning and development department.

PDD director: The director of the planning and development department or designee who shall be responsible for the management of the affairs of the department.

Pennant: A piece of fabric or material which tapers to a point or swallow tail, which is attached to a string or wire, either singularly or in series.

Pergola: An arbor or a passageway of columns supporting a roof of trelliswork on which climbing plants are trained to grow.

Permanently protected: Ownership of the fee simple title of land by, or the establishment of a permanent conservation easement containing restrictions substantially similar to those in F.S. (1993) § 704.06, in favor of the City of Tampa or other land conservation governmental agency, or a private, non-profit land conservation organization.

Permanent sign: A permanent sign is one which is fixed to a building or the ground in such a manner as to be immobile without the use of extraordinary means, such as disassembly.
amount of organic matter in the top few centimeters, and an acid, organic hardpan one (1) to three (3) feet beneath the surface. This hardpan reduces rainfall percolation, reduces the upward movement of water, and impeded root penetration during droughts. Two (2) major types of flatwoods occur in Hillsborough County. Long-leaf pine flatwoods are found on well-drained sites and are characterized by having long-leaf pine as the dominant overstory tree. Slash pine flatwoods, with slash pine as the dominant overstory species, usually occur in areas of intermediate wetness. Considerable overlap in understory plants exist between the two (2) major types of flatwoods, with many species found in both communities. Generally however, gallberry and saw palmetto dominate the understory in slash pine flatwoods, and wireglass and runner oaks are especially prevalent in longleaf pine flatwoods. Flatwoods also often contain cypress domes, bay heads, freshwater marshes and wet prairies. Two (2) variants of this plant community are cabbage palm flatwoods and scrubby flatwoods. Cabbage palm flatwoods typically occur in low, flat coastal areas. Here the dominant overstory trees are cabbage palm and slash pine and the understory is sparse. Ground cover consists of more water tolerant, herbaceous species. Scrubby flatwoods often occur on drier ridges in flatwoods. The overstory tree of this vegetation type may be either slash pine, longleaf pine or sand pine scrub. In some cases, pines may be absent. Fire and water are the two (2) main determinants of flatwoods ecology. Slash pine flatwoods are subject to less moisture stress and have the highest species diversity. Fire is instrumental in reducing competition from hardwoods, but does not occur often enough to kill the young, fire-sensitive slash pines. Long-leaf pine flatwoods are stressed by a relative lack of water, which reduces plant diversity. Fire is important in hardwood suppression and in making an area suitable for longleaf pine germination. The longleaf pine is particularly well adapted to fire and is immune to ground fires at almost all stages of growth. A mixed hardwood and pine forest is a successional stage of pine flatwoods where fire is no longer a controlling factor in suppressing hardwoods. Representative soils: Eaton, Immokalee, Myakka, Smyrna, Ona, St. Johns and Wabasso.

**Place of assembly:** A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or terpsichorean performances, speeches or ceremonies, and other entertainment events, including stadiums, coliseums, athletic centers, concert halls, amphitheaters and arenas.

**Place of religious assembly:** A structure in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. A place of religious assembly shall also include structures for related religious activities on the same site such as educational buildings, administrative buildings and sleeping quarters for personnel (parsonage, convent, monastery, etc.). As part of this definition, uses such as daycare, elementary or secondary school, assisted living facilities, professional residential facilities, and emergency shelters are not included as "related religious activities" without proper approval for such use.

**PDD (Department):** The Planning and Development Department (PDD).

**Planned development:** Land that is under unified control and planned and developed as a whole in a single development operation or a definitely programmed series of development operations. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned development. A planned development is constructed according to comprehensive and detailed plans which include not only streets, utilities, lots or building sites and the like, but also site plans and floor plans for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings. A planned development includes a program for the provisions, operation and maintenance of such areas, facilities and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated or maintained at general public expense.

**Planning commission:** The Hillsborough County City-County Planning Commission.
**Plant material:** Any ground covers, shrubs, turf or vines which are commercially propagated or cultivated for the nursery or landscaping industry.

**Plat:** A map or delineated representation of the subdivision of lands being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this chapter and of any local ordinances and may include the terms "replat," "amended plat," or "revised plat."

**Political campaign sign:** A sign identifying and urging support for or opposition to a particular issue, political party, ballot issue or candidate relating to an event or occurrence scheduled to take place at a specific time and place.

**Portable signs:** Any sign which is not permanently erected on the site (building or lot) and which may be moved readily from place to place; except that this definition shall not apply to signs painted directly on vehicles or signs displayed through, but not on, windows.

**Preliminary development permit:** An ordinance of the city approving a rezoning or special use, or the administrative approval of a preliminary plat.

**Preservation (historic):** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property.

**Preservation (natural resource):** As this term is used in this article, preservation means the protection and maintenance of the integrity of a species and its habitat, or a natural plant community, from the direct and secondary impacts of development.

**Preservation areas:** See "Environmentally sensitive areas."

**Printing and publishing:** An establishment primarily engaged in preparing, publishing and printing newspapers, periodicals, books and pamphlets.

**Printing, light:** An establishment whose principal use is printing, reproduction or publishing, but not including large-scale typesetting operations.

**Prior parking space credit:** The space credit for a designated number of spaces for which an in-lieu parking payment has previously been paid to the city.

**Private cultural facility:** The use of land, buildings or structures by an incorporated not-for-profit entity to provide cultural services directly to the general public, including libraries and museums.

**Private pleasure craft:** A vessel which is privately owned or leased primarily for recreational purposes. Private pleasure craft do not include commercial, official or scientific vessels. For regulatory purposes, private pleasure craft are divided into two (2) classes as follows:

1. **Minor**—Under sixteen (16) feet in length;
2. **Major**—Sixteen (16) feet or more in length.

Private pleasure craft may or may not contain facilities qualifying them as dwelling or lodging units. Where they do contain facilities, use within the city shall be governed as provided in this chapter and other applicable regulations.

**P.R.M.:** A "Permanent Reference Monument," which consists of a metal rod a minimum of twenty-four (24) inches long or a one-and-one-half-inch minimum diameter metal pipe a minimum of twenty (20) inches long, either of which shall be encased in a solid block of concrete or set in natural bedrock a minimum of six (6) inches in diameter, and extending a minimum of eighteen (18) inches below the top of the monument, or a concrete monument four (4) inches by four (4) inches a minimum of twenty-four (24) inches long, with the point of reference marked thereon. A metal cap marker, with the point of reference marked thereon, shall bear the registration number of the surveyor certifying the plat of record, and the letters "PRM" shall be placed in the top of the monument.

**Professional residential facility:** Any residential establishment, other than a hospital or nursing home, providing board, lodging, supervision, medication, counseling or other diagnostic or therapeutic services and licensed by the state depart-
ment of health and rehabilitative services. Professional residential facilities are further defined by the following types:

1. **Recovery home, A**: A group residential facility providing room, board and professional services to no more than eight (8) persons in need of a structured environment. For the purpose of this chapter, a "recovery home" shall not be deemed to include a residential treatment facility, a group care home, family care home, nursing home, hospital, emergency shelter, emergency shelter home or foster home.

2. **Recovery home, B**: A group residential facility providing room, board and professional services to at least nine (9), but no more than sixteen (16) persons in need of a structured environment. For the purpose of this chapter, a "recovery home" shall not be deemed to include a residential treatment facility, a group care home, family care home, nursing home, hospital, emergency shelter, emergency shelter home or foster home.

3. **Residential treatment facility**: Any residential establishment, other than a hospital or nursing home, providing relatively intensive diagnostic or therapeutic services for one (1) or more residents. For the purpose of this chapter, a "residential treatment facility" shall not be deemed to include a nursing home, hospital, group care home, family care home, nursing home, hospital, emergency shelter, emergency shelter home or foster home.

4. **Life care retirement facility**: A condominium/cooperative which has nursing home services as a part of the facility or has nursing home services at a separate location.

**Projecting signs**: Any sign which is attached to or projects from the outside wall of any building or structure, excluding wall signs as defined herein.

**Protected tree**: A tree and its root system, other than trees exempted in section 13-7, having the characteristics set forth in section 13-6.

**Protective barricade**: A physical structure not less than three (3) feet in height; limiting access to protected trees and grand trees. A suitable protective barrier shall visually define the required protective root zone (PRZ) during construction.

**Protective barrier**: A physical structure not less than four (4) feet in height, composed of wood or other suitable materials, limiting access to a protected area to assure compliance with the intent of this Code. Natural areas to be preserved, such as conservation areas, preservation areas, areas where the vegetation of natural plant communities is retained and other areas where land alteration is not authorized, can be protected during land alteration and construction activities by placing stakes, or other acceptable materials, at the perimeter of such areas a maximum of twenty-five (25) feet apart, and tying twine flagged with plastic surveying tape from stake to stake along the perimeter of such areas to be preserved.

**Protective covenants**: Separate contracts or individual covenants entered into between the developer or other seller and lot purchaser and which constitute a restriction on the use of all private property within a subdivision for the benefit of property owners designed to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

**Protective dry well and drainage/aeration systems**: A tree protection technique used to stabilize soil and provide air and water to root systems when the grade is raised.

**Protective retaining wall**: A tree protection technique used to stabilize soil around root systems when the grade is lowered.

**Protective root zone (PRZ)**: The entire surface and subsurface soil area encompassed by prescribed radius for protected and grand trees (per the technical manual).

**Provider**: Any person that places or seeks to place communications facilities in the public rights-
of-way, or uses or seeks to use communications facilities placed or to be placed in the public rights-of-way by another person, to provide communications services.

PSC: The Florida Public Service Commission.

Public art: See definition in Chapter 4, City of Tampa Code of Ordinances.

Public cultural facility: The use of land, buildings or structures by a municipal or other governmental agency to provide cultural services directly to the general public, including public libraries and museums.

Public facilities and services: Those public facilities and services for which level of service standards have been established in the Tampa Comprehensive Plan, which are recognized in section 17.5-46 of this article, and which are listed below:

1. Potable water;
2. Wastewater;
3. Solid waste;
4. Parks and recreation;
5. Stormwater management;
6. Transportation; and

Public food service establishments: An establishment that is operating as a restaurant or restaurant drive-in, including sidewalk cafés.

Public open space: Solely for purposes of Article II, Division 2, Subdivision 3, Central Business District, hereof, open space is deemed to mean an area open to the sky, but may include arcades, canopies, or similar permanent feature (with a minimum fifteen (15) feet vertical clearance from grade) to provide weather protection and unique architectural design, while allowing the movement of light and air and maintaining commercial storefront visibility.

Public place: Public rights-of-way (excluding sidewalks), roads (excluding sidewalks), streets (excluding sidewalks), highways, alleys, bridges, any river, channel, lake, bay, body of water, public park or any adjacent parcel under separate ownership unless the parcels consist of one (1) zoning lot of record which is the subject of a common signage plan approved for the entire zoning lot.

Public rights-of-way: The roads, streets, alleys, highways, waterways, bridges, sidewalks, and other ways or places of whatever nature, including the space above, on, at or below such rights-of-way, that are owned by the city, publicly held by the city, dedicated to the city, controlled by the city, for public use and presently opened or to be opened for public use, including vehicular and pedestrian movement.

Public service facility: The use of land, buildings or structures by a public utility, railroad or governmental agency, including water treatment plants or pumping stations, sewage treatment plants or pumping stations, nonnuclear power plants and substations, telephone exchanges and other similar public service structures, but not including land, buildings or structures devoted solely to the storage and maintenance of equipment and materials.

Public space: An area that is easily accessible and designed to physically accommodate public use during normal business hours.

Public use: Activities enjoyed or engaged in by the general public including sitting, talking, meeting, eating, meditating, viewing, reading, relaxing and any other activities commonly associated with and/or fostering human social interaction.

Public use facility: The use of land, buildings or structures by a municipal or other governmental agency to provide protective, administrative, social and recreational services directly to the general public, including police and fire stations, municipal buildings, community centers, public parks and any other public facility providing the above services, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and not including public cultural facilities or public service facilities.

Pylon sign: Any sign which is supported by structures or supports in or upon the ground and independent of support from any building. However, a pylon sign shall be specifically excluded from the definition of a ground sign. The struc-
tural elements of a pylon sign shall not exceed one and one-half (1½) feet in diameter and, if so, shall be considered a ground sign.

Radio/TV studio: A facility for the production and broadcast of radio and/or television programs, including such elements as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and construction areas, receiving facilities and transmitting facilities operating on other than the commercial or public AM, FM, television or international shortwave broadcast frequencies for the purpose of relaying radio and/or television signals between the radio/TV studio and a radio/TV transmitter site or communications satellites, mobile broadcast units, microwave relay facilities or other such facilities, the use and accessibility of which are limited to the broadcast industry.

Rain sensor device: A calibrated device that is designed to measure rainfall and override the irrigation cycle of the irrigation system when a pre-determined amount of rainfall has occurred. The suggested setting of the rain sensor device for shut-off, as per the University of Florida’s Institute of Food and Agricultural Sciences (IFAS), is one-half (½) to three-quarters (¾) inch.

Real estate sign: A sign which advertises the sale, rental or development of the parcel upon which it is located.

Recommended tree: A tree of two (2) inches or greater in diameter, as measured six (6) inches above grade, which is included in the recommended tree list set forth herein as Schedule E in section 13-165.

Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, buildings, structure, or object for the purpose of replicating its appearance at a specific period of time and its historic location.

Reconstruction (sign): Reconstruction shall be permitted when the historic sign is missing. The reconstruction shall be based upon historical, pictorial, or physical documentation or, if historical documentation is not available, a new design that is compatible with the historic character of the building as determined by the Architectural Review Commission or the Barrio Latino Commission. The size of the sign shall not exceed the size of the original historic sign, based upon the aforementioned documentation.

Record drawings: See “as-built drawings.”

Recreational facility, commercial:

1. Indoor: An indoor facility, privately operated for profit, including but not limited to indoor swimming pools and tennis courts, health clubs, amusement arcades, bowling alleys, skating rinks, pool halls and theatres.

2. Outdoor: An outdoor facility, privately operated for profit, including but not limited to outdoor swimming pools, tennis courts, pointball sports, miniature golf, go-cart tracks.

Recreational facility, private: A privately operated facility providing indoor or outdoor recreational activities, including but not limited to community clubs and meeting halls (boys and girls), country clubs, golf courses, riding stables and tennis clubs.

Recreational vehicle and equipment: Vehicle or equipment designed and built for recreational purposes such as camping, boating and off-road sports. Recreational vehicles and equipment include but are not limited to truck campers, golf carts, dirt bikes, pleasure craft, motor homes, travel trailers and converted buses.

Recycling/building and auto parts: The use of any land whether inside or outside of a building for the purpose of sale of used building materials and/or automotive parts. The dismantling of wrecked or inoperative automobile or other vehicles or machinery is allowed provided the removal of all scrap metals or other scrap materials and junk is removed from the property on a quarterly basis.

Recycling—Materials and goods: The use of any land whether inside or outside of a building for the purpose of recycling, processing, and sale of used/recycled building materials, and/or automotive vehicle/vessel parts, computer components, or residential/commercial appliances. Processing means the preparation of material for
efficient shipment, or to an end-user's specifications, by such means as baling, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing. Any sorting and disposing of universal waste (batteries, fluorescent tubes, and some electronic devices), as well as the overall operation of the establishment, must comply with all necessary requirements of local, state, and federal law.

Refuse bin: A large metal box for solid waste, usually of the two (2) cubic yard to eight (8) cubic-yard size, or compactors and roll-off boxes of larger capacities, lifted mechanically by trucks in order to empty.

Registered land surveyor: A person who is registered to engage in the practice of land surveying as defined in and in accordance with F.S. § 472.001 through 472.039.

Registered landscape architect: A person who holds a license to practice landscape architecture as defined in and in accordance with F.S. § 481.301 et seq.

Rehabilitation: The act or process of returning a building, improvement, object, structure or site to a state of utility, through repair, alteration or addition, which makes possible an efficient contemporary use while preserving those portions and features of the property that are significant to its historic, architectural and cultural values.

Rehabilitation (sign): Rehabilitation shall permit the removal of the historic sign for repairs, such as cleaning, rust removal, electrical repairs or replacements, and application of protective coating systems. Rehabilitation shall permit replacing in-kind entire components of the sign that are too deteriorated to repair. If using the same material is not technically or economically feasible, then a compatible substitute material may be considered. The name or graphics on the sign may be changed.

Related owner: A person related to an owner of property by blood or marriage or an entity owned, controlled, or operated by or under the common control of an owner or person related thereto by blood or marriage.

Relocate: Any change in the position of a sign from its original location.

Relocated tree: A protected tree that has been transplanted in the areas specified in this chapter.

Remodeling: Work which changes the original size, location or material of the components of a building.

Removed tree: A protected tree that has been irreversibly damaged or destroyed.

Renovation, rehabilitation, building improvement: Those words used to describe a change or modification to an existing structure. The change may include expansion or upgrading of a building.

Replaced tree: A recommended tree planted in the areas specified in this chapter in the place of a protected tree or grand tree which was irreversibly damaged or destroyed.

Research activity: Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering, provided such activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration or odor detectable outside the buildings.

Residential building: Any single-or two-family building or accessory structure.


Restaurant: An establishment whose principal business is the preparation, serving, and selling of food, to the customer for immediate consumption on or in the vicinity of the premises or for take-out by customers. Food shall be continuously ready to be prepared, served, and sold during all business operational hours for a restaurant use. All restaurants shall be appropriately licensed as a restaurant or similar food service-type use by the State of Florida.
Restaurant, drive-in: A restaurant whose business also includes one (1) or both of the following characteristics:

(1) Serving and selling of food directly to the customer in a motor vehicle by a carhop or by other means, which eliminates the need for the customer to exit the motor vehicle.

(2) The consumption of food within a motor vehicle parked upon the premises, or at any facilities on the premises outside the restaurant building, where consumption is allowed, encouraged, or permitted.

Restoration (historic): The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of removal of features from other periods of history and reconstruction of missing features from the restoration period.

Restoration (natural resource): The process of reestablishing natural plant communities and moisture conditions which are at least the ecologically functional equivalent of the pre-disturbed land.

Restoration (sign): Restoration shall permit the removal of the historic sign for repairs, such as cleaning, rust removal, limited paint removal, electrical repairs or replacements, and re-application of protective coating systems. The name or graphics may not be changed.

Retail bakery: A place where products such as bread, cake, and pastries are predominantly baked and sold retail on premise and may be sold wholesale.

Retail sales, convenience goods: Commercial establishments that generally serve day-to-day commercial needs of a residential neighborhood, including but not limited to drugstores, tobacco shops, newsstands, bakeries, confectioneries, delicatessens, meat and produce markets, food stores with less than ten thousand (10,000) square feet in floor area, and eating and drinking establishments. Specifically excluded from this class of uses is retail sale of spirits and liquors.

Retail sales, gasoline: Commercial establishment which sells gasoline or diesel fuel directly to the consumer. The user “retail sales, gasoline” does not imply that vehicular repairs (major or minor) are permitted as part of this use.

Retail sales, lawn and garden shop: The retail sales of plants, prepackaged gardening materials (such as, mulch, fertilizer, and seed), gardening equipment (such as, lawn mowers, hedges, and rakes) and other similar commodities.

Retail sales, shoppers’ goods: Commercial establishments that, in addition to serving day-to-day commercial needs of a community, also supply the more durable and permanent needs of a whole community, including but not limited to supermarkets, department stores, discount stores, variety stores, hardware and garden supply stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, automotive supply stores and appliance stores.

Retail sales, specialty goods: Commercial establishments that cater to particularized markets, such as tourists, ethnic groups, collectors, etc., and offering a single type, or closely related types, of merchandise oriented toward impulse or discretionary purchase rather than satisfaction of regular or recurring needs. Included in this use type is accessory custom manufacturing, which involves the production for on-site sale only of crafts, jewelry, or related specialty items. Individual establishments will have relatively small floor areas (not more than two thousand (2,000) square feet). Typical uses would include storefronts that sell art or craft objects; flowers or plants; gifts, novelties, or souvenirs; beachwear; and antiques.

Retail space: Space within a structure that has been designated for retail uses.

Reupholstery shop: An establishment which recovers and/or repairs the upholstery of furniture or vehicles. Reupholstery shop shall not be deemed to include open storage or outdoor display.

Revolving signs: Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.
Right-of-way: A portion of land, which is dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals or governing bodies.

Right-of-way line: That line which delineates the right-of-way from adjacent property.

Riverwalk: A high quality, integrated manmade continuous pedestrian pathway constructed within the waterfront building setback area and designed to facilitate pedestrian access, activity and movement along the waterfront.

Roof sign: Sign that is erected, constructed or maintained on the roof of a building or structure above the eaves, or above mansards, parapets, or other similar architectural features of buildings or structures which are capable of supporting signs.

Roof line: The top edge of the roof or parapet. Whichever forms the top line of the building silhouette when viewed from the ground level.

Roominghouse: A building or group of buildings containing in combination three (3) to six (6) non-transient lodging units offered for rental or lease for periods of longer than one (1) week, with or without board.

Root pruning: An arboricultural technique for preserving trees by providing for the sharp severance of tree roots at a prescribed off-set relating to the size of the tree. Equipment must be approved by the department and have the capability of cutting to a minimum depth of eighteen (18) inches below grade in order to protect residual roots within the protected root zone.

Runoff: Water, not absorbed by the soil, that flows from the area.

Sandhill: Sandhill communities occur on well-drained, white to yellowish sands. The sands are usually deep and relatively sterile, but contain more organic matter than the soils of the sand pine scrub community. Long-leaf pines form a scattered overstory in mature natural sands. In many areas of this community, xeric oaks, such as turkey oak and bluejack oak, which were originally small understory trees, now form the overstory as a result of logging of the pines and prevention of fire. Where the pines are not present, the community is known as xeric hammock. Although tree species diversity if low, there is a wide variety of herbaceous plants, such as wiregrass, beggar's tick, Paridae pea, queen's delight, tread softly and other plants, which provide fairly complete ground cover. Fire is also a dominant factor in the ecology of this community. The interrelationships of the sandhill vegetation types, particularly the longleaf pine/wireglass relationship, are dependent on frequent ground fires. The longleaf pine is sensitive to hardwood competition, and wiregrass plays a major role in preventing the germination of hardwood seeds while ensuring that there is sufficient fuel build-up on the floor of the community to carry a fire over large areas. The burrowing habits of many of the animals of this association play a significant role in recycling the easily leached nutrients to the surface. Representative soils: Candle, Lake, Orlando, and Tavares.

Sand pine scrub: A plant community found almost exclusively on relict dunes or other marine features created along present and former shorelines. The soil is composed of well-washed and sterile sands. This community is typically two-layered, with sand pine occupying the top layer and various scrubbly oaks and other scrub species making up a thick, often clumped understory. Where sand pines are not present, the community is known as xeric oak scrub. Little herbaceous ground cover exists, and large areas of bare sand occur frequently. Typical understory plants include myrtle oak, sand live oak, Florida rosemary, Chapman's oak, scrub holly, and sickbay. Florida bluestem grass also is a good indicator species of scrub communities. Sand pine scrub is essentially a fire-based community. Ground vegetation is extremely sparse and leaf fall is minimal, thus reducing the chance of frequent ground fires so important in the sandhill community. As the sand pines mature, however, they retain most of their branches and build up large fuel supplies in the crowns. When a fire does occur, this fuel supply, in combination with the resinous needles and high stand density, ensures a hot, fast burning fire. The pine seeds are released by the heat of the fire. Thus, fires allow for regeneration of the sand pine
community, which would otherwise become a xeric oak scrub hardwood community. This type of fire regeneration usually results in even-aged stands of trees. Representative soils: Archibald, Pomelo and Arsenio.

School: A facility providing a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools and comparable private schools.

Screen: A hedge or artificial barrier.

Scrubby flatwoods: Scrubby flatwoods are a xeric variant of pine flatwoods. Representative soils: Pomello, Archbold, and Orsino. See Pine Flatwoods.

Search ring: A geographic area in which a telecommunication carriers antenna is intended to be located in order to serve the carrier’s intended coverage area.

Seawall: An artificial shoreline protection device approved by regulatory agencies.

Secondary impacts of development: The indirect developmental impacts to a species or its habitat, or to a natural plant community, from activities including, but not limited to, those related to the introduction of domestic animals or motorized vehicles, noise, man-induced hydrological changes, suppression of fire in areas naturally adapted to fire, and pesticide and fertilizer applications, that adversely impact the individuals of a species, its habitats, or a natural plan community.


Security: Any:

1. Bond;
2. Letter of credit;
3. Escrow agreement; or
4. Agreement between a CDD and the City of Tampa with proof of funding dedicated exclusively to the installation of infrastructure improvements accompanied by a legal opinion from bond counsel and CPD counsel approved by the city attorney’s office which is pledged by an obligor in order to ensure performance of an obligation, to be used in case of failure in the principal obligation.

Security guard quarters: A home used as the principal residence of a property owner or someone retained by the property owner to patrol the grounds or provide security.

Semi-annual report(ing): A period from January 1 to June 30 and from July 1 to December 31.

Shade tree: A hardwood tree that reaches a minimum height of twenty-five (25) feet at maturity, provides relief from direct sunlight for at least six (6) months each year and is included in the recommended tree list.

Shall: A mandatory condition where the word "shall" is used, the requirement is considered to be mandatory.

Should: An advisory condition where the word "should" is used, the requirement is advisable, recommended, but not mandatory.

Shrub: A multi-stemmed plant with a spread and height characteristic of its species and with a minimum height of two (2) feet when planted.

Sidewalk: The paved portion of a right-of-way specifically designed for pedestrian traffic.

Sidewalk café: An outdoor dining area adjoining a restaurant, located on a public street (which is public through dedication or easement) or public right-of-way that has obtained all necessary city permits to operate and provides waiter or waitress service and contains readily removable tables, chairs or railings, and is open to the air, except that it may have retractable awnings or umbrellas, or other nonpermanent covers.

Sign: Any device, permanent or temporary, which is visible from a public place, including designated roadways as described herein, and which is designed to attract attention to the subject matter of its copy or image shall be deemed to be a sign. Specifically excluded from
this definition is works of art as defined in Chapter 4 of this Code. Further, flags or emblems of any nation, state or political subdivision shall not be considered signs. Interior signs, as hereinafter defined, are not regulated by this chapter.

Sign face: The part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract he attention of the public for any purpose.

Sign number: For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting sign, pylon sign, ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side of the sign.

Sign structure: Any structure, which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports or components attached to or placed around the sign structure.

Sign surface area: The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. The surface area of a sign shall be computed for the entire area within the periphery of a geometric form, or combination of geometric forms. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. The sign area shall include the total of a single side of a sign surface upon which copy could be placed. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, façade, parapet, awning, or the area of the sign shall be the smallest geometric shape which will enclose all of the letters, characters or symbols.

The area of a double-faced sign shall be the total area of each sign face. (See Diagram 1 [section 27-289.12])

Significant wildlife habitat: Contiguous stands of natural plant communities which have the potential to support healthy and diverse populations of native plants and animals and which have been identified in the City of Tampa's Upland Habitat Protection Map. Areas which have been identified on the Map as Significant Wildlife Habitat may, incidentally, include wetlands as delineated by the Hillsborough County Environmental Protection Commission ("EPC").

Single occupancy parcel: Any parcel which is occupied by a single establishment.

Site: A parcel of property intended to be developed as a single project, including phases.

Site clearing: Any development or other activity which alters the land upon which it is located, except for normal sodding and placement of signs.

Site plan controlled districts: CD-2 or CBD-2 (when site plan approved by city council), PD, PD-A, SH-PD, and YC-9.

Sketch plan: An accurate plan delineating the dimensions of a parcel, the existing structures and the protected trees and grand trees to be removed, relocated, or contributed.

Small subdivision: A subdivision comprised of three (3) or less lots.

Snipe sign: Any sign made of paper or other nondurable material which is attached in any way to a utility, tree, fence post or any other similar object located on public or private property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.

Soil moisture sensor: A calibrated device that is designed to measure the quantity of water contained in a material, such as soil on a volumetric or gravimetric basis and override the irrigation cycle of the irrigation system at a pre-determined soil moisture level appropriate to site specific conditions.
Sold signs: Strips of wood or like material or paper affixed to, around or upon real estate sign to indicate that the property being advertised is no longer offered for sale.

Special event: Defined in Chapter 28; or (a) The Gasparilla Parade, the Krewe of the Knights of Sant [sic] Yago Parade, the Gasparilla Distance Classic, the Children's Gasparilla Parade, Guavaween, Fiesta Day, the St. Patrick's Day Parade, the Gasparilla Sidewalk Art Show, Pirate Festival, Freedom Fest (July 4th Celebration) and First Night Tampa Bay; or (b) such other publicly or privately sponsored events of short duration which are determined by city council as qualifying as a "special event" because of the significant positive contribution of the event to the community or because the event is of special economic, social, cultural or historical significance to the community and which event also meets the following criteria:

(i) The event requires a parade, road festival or block party permit from the city; and

(ii) The event requires a Maintenance of Traffic Plan, Sanitation Plan and a Solid Waste Plan.

Special event parking or special event parking lot: A vacant lot which has been permitted for use as a parking lot pursuant to section 27-283.13(b) in connection with: (a) a "special event"; or (b) an event of a temporary nature which requires five (5) or more police officers to handle vehicular and pedestrian traffic associated with the event; or (c) any event occurring at Raymond James Stadium, The Tampa Convention Center or the Ice Palace.

Special restaurant: A restaurant that meets the specific use standards of section 27-132 in order to process as an S-1 permit.

Specialty shops: Establishments offering a single type, or closely related types, of merchandise oriented toward impulse or discretionary purchase rather than satisfaction of regular or recurring needs. Included in this use type is accessory custom manufacturing which involves the production for on-site sale only of crafts, jewelry or related specialty items. Individual establishments will have relatively small floor areas (generally not more than two thousand (2,000) square feet). Typical uses would include sale of art or craft objects; flower or plant shops; shops offering gifts; novelties, or souvenirs; beachwear stores; and antique shops.

Special use: A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare (see Article II, Division 5).

Species of special concern: Faunal species identified in Section 39-27.03-05 FAC which warrant special protection, recognition or considerable because it has an inherent significant vulnerability to habitat modification, environmental alteration, human disturbance, or substantial human exploitation which, in the foreseeable future, may result in its becoming a threatened species; may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; may occupy such an unusually vital and essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; or has not sufficiently recovered from past population depletion.

Specified anatomical areas:

(1) Less than completely and opaquely covered:
   a. Human genitals or pubic region;
   b. Buttocks;
   c. Female breasts below a point immediately above the top of the areola.

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities:

(1) Human genitals in a state of sexual stimulation or arousal;

(2) Acts of human masturbation, sexual intercourse or sodomy, whether actual or simulated;

(3) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
Stockpile, temporary: The short-term storage of soil or earthen products during construction activities of a specific site.

Stop work order: A written notice given to the owner of the property, his agent or the person doing the work or posted at the job site and which provides notice that work is being done contrary to the provisions of this Code and shall immediately cease. It shall state the conditions under which work may be resumed.

Storefront/residential: A building designed to have a storefront occupancy on the first floor facing the street and residential occupancy at the rear of the structure or on the upper floors.

Storefront use shall include:

Commercial: Only those commercial uses identified in the underlying commercial zoning district as a permitted use or a special use. The special use review process and any specified conditions affixed to the approval must be met.

Office: Only this office uses (business or professional or medical) identified in the underlying office zoning district as a permitted use or a special use. The special use review process and any specified conditions affixed to the approval must be met.

Street: The primary access, whether public or private, to a lot or parcel of land. Street includes any accessway, such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved and whether public or private, but shall not include those accessways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers and easements for ingress and egress.

Streets, arterial: Intended to serve moderate to large traffic volumes travelling relatively long distances. Requirements for speed and level of service are usually quite high. Access to arterials should be well controlled and, in general, limited to collector streets and highways. Arterials are used to surround neighborhoods and connect widely separated rural and suburban communities. The arterial system should form a continuous network designed for a free flow of through traffic.

Streets, collector: Intended to serve as the connecting link for local streets and highways and to provide intra-neighborhood transportation. The traffic characteristics generally consist of relatively short trip lengths and moderate speeds and volumes. Access to collectors should be restricted to local streets and highways and major traffic generators. Collectors should penetrate neighborhoods without forming a continuous network, thus discouraging through traffic which is better served by arterials.

Street, dead-end: A street with one (1) end permanently closed with no provision for extension.

Street, freeway (highway): A divided arterial street or highway with a minimum of two (2) lanes in each direction. Access to these facilities is completely controlled and is accomplished by special auxiliary lanes. The function of a freeway is to serve large traffic volumes travelling long distances at high speeds. The safety and operational characteristics should be developed to the highest level.

Street frontage: The length of the property line for a single parcel which runs parallel to and along each public right-of-way (exclusive of alleys) it borders.

Street, local: The primary function of a local street or highway is to serve the adjacent property by providing the initial access to the highway network. These facilities are characterized by short trip lengths, low speeds and small traffic volumes. The design of the network should be directed towards eliminating through traffic from these facilities.

Strip shopping center: A commercial mixed use development (two (2) or more business suites) which was designed and constructed, in accordance with the City of Tampa Development Regulations, for a variety of uses including office, retail and personal service business and these uses are interchangeable. Note that while other uses are commonly found in "strip shopping centers" (such as restaurants, bars and commercial
recreational facilities) the zoning district will control which uses are permitted given compliance with code regulations consistent with change of use.

**Structural alteration:** Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams or girders.

**Structure:** Anything constructed or erected, permanent or portable, including stormwater retention/detention basins and parking lots, which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal and accessory buildings, signs, fences, walls, bridges, monuments, flagpoles, antennas, and transmission poles, towers and cables. For purposes of subdivision, the terms "structure," "improvements" and "utilities" are separately defined.

**Structure, accessory:** A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Structure, principal:** A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which such structure is located.

**Structured environment:** A residential setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication and other treatments.

**Subdivider:** See "developer."

**Subdivision:** The platting of real property into three (3) or more lots, parcels, tracts, tiers, blocks, sites, units or any other division of land for the purpose including the establishment of new streets and alleys, additions and re-subdivisions or replottings and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

**Subdivision agreement:** An agreement between the developer and the city wherein the developer agrees to post performance security prior to final plat approval for any public improvements not yet installed and accepted, to install all improvements in accordance with approved construction drawings and, upon completion of installation, of all improvements, to post defect security warranting the public improvements against defect for a period of thirteen (13) months in consideration for the city's approval of the subdivision final plat and acceptance for maintenance by the city of any public or dedicated improvements. If no improvements are required, this agreement is not necessary.

**Subdivision sign:** Any sign which is designed to identify a subdivision or neighborhood.

**Substantial:** Considerable or fairly large in amount or extent.

**Sufficient management capability:** Sufficient management capability means it is possible to adequately manage and maintain an on-site preservation-site for the long-term continuance of the species or natural plant communities proposed for preservation considering the size and shape of its site, its location, its adjacent and proximate land uses, and the current condition and life history requirements of the species on the site.

**Surface water management system:** Collection facilities, improvements or natural systems whereby surface waters are collected, controlled, conveyed, impounded or obstructed. The term includes drains, impoundments, reservoirs, appurtenant works and works as defined in F.S. § 373.403(1)–(5).

**Survey:** The orderly process of determining data relating to the natural, physical or chemical characteristics of the earth and may be further defined according to the type of data obtained, the methods and instruments used, and the purpose to be served. All surveys showing land boundary information must be in accordance with Rule 21HH-6 of the Minimum Technical Standard for Land Surveys in the State of Florida.

**Sustainable development:** A type of economic revitalization of a defined area that demonstrates a reduction in energy consumption, provision of transportation options, efficient use of land (e.g. reuse of brownfield sites or appropriately scaled,
infill mixed-use developments), and respect and integration of the community’s history, identity, and ecology, in order to convey a healthy and prosperous environment to future generations.

_Tampa Comprehensive Plan:_ The comprehensive plan for the future development of the city or parts thereof adopted under the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, F.S. Ch. 163, as amended.

_Tampa Historic Register:_ The official list of locally designated districts, sites, buildings, structures, and objects in Tampa history, architecture, archaeology, engineering, and culture.

_Telecommunication carrier:_ Telecommunication carrier means any person, firm or entity licensed by the FCC to provide personal wireless services and which is in the business of providing the same.

_Temporary film production:_ Still, live or motion picture production whether made on or by film, electronic tape, or any other electronic device used to produce theatrical motion pictures, television entertainment motion pictures, industrial motion pictures, television commercials, or motion pictures designed for internet broadcast, and which production activity is taking place at a location other than a facility regularly operated for the purpose of conducting such film production activity.

_Temporary help agency:_ Any corporation, partnership or business of any kind whatsoever which, for a monetary consideration, is primarily engaged in supplying workers from a pool of potential employees located on its premises and directly dispatches these employees to another corporation, partnership or business of any kind or to a private individual, on a temporary basis, whether the employees are to work a full-time or part-time schedule; provided, however, that this definition shall not apply to agencies which provide professional employees who are licensed and regulated by the state to other businesses on a temporary basis.

_Temporary sign:_ A sign intended to be displayed for not more than thirty (30) consecutive days nor more than sixty (60) days per year, unless otherwise stated herein. Included in this category are retailers’ signs temporarily displayed for the purpose of informing the public of a sale or "special" offer and banner signs.

_Temporary special event:_ An event occurring on private property which will be held for no longer than two (2) weeks with the intent of drawing a large group of people such as a fund raiser, carnival and revival. Since events which occur on city property, such as parks and rights-of-way, are required to have approvals by the parks department, public works department and/or police department, depending on the event, such events are not considered temporary special events. Also, the retail sales of seasonal items such as pumpkins, fireworks, and Christmas trees are not a temporary special event.

_Temporary waterfront surface parking lots:_ A surface parking lot located on a waterfront parcel within the Central Business District Waterfront Overlay District permitted to operate only until May 7, 2000.

_Tent:_ A temporary structure, the covering of which is made of pliable material or tensioned membrane that achieves its support by mechanical means such as beams, columns, arches, ropes and/or cables.

_Threatened species:_ See “Endangered and threatened species.”

_Tower site:_ A parcel of land smaller than the minimum lot size of its underlying zoning district completely contained within a legal size zoning lot, for the purpose of locating a communication tower.

_Townhouse:_ A single family dwelling constructed in a series or group of attached units with property lines separating each unit.

_Townhouse style:_ A series or group of dwelling units constructed with only side wall(s) of the units attached.

_Trade school:_ An establishment in which is offered, for compensation, instruction in a trade or craft, including but not limited to carpentry, masonry, metal working, machinery repair and operation, welding, fabrication and the like.
Trail: An area for public use, generally made of a hard surface, linear in shape, and designed for pedestrian, bicycle, and recreational traffic, as recommended in the City of Tampa Greenways & Trails Master Plan, as amended.

Transient lodging unit: A room or group of rooms forming a separate habitable unit used or intended to be used for living and sleeping purposes, with or without independent kitchen facilities, occupied or intended to be occupied by transients. It is presumed that the lodging unit is not the sole residence of the occupant(s).

Transit shelter: A small, roofed structure, having from one (1) to three (3) walls, located near a street and designed primarily for the protection and convenience of transit passengers.

Transportation concurrency exception area or TCEA: All portions of the incorporated area of the City of Tampa located south of Fletcher Avenue as depicted or defined in the Transportation Element of the Tampa Comprehensive Plan. All development within the TCEA is excepted from the City of Tampa’s concurrency requirements for transportation.

Transportation service facility: An establishment providing support to the business of circulating people and goods, including such things as bus and train terminals, truck terminals and similar activities.

Trash receptacle: A movable receptacle, suitable for the deposit of trash, located upon a public sidewalk of the city.

Tree: Any self-supporting single-and multi-stem woody plant of a species which grows to at least a height of fifteen (15) feet in the environs of the city and, in addition, all species of Rhizophora mangle (red mangrove), Aguncularia racemosa (white mangrove), Avicennia aemimans (black mangrove) and Conocarpus erecta (buttonwood mangrove), regardless of diameter.

Trellis: A structure of open latticework, especially one used as a support for vines and other creeping plants.

Trimming: To selectively remove branches without irreversibly altering the natural shape or form of a tree and without irreversibly damaging or destroying the tree. Unless specifically allowed by the Natural Resources Coordinator in accordance with the standards set forth herein, all trimming of protected or grand trees shall be performed in accordance with the "American National Standard for Tree Care Operations, ANSI, A300-1995, current addition.

Turf or turfgrass: A surface layer of earth containing a dense growth of grass and its roots suitable to Florida.

Understory vegetation: Native plants typical of natural plant communities consisting of the ground vegetation excluding trees five (5) inches DBH and larger.

Unified control: All land included within one (1) application for purpose of development within a site plan zoning district that is owned or under the control of a petitioner for such zoning designation, whether the petitioner be an individual, partnership or corporation, or a group of individuals, partnerships or corporations.

Uniformity (in lighting): Refers to the evenness of the distribution of light on the surface. Uniformity standards have been established by the IESNA.

Universal waste: Hazardous wastes that are generated by a wide variety of people that contain mercury, lead, cadmium, copper and other substances that are considered hazardous to human and environmental health and that cannot be discarded in solid landfills. Examples of these wastes are batteries, fluorescent tubes, and electronic devices that contain these hazardous substances.

University: Universities, colleges, theological schools or other institutions of higher learning including buildings owned or leased for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, observatories, heating and power plants, laundries, parking facilities, student and faculty centers, athletic facilities, dormitories, fraternities, sororities and such other facilities normally provided by a college or university. These uses shall not be construed to include trade schools or colleges operated for a profit, or to include uses of
any building, stadium, or other facility for commercial purposes other than under jurisdiction of a university or college administration.

_Upland:_ Upland is terrestrial land. Upland does not include wetlands or natural or manmade bodies of water such as lakes, streams, rivers, bays, borrow pits which contain water, canals, and channels.

_Urban:_ Generally refers to an area having the characteristics of a city, with intense development and a wide range of public facilities and services. For purposes of notification distances, urban refers to areas designated by the Comprehensive Plan as being in the Residential-3 category or above (more intense).

_Urban development:_ Development containing mixed uses, areas for the gathering of people with attractors, activities, items of visual interest, and seating areas, and other urban elements, such as pedestrian amenities, works of art and increased landscaping.

_Usable floor area:_ The sum of all spaces, whether fully enclosed in building or open air, that may be occupied by persons. For the purposes of calculating floor area ratio, the usable floor area shall exclude open air terraces, patios, balconies, and breezeways, as well as atriums and parking.

_Use:_ The specific function or activity, as described in the Use Table, Article III, for which land, a building or structure is designated, arranged, intended, occupied or maintained.

_Use, accessory:_ A use on the same lot or in the same structure with and of a nature and extent customarily incidental and subordinate to the principal use of the lot or structure.

_Use, change of:_ A modification to the use (most intense, legally established use in the public record) of a structure or property to accommodate a more intensive use, which adds floor area, increases density, or increases occupancy loads, and requires more total parking spaces than the previous use of the property or structure, as determined by the parking table applicable to the underlying zoning district, as set forth in this Code.

_Use, principal:_ The primary use and chief purpose of a lot or structure.

_USGBC:_ Defined as the United States Green Building Council.

_Utility:_ Any community service available to the general public including, but not limited to, electricity, telephone, gas and cable television.

_Utility or assistance animal:_ Any animal which assists people or entities in the completion of daily or official tasks, as applicable.

_Utility transmission site:_ The use of land, buildings and/or structures for the aboveground transmission of electric, electronic telephone or other utilities. A utility transmission site shall not be deemed to include a radio/TV transmission site.

_Variance:_ A relaxation by the board of adjustment of the dimensional regulation of this chapter where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship (see section 27-287.24).

_Vehicular display area:_ Any area of land used exclusively for the outdoor display, storage or sale of any and all types of vehicles, mobile homes, or boats. Unless expressly excluded in the context of its use, "vehicular display area" shall include vehicular storage areas located on the parcel.

_Vehicle repair, major:_ An establishment whose principal use is the service, repair and/or painting of any vehicle such as an automobile, ambulance, boat, farm machinery, motorcycle, motor home, truck or travel trailer.

_Vehicle repair, minor:_ An establishment which provides minor service and maintenance of the ancillary systems of a vehicle including such services as:

1. Sales and service of spark plugs, batteries and distributor and ignition system parts;
2. Sales, service and repair of tires, but not recapping or regrooving;
3. Replacement of mufflers, tailpipes, water hoses, fan belts, brake fluid, light bulbs,
(4) Radiator cleaning, flushing and fluid replacement;
(5) Washing and polishing and sale of automotive washing and polishing supplies;
(6) Greasing and lubrication;
(7) Providing and repairing fuel pumps, oil pumps and lines;
(8) Minor adjustment and repair of carburetors;
(9) Emergency repair of wiring;
(10) Minor motor adjustment not involving removal of the head or crankcase;
(11) Warranty maintenance and safety inspections.

Vehicle sales and leasing: Any establishment which engages in or whose principle activity is the buying, selling, renting, auctioning or brokering of vehicles such as automobiles, boats, planes, RV's, aircraft, construction equipment, motor homes, trucks, motorcycles or any other similar device.

Vehicle sign: Any sign erected upon a vehicle wherein the principle purpose of the vehicle is not general transportation, but merely the support of the sign itself. Signs mounted upon taxis, buses or other modes of general public transportation when in the course of their normal service are excluded from this definition.

Vehicular storage area: Any area of a vehicular display area which is used exclusively for the outdoor storage of any and all types of vehicles, mobile homes or boats and which is not accessible by or open to the public and which is not easily visible from the public right-of-way or from another parcel. "Vehicular storage areas" shall not include carports on a parcel for single-family and two-family dwellings.

Vehicular use area: Any area used for the outdoor parking or circulation of domestic or commercial vehicles and cargo handling equipment. Unless expressly excluded in the context of its use, "vehicular use area" shall include loading docks and accessways located on the parcel, except for accessways on parcels for single-and two-family dwellings.

Vending machine: A self-service device that, upon insertion of various forms of currency, dispenses unit servings of food items or other goods directly to consumers.

Vendor: Any person who sells by peddling or offering for sale by soliciting or displaying any food items, beverages, wares, or any other item of merchandise or service on private property from a temporary or mobile structure.

Vendor market: An open air market designed and constructed as a permanent structure with a fixed location on or in the ground in which vendors may erect or locate carts, booths, stalls, tables, stations, etc.

Vendor site: The area owned or leased by or licensed to the vendor for its use.

Veterinary office: An establishment used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those animals in need of medical or surgical attention.

Vine: Any ornamental plant requiring physical support to grow upwards.

Vocational school: An establishment in which is offered, for compensation, instruction in a vocation such as but not limited to barbering, cosmetology, hair styling, bartending and interior decorating.

Walkway, covered ("breezeway"): A covered passage, open on the sides, designed to connect two (2) buildings and typically only as wide as the entrance/exit of said buildings.

Wall sign: A sign which is attached to or erected against the wall of a building with its face in a parallel plane to the plane of the building façade or wall. This definition shall include the painting of a sign on a wall surface.

Warehouse: An establishment whose principal use is the bulk storage of merchandise, products or materials for a fee or charge or for distribution to other locations operated by the same business.
A warehouse may include accessory wholesale sales, but shall not include retail sales, or miniwarehouses.

**Warehouse, mini:** Any building designed, arranged or used exclusively for the storage of excess personal or business property when such is not located on the same lot as the primary residence or office, except if such use is in the Channel District.

**Warning sign:** Any sign which is designed to provide public notice of a clear and present danger to public health, safety and welfare.

**Waterfront building setback:** An area along the water's edge reserved for pedestrian access to and along the waterfront.

**Waterfront overlay district:** An area within the central business district along the waterfront, generally described as an area bounded on the north beginning at the Hillsborough River and extending east along Fortune Street to McInnes; thence southerly along McInnes to Tyler Street; thence easterly along Tyler to Ashley Street; thence southerly along Ashley Street to Platt Street; thence easterly along Platt Street to Franklin Street; then southerly along Franklin Street to South Ashley Drive; thence easterly along South Ashley Drive to Beneficial Boulevard; thence southerly along Beneficial Boulevard to the Garrison Channel; thence westerly along the Garrison Channel to the Hillsborough River; thence northerly along the Hillsborough River to the intersection of Fortune Street and Doyle Carlton Drive and more particularly described in the CBD land use policy plan.

**Water transport:** For purposes of article III, Division 2, Subdivision 4, the Channel District, the term "water transport" shall have the following definition:

An area of land or water which is used for activities related to freight and passenger transportation on the open seas, inland waters or waterways; marine cargo handling operations; cargo loading and unloading; ship docking; the use, operation and maintenance of piers, channels, anchorage areas, jettys, breakwaters, harbors, canals, locks, waterways, tidal and turning basins; wharves, berths, docks, piers, quays, slips, bulkheads, public landings, terminal storage and shedding facilities; warehouses, storage, refrigeration, cold storage and quick freezing plants; stockyards; elevators; shipyards; marine railways; dry docks; marine service, maintenance, and repair facilities; laying up of ships, including refueling; ship repair, including dry dock facilities; fuel storage and transmission facilities; pipelines; terminal railway facilities, including rolling stock, belt-line railroad ferries and car ferries; police boats; bridges; causeways; terminals; cruise ship facilities; facilities for the loading and handling of passengers, mail, express freight and other cargo; administrative offices; and other uses compatible with water transportation.

**Wetland:** Land that is inundated or saturated by surface or ground water in years of normal water conditions that falls under the jurisdiction of one (1) or more of the following agencies: the Florida Department of Environmental Protection, the U.S. Army Corps of Engineers, the Southwest Florida Water Management District, the Hillsborough County Environmental Protection Commission, and the Tampa Port Authority.

**Wholesale sales:** The sale of goods, merchandise and commodities in gross, primarily for purposes of resale of these items. Wholesale sales are generally sold to retailers rather than directly to the consumer, or the products may be sold to industrial or institutional customers.

**Wholesale trade:** An establishment whose principal use is the conduct of wholesale sales. Wholesale trade shall not be deemed to include a warehouse or retail sales.

**Wild or exotic animal:** All non-domestic animals including, but not limited to, aquatic animals, birds, mammals, fur-bearing animals, reptiles, insects and amphibians.

**Wine production, customized:** The use in which the principal purpose is the customized production of wine, including the sale of grape juice varieties for retail purchase, instruction on fermentation processes, fermentation, bottling for individual retail sales and retail sales of accessories. The maximum size facility is three thousand
(3,000) square feet. The intensity of this use does not permit use of assembly lines or a wholesale distribution of the wine product.

**Winery:** An establishment whose principal purpose is the fermentation, aging, bottling and distribution of wine as defined by the statutes of the state and which includes accessory uses that are tourist-oriented, such as tours of the winery, retail sales of wine and related food products.

**Wireless telecommunication antenna:** All of the interconnected apparatus of a single telecommunication carrier used for the purpose of radiating or receiving radio waves.

**Workplan:** List of properties identified by the historic preservation commission for their architectural or historical significance for further study and investigation and possible designation.

**Wooded land:** A parcel greater than one (1) acre, fifty (50) percent of which is covered by native tree canopy and/or forested native plant communities, exclusive of wetlands.

**Xeric oak scrub:** (See "Sand pine scrub").

**Xeric habitats:** Xeric habitats are those in which there is a deficiency in available moisture for the support of life. Xeric habitats occur as very dry, nearly level to hilly uplands on deep, moderately well to excessively drained sandy soils, and support a diverse assemblage of xeric-adapted plants and animals. Xeric habitats occurring in Hillsborough County and the City of Tampa include sand pine scrub, xeric oak scrub, sandhills, xeric hammocks and scrubby flatwoods.

**Xeric hammock:** Xeric hammocks are characterized by live oaks occurring on a welldrained, deep sand substrata. The soils are similar to those of the sand pine scrub and sandhills, except that a small amount of humus is found in the upper layer of the xeric hammock community due to the thicker vegetation and the absence of fire. Other trees often present include turkey oak, bluejack oak, Chapman’s oak, myrtle oak, black cherry and cabbage palm. The scrub layer includes sparkleberry, American beautyberry, yaupon and saw palmetto. Herbaceous ground cover is sparse, but numerous species of climbing vines are present, including greenbriar, grape and Virginia creeper. Representative soils: Pomelo, Archbold, Lake, Candler and Orsino.

**Xeric oak scrub:** (See "Sand pine scrub").

**Xeriscape** or Florida Friendly Landscape (as provided for in F.S. § 166.048): Quality landscapes that conserve water, protect the environment, are adaptable to local conditions, and which are drought tolerant. The principles of Xeriscape™ include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

**Yard:** An open space unoccupied and unobstructed by any structure or portion of a structure from thirty-six (36) inches above the general ground level of the graded lot upward (except as otherwise provided by these regulations); provided, however, that all of the following are requirements are met:

(i) Fences and walls may be permitted in any yard subject to height limitations established herein; and

(ii) A porch designed as covered front entrance to a structure may project into a front yard as provided in section 27-159; and

(iii) Poles, posts and other customary yard accessories, ornaments and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

**Yard, corner:** A yard extending adjacent to a street which is not considered the front yard.

**Yard, front:** A yard extending between the side lot lines across the portion of a lot adjacent to a street. On corner lots, the front yard shall be provided facing the street on which each lot of record or lots of record involved have their lesser dimension, except that for corner lots abutting the portion of Bayshore Boulevard between Gandy Boulevard and Platt Street, front yards and front yard setbacks shall also be provided abutting the aforementioned portion of Bayshore Boulevard.
because of its unique aesthetic, historic and scenic importance. Where the corner lot abutting the aforementioned portion of Bayshore also abuts another street with a historical pattern of front yard orientation, development shall follow the historical pattern of both streets without one street or the other being administratively selected as the front.

Yard, rear: A yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots and waterfront lots.

Yard, side: A yard extending along the side of a lot between the rear line of the front yard and the rear lot line.

Yard, waterfront: A yard required on waterfront property which is defined as property abutting on open water, bays, bayous, lakes over five (5) acres in area, manmade canals and similar navigable waterways.

Zig-zagged: A line or course that proceeds by sharp turns.

Sec. 27-52. Duties of the zoning administrator.

(a) The zoning administrator or designee shall have the power to perform the following duties:

(1) Provide zoning counseling;

(2) Issue written determinations to property owners on applications for zoning certifications, zoning verifications, code interpretations, vested rights, and nonconforming status;

(3) Grant or deny alternative design exceptions;

(4) Grant or deny S-1 permit applications;

(5) Review and grant or deny business operating permits for zoning compliance;

(6) Review development permit applications pursuant to City of Tampa Code of Ordinances for zoning compliance;

(7) Make or cause to be made inspections of buildings or premises necessary to carry out the enforcement of this chapter, including rendering opinions regarding this chapter to other appropriate staff;

(8) Take all necessary action as provided for within this chapter and any other provisions of the City of Tampa Code of Ordinances;

(9) Make recommendations to city council regarding zoning applications, comprehensive plan amendments, and amendments to this chapter and related land development regulations;

(10) On a monthly basis, transmit a list of all current or pending applications for rezonings, and special uses and variances to the officially registered neighborhood associations, as feasible; and

(11) On an annual basis, present all formal decisions to city council for action by resolution placing said determinations in the public records of the city clerk.

ARTICLE II. ADMINISTRATION AND GENERAL PROCEDURES

DIVISION 1. ESTABLISHMENT OF ADMINISTRATIVE OFFICER, DUTIES, AND PROCEDURES

Sec. 27-51. Establishment of administrative officer.

The provisions of this chapter shall be administered by the zoning administrator, who shall be designated by the PDD Director.
In addition, the zoning administrator or designee shall be responsible to maintain all records which are submitted as part of any review process set forth in the chapter.

Sec. 27-53. Written determinations by the zoning administrator generally; types; processes; limitations.

(a) Types of written determinations. The zoning administrator or designee shall have the authority to render a written determination on the following after filing the appropriate application and payment of the required fee:

(1) Certification—Request regarding the zoning classification of a particular parcel and associated permitted uses, based on the Official Zoning Atlas and Zoning Code in effect at the time of the application;

(2) Interpretation—Request regarding the general meaning of a Code provision, the effect of a Code provision on a specific property, or whether a proposed use or a proposed site plan (which has not been submitted for approval) complies with Zoning Code requirements;

(3) Vested rights in accordance with this chapter; and

(4) Non-conforming status, in accordance with this chapter.

Written communication by the zoning administrator to the mayor and city administration, city council, appointed boards, commissions, special magistrates and hearing officers, city staff and the legal department shall not be considered a written determination pursuant to this section.

(b) Processes for written determinations. An application for a written determination must be submitted in writing to the zoning administrator through one (1) of the following processes:

(1) Formal decision;

(2) Certification; or

(3) Advisory opinion.

All applications must be complete and applicable fees shall be paid at time of submittal of any application for written determination.

(c) Limitations on written determinations. An application for written determination shall be limited as follows:

(1) Under no circumstances is the zoning administrator permitted to grant exceptions to the actual meaning of any clause, standard or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use either a building, structure, or land.

(2) The zoning administrator is not permitted to make changes to this chapter or to vary the terms of this chapter in carrying out their duties, except as specifically set forth in this chapter. Due to that limitation on the zoning administrator’s authority, a written determination shall not be construed as a waiver of any provisions of this chapter.

(3) Interpretations shall not be given to any person based solely on hypothetical facts.

(4) A decision approving the interpretation proposed in the application shall not authorize the establishment of the use nor the development, construction, reconstruction, alteration or moving of any building or structure. It shall merely authorize the preparation, filing and processing of applications for any approvals and permits that may be required by the city’s Land Development Code.

(5) If conflict occurs between the requirements of the Land Development Code and the standards adopted as part of a planned development, development agreement, site plan or annexation agreement, the requirements of the Land Development Code shall prevail.

(6) The zoning administrator or designee shall base an interpretation on three (3) considerations:

a. The defined or common meaning of the words or provision.

b. The general purpose of the provision as expressed in the provision.
c. The logical or likely meaning of the provision viewed in relation to the Comprehensive Plan.

(7) The zoning administrator may issue a written determination when the applicant demonstrates compliance with the imposed conditions of this chapter, but shall not consider whether the use or the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.

Sec. 27-54. Process for applications for written determinations as formal decisions.

(a) The following applications shall be reviewed pursuant to the formal decision process:

(1) Vested rights;
(2) Non-conforming status;
(3) A request for written determination regarding a specific parcel of real property
in order to obtain a final, legally enforceable decision upon which the City of Tampa may approve applicable permits.

(b) General requirements. The zoning administrator or designee shall review such request according to the process provided for in this section.

(1) Application for formal decision shall relate to a specific parcel of real property and shall only be filed by the owner of such real property, or designated agent.

(2) Each application shall include a statement regarding ownership of the subject property and, where applicable, a statement designating the agent of the property owner.

(3) The application must identify (at a minimum) the applicant; provide an address for the subject property; folio or parcel identification number; and, if a request for code interpretation, identify the specific section of the Tampa Code for which a determination is requested.

(4) The request shall be limited to a single subject. If an applicant is in need of determinations of multiple parcels of land or multiple inquiries, additional fees shall be paid per parcel or inquiry requested.

(5) The zoning administrator is under no obligation to process the request unless the request is clear and unambiguous, and otherwise complies with this section.

(6) If the zoning administrator determines the request presents the same issue as is pending before another department or board, the zoning administrator shall advise the applicant, and the zoning administrator is under no obligation to further process the request.

(7) The zoning administrator shall consider all written documentation received as part of the application and through the open record period and any other relevant information obtained through research conducted by the zoning administrator or designee. In addition, the zoning administrator shall have the authority to review and evaluate the request in light of the Comprehensive Plan, this Code, the Official Zoning Atlas, and other statutes, codes, ordinances and regulations, whichever are applicable, and to consult with appropriate city staff and the legal department, if so desired.

(c) Open record period.

(1) Upon receipt of a complete application and payment of the appropriate fee, the zoning administrator shall direct the applicant to provide notice as follows:

The procedures for required public notice for the review hearing before city council and the hearing officer shall be governed by 27-149 with supplemental notice provided per section 27-149(c)(1) (mailed notice) and (c)(2) (posted notice). Mailed and posted notice shall also provide the information about the open record period, including the specific date upon which the open record period will end. The applicant shall file the required affidavit of compliance with the zoning administrator prior to the conclusion of the open record period.

(2) The open record period shall conclude fifteen (15) calendar days after the date that the mailed notification is postmarked as demonstrated by the certificate of mailing. The open record period may be extended at the request of the applicant only, for an additional fifteen (15) calendar days, in order for the applicant to review the record and submit additional information, if so desired.

(3) At the conclusion of the open record period, the zoning administrator shall not accept for consideration any additional evidence or information.

(d) The zoning administrator shall render a written order on the formal decision application, based upon competent evidence, no later than thirty (30) working days after the conclusion of the open record period. This order shall include the following (as applicable):

(1) A summary of all information received and/or considered
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Findings of fact.

A determination of compliance or a finding of all points of noncompliance with the Comprehensive Plan.

The reasons for the decision, including conditions, if any.

A copy of the written order shall be transmitted to all persons who provided written information to the zoning administrator. The written order granting or denying the application shall not be final until the review time has concluded, pursuant to section 27-61.

The formal decision and all documents reviewed and/or considered by the zoning administrator in rendering the formal decision shall be kept and maintained by the zoning administrator as part of the permanent record of activity on the parcel of real property which was the subject of the formal decision, until such time that the records are transmitted to the city council pursuant to section 27-52(a)(11).

The formal decision of the zoning administrator shall be reviewed pursuant to the provisions of section 27-61, review method.

The applicant, on written request, may withdraw the request for formal decision at anytime prior to the zoning administrator rendering a written order on the request. No application for formal decision will be considered by the zoning administrator for the same request, which was the subject of the withdrawn application for a period of six (6) months following the date of the request to withdraw.

Sec. 27-55. Process for applications for written determinations as certifications.

Applications for certification shall relate to a specific parcel of real property.

The application must identify (at a minimum) the applicant; provide an address for the subject property; folio or parcel identification number.

The request shall be limited to a single parcel of land or parcels of land which are combined to create one (1) zoning lot. If an applicant is in need of certifications for multiple parcels of land, additional fees shall be paid per parcel certification requested.

The zoning administrator or designee shall review the Official Zoning Atlas, applicable provisions of the City of Tampa Code of Ordinances, and if necessary, any official records of the City of Tampa that may relate to the zoning classification, associated permitted uses, dimensional standards, and/or site specific development requirements of the specific parcel.

Upon receipt of a complete request and payment of the appropriate fee, the zoning administrator or designee shall render a certification within thirty (30) working days. The zoning administrator’s written determination shall include the following (as applicable):

A summary of the evidence used in the review;

The zoning classification for the subject parcel of land;

Certification of regulations applicable to the subject parcel of land, in effect at the time of the application, related to:

a. Associated permitted uses;

b. Associated dimensional standards;

c. Associated site specific development requirements.
The applicant or aggrieved party may seek review of a certification, only in the manner set forth in section 1-19, City of Tampa Code of Ordinances. In the event that the zoning administrator delegates the authority to render a certification, then the zoning administrator shall be the reviewing official; otherwise, the reviewing official shall be the director.

Available evidence related to the official zoning classifications and associated permitted uses, dimensional standards, and other site specific development requirements for all parcels of land within the City of Tampa reside in the official records of the City of Tampa. Zoning certifications shall be considered guidance to the applicant, based on best available information at the time of the application, but shall only be binding on the city and the applicant, to the extent provided for by law. Zoning certifications shall not create any additional rights to third parties nor shall a zoning certification confer the status of any non-conformity.

Sec. 27-56. Process for applications for written determinations as advisory opinions.

(a) The following applications shall be reviewed pursuant to the advisory opinion process:

(1) All other requests for a written determination, which are not classified as formal or certification, shall be reviewed as an advisory opinion. The determination of whether to issue an advisory opinion shall be wholly at the discretion of the zoning administrator. The zoning administrator or designee may decline to issue an advisory opinion for reasons, including, but not limited to, workload and time constraints. No individual shall have a right to compel issuance of an advisory opinion.

(2) Upon receipt of a complete request and payment of the appropriate fee, the zoning administrator or designee may render an advisory opinion within thirty (30) working days or may refund the fee. The written determination shall include the following (as applicable):

a. A summary of the evidence presented (including any verbal evidence/testimony);

b. Findings of fact;

c. A finding of compliance or a finding of all points of noncompliance with the Comprehensive Plan; and

d. The reasons for the decision, including conditions, if any.

(b) The applicant or aggrieved party may seek review of an advisory opinion, only in the manner set forth in section 1-19, City of Tampa Code of Ordinances. In the event that the zoning administrator delegates the authority to render an advisory opinion, then the zoning administrator shall be the reviewing official; otherwise, the reviewing official shall be the director.

(c) Advisory opinions shall be considered informal guidance to the applicant, shall have no legal or binding effect, and may not be interpreted to determine or create personal or property rights of the applicant or any other party. Each advisory opinion shall include a statement consistent with this section.

Sec. 27-57. Exhaustion of remedies; limitation on applications for written determination.

The following provisions apply regarding exhaustion of remedies and limitations on applications for written determinations:

(1) All administrative remedies set forth herein and the associated review herein provided, must be fully exhausted prior to bringing an action in a court of competent jurisdiction challenging a written determination.

(2) A property owner or any aggrieved person who had the right to participate in the process for written determination as set forth in this section may not seek a new written determination on the same matter for a period of one (1) year after all administrative remedies have been concluded.

Sec. 27-58. Fees.

Before the zoning administrator may issue any written determination or review any application
for alternative design exception, S-1 permit, or any other action of the zoning administrator, the applicant shall pay an administrative fee in an amount city council fixes by resolution.

Sec. 27-59. Determinations concerning uses not specified.

(a) Where there is substantial doubt as to whether a particular use or uses or class of uses not specifically identified in this chapter are of the same general character as those listed as permitted principal or accessory uses or uses permissible by special use, the zoning administrator, upon request from the property owner, any administrative agency or officer of the city, or on their own initiative, shall make a determination in the matter. The zoning administrator shall give due consideration to the intent of this chapter concerning the district involved, the character of uses specifically identified, and the character of the use or uses in question.

(b) The zoning administrator may determine that a use is materially similar if:

(1) The use is listed as within the same structure or function classification as a use specifically enumerated in the use matrix, as determined by the Land Based Classification Standards ("LBCS") of the American Planning Association.

(2) If the use cannot be located within one (1) of the LBCS structure or function classifications, the zoning administrator shall refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, or current edition) ("NAICS"). The use may be considered materially similar if it falls within the same industry classification of the NAICS.

(3) In order to assist in interpretation of the use matrix, the LBCS and NAICS numbers are identified for some uses in the use matrix. In interpreting the use matrix, the following rules of construction apply:

a. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not necessarily allowable in all districts where the uses coded to the general classification are allowable simply because they share a similar LBCS or NAICS code number.

b. Some uses are listed separately, but fall within the same LBCS or NAICS classification. The uses within one (1) such classification are not necessarily allowable in all of the zoning districts as the others simply because they fall within the same LBCS or NAICS classification.

(4) The proposed use shall not generate average daily trips exceeding other uses allowed in the zoning district by more than ten (10) percent, as determined by the Institute of Transportation Engineers, Trip Generation (current edition) (the "ITE Manual"). The zoning administrator may also refer to similar local traffic studies.

(5) The proposed use will not involve a greater level of activity, population density, intensity, parking, dust, odor, noise, or similar impacts than the uses listed in the zoning district.

(6) The process for seeking a written determination under this section shall in a manner consistent with section 27-53, above. Specifically, a determination of use related to a specific parcel of land shall follow section 27-54, and a determination of use not related to a specific parcel of land shall follow section 27-56.

(7) If in making the determination the zoning administrator finds that the particular use or class of use is of unusual or transitory nature or is unlikely to recur frequently, and unless their determination thereon is reversed on grounds of error on review pursuant to section 27-61 as dictated by the location of the property, the determination shall thereafter be binding on all officers and agencies of the city as
an administrative ruling and without further action on or amendment of this chapter.

(8) Where the zoning administrator finds in making the determination that the particular use or class of use is likely to be common or recurrent, and that omission of specific reference to this chapter is likely to lead to public uncertainty and confusion, they shall initiate a proposed amendment to rectify the omission. Until final action has been taken on such proposed amendment, the determination of the zoning administrator shall be binding on all officers and agencies of the city as an interim administrative ruling.

Sec. 27-60. Alternative design exception.

(a) The zoning administrator is hereby authorized to grant administrative exceptions from the strict application of this chapter and any associated land development regulations as set forth in this section, subject to the limitations described in this section. The process is specifically intended to promote high standards of site design, and to provide flexibility in the administration of standards in recognition of site specific conditions, and to establish conditions to ensure compatibility where standards are modified.

(b) Prior to submitting an application for an alternative design exception, the applicant must schedule a pre-application meeting with the zoning administrator or designee, the urban design coordinator, or other appropriate city staff as needed, in order to determine the scope of the request and what documentation will be necessary to support the application.

(c) Types of applications. Applications for alternative design exception are classified as follows:

(1) Design exception-1: Applications for minor design changes based on residential or commercial overlay design standards, fence framing and orientation, alternative buffering and screening, parking and loading, and other such minor changes to design oriented requirements of this code, all within the limits set forth in the respective sections of this code.

(2) Design exception-2: Applications for minor changes to building setback and height limitations, within the limits set forth in the respective sections of this code.

(d) General requirements. An applicant shall provide a complete application and applicable fee to the zoning administrator for review and determination, which shall include all information contained in this section. All alternative design exception applications shall include documentation sufficient to justify the request. In addition, an application for an alternative design exception shall address the following issues, as applicable:

(1) Description:
   a. Project description (general information, typical section, etc.);
   b. Description of alternative design exception (specific project conditions related to alternative design exception, controlling design element, and proposed cost for project);
   c. The compatibility of the design and operation; and
   d. If the project is in an overlay or historic district, applicable City of Tampa Code of Ordinance provisions or design standards.

(2) Analyses (narrative and visual depiction) related to:
   a. Dimensional standards of underlying zoning classification;
   b. Buffer area and materials proposed;
   c. Parking counts, layout/function, demands for specific use;
   d. Amount and character of traffic using facility; and
   e. Design concept and relationship to intent of applicable overlay requirements.

(3) If applicable, the alternative design exception application shall also contain a recommendation by the professional engi-
neer responsible for the project design elements, unless the zoning administrator determines that such a recommendation is not necessary given the scope of the request.

(e) General process. Applications for alternative design exception, shall be processed as follows:

1. The applicant shall file a complete application, including any supplemental documentation, with the zoning administrator or designee.

2. Applications for design exception-2: Upon receipt of a complete application for a design exception-2 and payment of the appropriate fee, the zoning administrator shall direct the applicant to provide public notice. The procedures for required public notice shall be governed by section 27-149, with supplemental notice provided per sections 27-149(c)(2) (mailed notice) and (c)(2) (postal notice). Per section 27-149(c)(3), the applicant shall file the required affidavit of compliance with the zoning administrator.

3. The zoning administrator or designee, upon review of the application, may request additional information from the applicant related to the request or applicable criteria.

4. The zoning administrator or designee shall grant or deny the request within fifteen (15) working days of the filing of the complete application, the affidavit of compliance pursuant to (2) above, and all appropriate and necessary documents and supplemental information provided pursuant to (1) and (3) above.

5. In reviewing the application, the zoning administrator shall apply the following criteria:
   a. That the exception provides a reasonable allowance of use under the specified circumstances of each application; and
   b. That the exception achieves the general intent of this chapter and the Tampa Comprehensive Plan; and
   c. That the exception is the minimum possible exception under specific circumstances; [and]
   d. The approval of the exception of standards includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
   e. The approval of the exception of standards includes conditions of approval as necessary to ensure that the adjustment granted does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and within the same zoning district; and
   f. The exception is consistent with any applicable specific plans in place for the subject property.

6. An exception of standards to the site planning or development standards of this code in compliance with this section is allowed, based on the findings that the exception is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act.

7. The zoning administrator may impose reasonable conditions upon any exception to ensure that the public health, safety and general welfare are protected and substantial justice is done. A violation of any imposed conditions shall be a violation of this chapter.

8. An approved alternative design exception shall be valid for a period of one (1) year from the approval date, during which the property owner must begin the associated development/construction work. If no development/construction activity occurs on the land related to the approved exception within the one-year period, the approval shall expire.
Sec. 27-61. Review.

(a) Applicability and purpose. This section establishes procedures that shall apply to the review of any applicable decision as expressly authorized in this section. The purpose of this section is to provide adequate due process to petitioners seeking review of applicable decisions by setting forth procedures for the review of those decisions.

(b) Decisions which may be reviewed; jurisdiction. The following decisions shall be reviewed pursuant to this section:

1. A formal decision of the zoning administrator may be reviewed by city council for a final order after receipt of a recommended order by a hearing officer, as set forth below.

2. A quasi-judicial decision of a board of the City of Tampa to approve or deny an application may be reviewed by city council for a final decision. The boards of the City of Tampa whose decisions may be reviewed pursuant to this section are the Variance Review Board (VRB), Architectural Review Committee (ARC), Barrio Latino Commission (BLC) or the Historic Preservation Commission (HPC) (collectively "boards").

3. A decision by the zoning administrator to approve or deny the following applications (collectively "ZA Permit") may be reviewed by city council for a final decision:

   a. A S-1 special use permit (not relating to constitutionally protected First Amendment activity), including the granting of any waiver to the specific criteria for an S-1 special use pursuant to the criteria for a waiver contained in section 27-132;

   b. A minor change to an approved S-2 special use permit pursuant to section 27-128;

   c. A non-substantial change to an approved site plan zoning pursuant to section 27-138;

   d. An incremental detailed site plan pursuant to section 27-228;

   e. An alternative design exception pursuant to section 27-60; and

   f. Any zoning compliance approval as specifically authorized pursuant to this chapter.

(c) Petitioner for review. The petitioner for review must be an aggrieved person, as defined in this chapter, who participated in the decision being reviewed by timely submitting evidence or by otherwise providing sworn testimony during the decision being reviewed.

(d) Time for filing petition for review. The petitioner shall file a petition for review of a decision no later than 5:00 p.m. ten (10) working days after the rendering of the decision sought to be reviewed. If the tenth day falls on a day the city clerk's office is closed, then the filing period shall expire at 5:00 p.m. on the next business day on which the city clerk's office is open.

(e) Place for filing the petition for review. The petition for review shall be filed with the city clerk, who shall transmit a copy thereof to the zoning administrator and, if the petitioner is seeking review from a decision of the ARC, BLC or HPC, to the historic preservation manager. The city clerk shall not accept any petition for review which is not in writing, for which the review period has expired, or which does not include the required fees and costs. If the petitioner is not the property owner of the parcel which is the subject of the decision sought to be reviewed, the petitioner shall also, by certified mail no later than five (5) days after filing the petition for review, transmit the petition for review to the property owner.

(f) Costs and fees for review. The city council shall, by resolution, adopt a schedule of fees to be paid in connection with any petition for review. Payment of applicable costs and fees shall be required at the time the application for review is filed.

(g) Contents of petition for review; submission of a DVD of board action.

1. A petition for review shall be in a form provided by the city and shall include, at
a minimum, the following information: The name and address of the petitioner, and of the authorized representative, if applicable; the written decision for which the petitioner is seeking review or, if not available, a summary of the decision sought to be reviewed; and a summary of the basis for the petition for review, including specific sections of the applicable City of Tampa Code or ordinance.

(2) The petitioner who is seeking review of a board or commission decision shall submit a DVD (or other digital video-type media), which must be obtained from the city and that contains a recording of the public hearing and decision of the board or commission. In the event more than one (1) public hearing was held on the application that is the subject of the review petition, a recording (in the form of a DVD or other digital video-type media) shall be provided for each public hearing held on the application. The DVD must be submitted into the record of city council before the close of the public hearing.

(h) Stay pending application for review.

(1) No building permit or other development order shall be issued until the expiration of the review period.

(2) The filing of a timely application for review shall stay all proceedings in furtherance of the decision which is the subject of the application for review until the request has been disposed of by city council, and no building permit or other development order shall be issued until the expiration of the review period. The petitioner may file plans or other information with the city pending the outcome of the review, but the filing of such plans or other information shall create no rights to any building permit or other development order.

(i) Notices of review hearing. The procedures for required public notice for the review hearing before city council and the hearing officer shall be governed by section 27-149 with supplemental notice provided per section 27-149(c)(1) (mailed notice) and (c)(2) (posted notice). The applicant shall file the required affidavit of compliance with the city clerk. The notice procedure for city council's consideration of the hearing officer's recommended order is set forth in subsection (j)(1)d.ii.

(j) Review hearing.

(1) Review of formal decision of the zoning administrator.

a. In a petition to review a formal decision rendered by the zoning administrator, the petition shall be heard by the hearing officer, in a de novo proceeding. The hearing officer shall provide a recommended order to city council for a final determination as set forth below.

b. Pre-hearing procedures.

i. Hearing officers. The city shall negotiate and enter into contracts with hearing officers from time to time, and shall maintain a list of such hearing officers. Cases shall be assigned to hearing officers on a rotating basis. If a hearing officer is unable to accept a case because of a conflict, time constraints, or any other reason, the case shall be assigned to the next available hearing officer on the list. Upon scheduling the hearing, the city clerk shall notify all parties of the assignment of the particular hearing officer and the date upon which the hearing will be held.

ii. Parties. The parties to the petition for review shall include the petitioner, the property owner (if not the petitioner) and any person who participated in the formal decision process by submitting evidence or testimony during the open record period, as defined in section 27-54.

iii. Non-party participants. Any person who participates in the hearing before the hearing officer
but does not qualify as a party as set forth in section (ii) above shall be considered a non-party participant.

iv. **Hearing date.** The hearing shall commence no more than ninety (90) calendar days after the date the petition was filed, unless all parties stipulate in writing to a later hearing date.

v. **Motions.** Any motion to be filed by a party for consideration by the hearing officer must be submitted to the city clerk with a copy to the City of Tampa Legal Department no less than five (5) working days prior to the scheduled hearing. The hearing officer may render a written opinion on the motion without argument prior to the hearing, or may request argument prior to conducting the hearing.

c. **Hearing.**

i. **Oath.** The hearing officer shall have the power to administer oaths. All testimony shall be under oath.

ii. **Consideration.** The hearing officer shall consider all relevant evidence and testimony presented prior to or during the hearing, including the formal decision issued by the zoning administrator and all competent evidence upon which that formal decision was based. The hearing officer shall also consider all relevant provisions of the City of Tampa Code of Ordinances, or other applicable administrative, federal or state law in effect at the time the petition was filed.

iii. **Burden of proof.** The petitioner filing the request for review shall have the burden of proof.

iv. **Formality.** Formal rules of evidence shall not apply. Any relevant evidence shall be admitted. Hearsay evidence may be admitted, but shall not form the sole basis for the hearing officer's recommended order. Irrelevant and unduly repetitious evidence shall be considered non-persuasive. The hearing shall be conducted in a manner to ensure that procedural due process is afforded the parties and non-party participants.

v. **Record.** All evidence received by the hearing officer during the hearing, shall be kept on file in the city clerk's office. The hearing shall be visually recorded. The record of the hearing shall, at a minimum, consist of the formal decision issued by the zoning administrator; all notices, motions or rulings of the hearing officer; all evidence received by the hearing officer during the hearing; the recommended order issued by the hearing officer; and, the verbatim record of the hearing consisting of a video recording (tape, digital, or other available visual media) of the hearing, or a verbatim transcript if one is provided.

d. **Recommended order; exceptions.**

i. **Contents.** The hearing officer's recommended order shall contain findings of fact, based exclusively on the record, and conclusions of law. The recommended order of the hearing officer shall be based on competent substantial evidence after applying the criteria set forth in the City Code and any applicable administrative, fed-
eral and state law in effect at the time the petition was filed.

ii. **Filing of recommended order:** Public notice. The hearing officer shall file a recommended order with the city clerk within fifteen (15) working days of the close of the hearing. The city clerk shall provide a copy of the recommended order along with the notification of the date the recommended order is scheduled for consideration by city council, to all parties and interveners that provide the clerk with either electronic mail information or prepaid postage.

iii. **Exceptions.** All parties shall have ten (10) working days prior to the date that the recommended order is scheduled for consideration by city council to file with the city clerk exceptions to the recommended order. Exceptions shall consist of any objections to the findings of fact or conclusions of law contained in the recommended order. The exceptions must identify the disputed portion of the recommended order by page number and paragraph and provide the basis for the exception, including citation to any evidence in the record. If the exception is based upon testimony presented at the hearing, then the person filing the exception must provide either a verbatim transcript of the proceedings or a video recording (tape, digital, or other available visual media) record of the public hearing.

e. **City council consideration of the recommended order:**

i. **Submission of the recommended order:** Upon receipt of a recommended order from the hearing officer, and after the deadline for receipt of exceptions thereto, the city clerk shall forward the recommended order and any exceptions to city council, along with a copy of all documentary evidence accepted by the city clerk during the hearing.

ii. **Oral argument.**

1. City council may only allow public discussion upon a request for oral argument filed by a party or upon its own motion. City council may only open the meeting for oral argument if city council finds that the hearing officer did not address a matter introduced into the record or the recommended order contains an ambiguity. If city council allows oral argument, city council may limit such oral argument to addressing only those matters for which it opened for oral argument.

2. Parties must file their requests for oral argument concurrent with the filing of an exception. The request shall be based upon the criteria described in subsection 1. above. The city council attorney shall review the request for oral argument and make a recommendation as to whether the request for oral argument meets the criteria.

3. In the event that city council approves the request for oral argument, the content of testimony shall be the same as the content of testimony submitted verbally or in writing to the
hearing officer. If city council permits oral argument, it shall allow staff and each party up to ten (10) minutes for oral presentation or argument. Non-party participants may be permitted oral presentation or argument of up to three (3) minutes. No person may submit new evidence to the city council during oral argument and all persons must confine their presentations to evidence made part of the record before the hearing officer.

iii. Final order. City council may adopt the recommended order as the final order, or may reject or modify the recommended order as provided herein. City council may not reject or modify any findings of fact reached by the hearing officer. If city council determines that a finding of fact is not based upon competent, substantial evidence contained in the record or that a finding of fact does not comply with the essential requirements of the law, city council may remand the matter back to the hearing officer, but only if it determines that additional fact finding is required. If city council rejects or modifies a conclusion of law, it must state with particularity in the final order its reasons and must make a finding that its substitution of a conclusion of law is as or more reasonable that that which was rejected or modified. If city council directs staff to prepare a revised order, the revised order shall be transmitted to the parties and non-party partici-

pants and presented to city council within forty-five (45) calendar days for adoption.

iv. Final decision. The final order rendered by city council shall be deemed final and may be appealed to a court of competent jurisdiction in a manner set forth by applicable law.

(2) Review of a board decision.

a. Hearing before city council. In reviewing a board decision, city council shall apply a de novo standard of review, and shall not be limited in its review to that information, documentation, or evidence upon which the board based its determination. City council shall follow all applicable ordinances in arriving at its decision and may receive new evidence. City council, after reviewing the decision of the board and hearing evidence and testimony may either affirm the board’s decision, may remand the matter back to the board for further proceedings, with direction on how the board failed to comply with the standards of the Code, or may over- turn the decision of the board. If a petition is remanded back to the board, then the board shall only consider and take action based upon the direction from the city council indicating how the board failed to comply with the applicable Code standards.

b. Final decision. The decision of the city council shall be deemed final and may be appealed to a court of competent jurisdiction in a manner set forth by applicable law.

c. Alternative process. In the alternative, a petitioner for review of a board decision may elect to have the decision reviewed pursuant to subsection (1) above. In that instance,
the hearing officer shall provide a recommended order to city council for a final order.

(3) **Review of ZA permits.**

a. **Hearing before city council.** In reviewing a ZA permit, city council shall apply a de novo standard of review, and shall not be limited in its review to that information, documentation, or evidence upon which the ZA permit was based. City council shall follow all applicable ordinances in arriving at its decision and may receive new evidence. City council, after reviewing the ZA permit and hearing evidence and testimony may either affirm the ZA permit or deny the ZA permit.

b. **Final decision.** The decision of the city council shall be deemed final and may be appealed to a court of competent jurisdiction in a manner set forth by applicable law.

c. **Alternative process.** In the alternative, a petitioner for review of a ZA permit may elect to have the decision reviewed pursuant to subsection (1) above. In that instance, the hearing officer shall provide a recommended order to city council for a final order.

**Secs. 27-62—27-65. Reserved.**

**DIVISION 2. DEVELOPMENT REVIEW AND COMPLIANCE PROCEDURES**

**Sec. 27-66. Intent and purpose.**

The purpose of the Development Review and Compliance staff review (“DRC”) is to assist prospective developers, the city council and any other decision-making body that may be established to regulate land use within the city. Further, it is the intent of the DRC to provide technical assistance and guidance to achieve compliance with development standards established by this Code and to promote the goals and objectives of the adopted comprehensive plan.

**Subdivision 1. Development Review and Compliance Procedures for General Development**

**Sec. 27-67. Duties.**

The Development Review and Compliance (DRC) staff shall have the responsibility of reviewing applications for land development decisions and any applicable development review applications that are processed administratively. Land development decisions requiring DRC review shall include but not be limited to land rezoning applications, applications for approvals of special use permits, planned developments and other land development proposals requiring DRC staff review as stated in this chapter.

**Sec. 27-68. Administration and review staff, generally.**

The Land Development Coordination Division shall have the responsibility of administering the DRC process through procedures established by the PDD. The DRC review shall generally include input from representatives of various city departments and other agencies, including but not limited to the following: department of public works, wastewater department, water department, legal department, solid waste department, police and fire departments, department of parks and recreation, state department of transportation, county school board, county health department, designated land planning agency, Tampa Electric Company, People’s Gas, General Telephone, the Federal Housing Administration, the Architectural Review Commission and the Barrio Latino Commission, as necessary.

**Sec. 27-69. Meetings.**

The Land Development Coordination Division, or other division of PDD as necessary, shall establish meeting places, dates, and times for the Development Review and Compliance staff to carry out the intent of the city’s Land Development Code and other applicable development regulations.
Subdivision 2. Development Review and
Compliance Procedures Related to Historic
Preservation

Sec. 27-70. Historic preservation Development
Review and Compliance staff and procedures ("HPDRC").

(a) Intent and purpose. The purpose of the
HPDRC process is to provide technical assistance
and guidance to applicants whose project requires
ARC approval, to achieve compliance with develop-
ment standards established by this Code, and
to promote the goals and objectives of the adopted
comprehensive plan.

(b) Administration and review staff, generally.
The Historic Preservation Division shall have the
responsibility of administering the HPDRC pro-
cess through procedures established by the P&D
department. The HPDRC review shall generally
include input from representatives of various city
departments and other agencies, including but
not limited to: historic preservation, zoning, pub-
lic works, parks and recreation, building depart-
ment, solid waste, stormwater, fire, and transpor-
tation, as necessary.

(c) Meetings. The ARC administrator, Historic
Preservation Division, or other division of P&D
Department as necessary, shall establish meeting
places, dates, and times for the HPDRC staff to
carry out the intent of the city's Land Develop-
ment Code and other applicable development reg-
ulations. All meetings with the HPDRC shall be
open to the public.

(d) Process. All applications requiring ap-
proval by the ARC shall be submitted to the ARC
staff, must be submitted by the application dead-
line date, and must include the items listed in
subsection (2)a.—f.

(1) An application must be determined to be
complete by the ARC administrator prior
to being scheduled for a public hearing
date. Completeness is based on compli-
ance with items identified in subsection
(2)a.—f. below. After determination that
an application is complete, drawings will
be submitted to reviewing departments
including, but not limited to, transporta-
tion, landscape and tree, and sanitation.

Written comments from the reviewing de-
partments are due to the ARC staff within
fourteen (14) calendar days from the date
of receipt of the complete application and
will be read at the HPDRC meeting.

(2) The HPDRC staff meeting shall be sched-
uled by the Historic Preservation Division
pursuant to the ARC schedule. The meet-
ing shall be coordinated by the ARC ad-
ministrator and any representatives from
the reviewing agencies may participate at
the meeting. The following items shall be
reviewed at the HPDRC staff meeting,
subject to exemption by the ARC staff
when it is determined that the item is not
required for complete review:

a. Thirteen (13) copies of a site plan
including identification of existing
and proposed construction, height of
structure, setback dimensions, me-
chanical equipment (heating, venti-
lation and air conditioning equip-
ment, water heater, etc.), sidewalks,
curbs, street, structures on adjacent
sites and across the street at 1" =
10'0".

b. Material selection(s).

c. All elevations and floor plans appli-
cable to the request at one-quarter
scale (\(\frac{1}{4}\)) inch equals one (1) foot zero (0)
inches, or a scale approved by the
ARC administrator as more appro-
priate.

d. Complete demolition plan, when the
project includes new construction or
an addition to an existing structure.

e. Information about the building ma-
terials to be used, including samples
when required by the ARC adminis-
trator.

f. Architectural wall section at three-
quarters (\(\frac{3}{4}\)) inch equals one (1) foot
zero (0) inches.

Secs. 27-71—27-75. Reserved.
DIVISION 3. VARIANCE REVIEW BOARD PROCEDURES (NON-HISTORIC DISTRICT)

Sec. 27-76. Authority to grant variances.

The following boards and/or commissions shall have the authority to grant variances from the terms and requirements of this chapter as follows:

(a) Variance review board. Except as provided in subsections (b) and (c) below, the variance review board (VRB) established pursuant to this chapter, shall have the authority to hear and grant variances from the terms and requirements of this chapter relative to:

1. All yard (setback), fence and buffer requirements.
3. On-site and off-site sign requirements, excluding Crosstown Expressway signs.
4. Such other matters as the VRB may be required to pass upon, decide or determine pursuant to this chapter.

(b) Barrio Latino Commission. In the Ybor City Historic District, as designated and defined in this chapter, the Barrio Latino Commission (BLC) shall have the authority to hear and grant variances from the terms and requirements of this chapter relative to:

1. All yard (setback), fence and buffer requirements.
2. The height of structures in the YC-2 residential district.
3. On-site and off-site sign requirements, excluding Crosstown Expressway signs.
4. Such other matters as the BLC may be required to pass upon, decide or determine pursuant to this chapter.

(c) Architectural Review Commission. In those historic districts or landmark sites designated by the Architectural Review Commission (ARC) pursuant to this chapter, the ARC shall have the authority to hear and grant variances from the terms and requirements of this chapter relative to:

1. All yard (setback) fence and buffer requirements.
3. On-site and off-site sign requirements, excluding Crosstown Expressway signs.
4. Such other matters as the ARC may be required to pass upon, decide or determine pursuant to this chapter.

Nothing in this section shall be construed to authorize any board or commission to permit a use in a district where that use is neither a permitted use or a special use.

Sec. 27-77. Establishment; composition and terms; officers; administrator.

(a) Establishment. There is hereby established the City of Tampa Land Development Variance Review Board to be known as the "variance review board" or "VRB." The VRB shall consist of seven (7) members appointed by the mayor and city council, as provided herein; and all seven (7) members shall be residents of the City of Tampa.

(b) Composition and terms. Four (4) members of the VRB, and one alternate member, shall be appointed by the mayor with the approval of a majority of city council, and three (3) members and one alternate member shall be appointed by the city council.

In appointing members, the mayor and city council shall include: two (2) arborists or nurserymen or horticulturalists or urban foresters or landscape architects (but not more than one (1) of each), one (1) appointed by the mayor and the other by city council; one (1) developer or contractor, appointed by the mayor; two (2) attorneys or architects or urban planners or engineers (but not more than one (1) of each), one (1) appointed by the mayor and the other by city council; and two (2) persons representing neighborhood/civic interests, one (2) appointed by the mayor and the other
by city council. The two (2) alternate members may be from any of the categories set forth above.

In the initial appointments to be made subsequent to the effective date of the ordinance from which this subsection is derived, the terms of two (2) of the mayoral appointees shall be for two (2) years, and the terms of the remainder of the mayoral appointees (including the alternate) shall be for four (4) years, and the terms of the city council appointees (including the alternate) shall be for three (3) years; thereafter, mayoral and council appointments shall be made whenever the terms of their respective appointees expire, and all appointments shall be for a term of four (4) years.

Each VRB member shall serve until appointment and qualification of his successor. A member may be appointed for a second consecutive term; however, after two (2) consecutive terms a member shall not be eligible for reappointment until one calendar year has elapsed from the date of termination of the second term.

Vacancies created for any reason shall be filled within sixty (60) days of the effective date of the vacancy. When a vacancy occurs during a term of office, the person selected to fill the vacancy shall be appointed for the unexpired portion of the term. An appointment to fill a vacancy shall be made by the mayor, with the approval of the majority of city council, if the vacating member was a mayoral appointee, or by the city council if the vacating member was a council appointee.

Alternate VRB members may only participate in discussions and vote on matters in the event of an absence of one (1) of the regular VRB members.

(c) Officers. Each year, at its annual meeting, the VRB shall elect one member to serve as chairperson, and one member to serve as vice-chairperson. The chairperson shall preside at all VRB meetings and shall have the right to vote. In the absence or disability of the chairperson, the vice-chairperson shall perform the duties of the chairperson. If both the chairperson and vice-chairperson are absent or disabled, the majority of the VRB members present shall elect a chairperson to serve during the absence or disability of the chairperson and vice-chairperson.

(d) Administrator. The administrator of the variance review board shall be the zoning administrator. The administrator or designee shall be responsible for supervising the preparation of materials for meetings, the maintenance of all records and the preparation of correspondence. The administrator or designee shall also be responsible for scheduling regular meetings as well as workshop meetings of the board. When requested by the chairperson, the administrator or designee shall also represent the board at public meetings. Other responsibilities shall include coordination with appropriate city departments and making recommendations to the board regarding rules of procedure.

Sec. 27-78. Meetings, conduct of meetings and voting.

(a) Meetings. The VRB shall meet at least once a month at a regularly scheduled time. Additional meetings may be called by the chairperson or upon the request of five (5) VRB members. All meetings of the VRB shall be open to the public.

(b) Attendance at meetings. Any member of the VRB who is absent from four (4) meetings in a twelve-month period, or is absent from three (3) consecutive meetings, shall automatically be removed from the VRB.

(c) Quorum and voting. A quorum of the VRB, necessary to conduct any business of the board, shall consist of four (4) members. A concurring vote of four (4) members shall be necessary to approve an application for a variance; however, a simple majority of those present and empowered to vote shall be necessary to conduct routine business and deny an application for a variance.

(d) Rules of procedure. The VRB shall adopt and make public rules of procedure for the conduct of its business, provided such rules are consistent with the provisions hereof.

(e) Minutes. The VRB shall prepare and keep on file minutes and a record of its meetings, including the vote of each member on every ques-
tion, and all documents submitted to it in every case. The VRB shall cause a tape recording to be made of all proceedings before the board.

Sec. 27-79. Powers and duties.

The VRB shall have the following powers and duties:

(a) Chapter 13, Landscaping, Tree Removal and Site Clearing and sections 27-285 through 27-286.

(1) Hear and decide administrative appeals from any order, requirement, decision or determination made by any official or staff member in interpreting Chapter 13 in accordance with section 27-61(a).

(2) Hear and authorize variances from the terms and requirements of Chapter 13 and sections 27-285 through 27-286; provided, however, that the VRB shall not waive in its entirety any section of Chapter 13 or sections 27-285 through 27-286, and shall not have the authority to waive any requirements of the technical manual adopted pursuant to City of Tampa Code section 13-146.

(b) Article VI, Division 6, Signs.

(1) Hear and decide administrative appeals from any order, requirement, decision or determination made by the neighborhood improvement manager or any staff member in interpreting any sign-related provision of Article VI, Division 6 in accordance with section 27-61(a).

(2) Hear and authorize variances from any sign-related provision of Article VI, Division 6, excluding Lee Roy Selman Expressway signs. Variances are not permitted for prohibited signs.

(c) Chapter 27 Zoning and Land Development.

(1) Hear and decide administrative appeals from any order, requirement, decision or determination made by the zoning administrator in the performance of his duties in accordance with section 27-61(a).

(2) Hear and authorize variances from the terms and requirements of Chapter 27, Zoning and Land Development, relative to:

a. All yard (setback), fence and buffer requirements.


c. Such other matters as the VRB may be required to pass upon, decide or determine pursuant to Chapter 27.

Nothing in this section shall be construed to authorize the board to permit a use in a district where that use is neither a permitted use or a special use.

Sec. 27-80. Application of the variance power.

(a) The VRB shall only be authorized to grant variances in cases where the VRB expressly finds that the applicant has demonstrated practical difficulties or unnecessary hardships and that the request ensures the public health, safety and general welfare are protected. When reviewing a variance application, the VRB shall base its decision on substantial competent evidence in the official record and shall consider the following criteria:

(1) The alleged hardships or practical difficulties are unique and singular with respect to the property, or with respect to a structure or building thereon, and are not those suffered in common with other properties, structures, or buildings similarly located.

(2) The hardship or practical difficulty does not result from the actions of the applicant. A self-created hardship or practical difficulty shall not justify a variance.
The variance, if granted, will not substantially interfere with or injure the health, safety, or welfare of others whose property would be affected by allowance of the variance.

The variance is in harmony with, and serves the general intent and purpose of, this chapter and the adopted Tampa Comprehensive Plan.

Allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this chapter and the individual hardships or practical difficulties that will be suffered due to a failure of the board to grant a variance.

The VRB may impose reasonable conditions upon the granting of any variance to ensure that the public health, safety and general welfare shall be protected and substantial justice done. Any violation of such conditions shall be a violation of this Code.

There shall automatically be a time limit of two (2) years, during which the variance must be utilized. A six-month extension to this time limit may be approved by the zoning administrator, provided the applicant requests an extension prior to the expiration of the time limit.

Sec. 27-81. Administration; notice; public hearing; decision.

(a) Administration. Applications for variances or tree removal permit approvals shall be filed with the zoning administrator, as the administrator for the variance review board (VRB). Applications shall be submitted on forms provided by the zoning administrator. The administrative review fee for such applications shall be as prescribed by city council resolution. Each application for a variance to the wet land setback requirements set forth in section 27-286 shall be accompanied by a written recommendation from an authorized representative of the Hillsborough County Environmental Protection Commission or an environmental consultant approved by the director of the parks and recreation department.

(b) Public notice. The procedures for required public notice shall be governed by section 27-149 with supplemental notice provided per section 27-149(c)(1) (mailed notice) and (c)(2) (posted notice). Per section 27-149(c)(3), the applicant shall file the required affidavit of compliance with the zoning administrator or designee.

(c) Decision. Following the public hearing(s) and the VRB’s decision on the application, staff shall forward written notice of the decision to the applicant. If the board’s decision is to grant a variance, the variance granted shall be tied to the site plan submitted by the applicant and approved by the board. If the board places conditions on the site plan, prior to final adoption of the site plan and variance request, the applicant shall provide a revised site plan to the zoning administrator or designee for review and certification of the site plan conditions. The appropriate department(s) shall issue any permit(s) in accord with the VRB’s action on the application, if a permit is authorized by such action, and the appropriate department(s) shall see to the faithful execution of all portions of the action, including the enforcement of any condition(s) attached to the granting of a variance.

Sec. 27-82. Stays from further enforcement proceedings; exceptions.

A variance application to the VRB stays all enforcement proceedings in furtherance of the code section from which the variance is sought; provided, however, that a variance application shall not stay any proceeding(s) in furtherance of the code section from which the variance is sought, if the appropriate department certifies either:

1. That, in the opinion of the department, a stay would cause imminent peril to life or property; or

2. That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of this chapter.

In each instance, the appropriate department shall place in the certificate facts to support the conclusion.

(Ord. No. 95-253, § 1, 11-30-95)
Sec. 27-83. Effect of denial.

Denial of an application to the VRB shall preclude consideration of a substantially similar request for a period of twelve (12) months from the date of denial. The VRB may determine that this time period does not apply if a substantially different request is submitted which addresses the grounds for denial identified during the public hearing.

Sec. 27-84. Appeals.

Any aggrieved person, as defined in Chapter 27, who participated during the public hearing may appeal a decision of the VRB in accordance with section 27-61(c).

Secs. 27-85—27-90. Reserved.

DIVISION 4. HISTORIC DISTRICT DESIGN REVIEW; CERTIFICATE OF APPROPRIATENESS; VARIANCE PROCEDURES

Subdivision 1. Barrio Latino Commission (Ybor City Historic District)

Sec. 27-91. Intent.

(a) The purpose of the Ybor City Historic District is to promote and preserve this historic district and its landmarks for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, sites, monuments, structures and other areas of historic interest or importance within the Ybor City area of the city; to safeguard the heritage of our city by preserving and regulating this district and its landmarks which reflect elements of our cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of this district and the neighborhoods within it; to strengthen the city’s economic base by the stimulation of the tourist industry; to establish, stabilize and improve property values; to foster economic development and to manage growth.

(b) As a regulatory tool, the Ybor City Historic District will assist in the revitalization efforts directed toward Ybor City. These efforts are set out in the Community Redevelopment Plan for the Ybor City Community Redevelopment Area of 1988. It will establish a regulatory framework within which appropriate uses of land will be encouraged. It will allow a compatible mix of residential, commercial, light industrial and public uses, which will strengthen Ybor City's local and regional identity. The character, architectural style and historic value of property will be protected from repairs and construction of inferior quality and appearance and from alterations that are incompatible with their preservation. These elements will be further enhanced by maintaining a high quality of design in infill construction and other new development in the area. The district regulations will require adherence to high standards of landscaping, control of signs and the maintenance of property in both public and private ownership, the intent of this article being to stabilize and strengthen the district’s rehabilitation efforts, to protect the value of the buildings therein, and to preserve this irreplacable area of historical significance for the benefit and enjoyment of future generations.

Sec. 27-92. Historic district established.

(a) Generally. The "Ybor City Historic District" is hereby established as two (2) areas designated as the Original Ybor City Historic District and the Expanded Ybor City Historic District. Together the area is known as the Ybor City Historic District. See section 27-177 for YC-District descriptions and Use Table)

Sec. 27-93. Authority of city council and Barrio Latino Commission.

(a) This section is established to clearly distinguish the independent regulations of architectural review by the Barrio Latino Commission and the zoning authority of the city council and subsequent authority the city council delegates to the zoning administrator.
(b) There are two (2) separate and distinct procedures which must be accomplished prior to any development within the Ybor City Historic District:

1. **Approval of proposed use prior to development.** Prior to development, it shall be determined by the zoning administrator that the proposed use is a permitted or special use in the applicable zoning district. If the use is permitted in the zoning district, the developer may apply for a certificate of appropriateness, as outlined in this article. If the use is a special use, all conditions for approval, including city council approval, must be met prior to development. The applicant shall meet all requirements of Article II, Division 5, Special Use Permits.

2. **Issuance of certificate of appropriateness.** Prior to any development or rehabilitation, and prior to the issuance of a building permit, the Barrio Latino Commission shall review and issue or deny a certificate of appropriateness which approves or denies the exterior form and appearance of the development. The review of the certificate of appropriateness shall follow the procedures set forth in this article. As outlined in sections 27-94 and 27-97, the commission shall be requested to review and comment on all special use requests. The city council shall consider the commission’s comments in its decision; however, the city council shall make the final decision regarding the special use request.

**Sec. 27-94. Barrio Latino Commission recommendations.**

All special use, rezoning and right-of-way vacating applications within the Ybor City Historic District shall be reviewed by the Barrio Latino Commission at its next regular meeting after the application has been submitted in accordance with the requirements of this chapter. The Barrio Latino Commission shall forward its comments and recommendations within forty-five (45) days of the filing of the application. The recommendations shall be presented to the city council, the body having final decision responsibility on applications.

**Sec. 27-95. Barrio Latino Commission.**

(a) **Creation.** There is hereby established the Barrio Latino Commission, hereafter referred to as the commission, which shall serve as the architectural review board for the Ybor City Historic District and shall have for its purpose the designation and preservation of such facilities in the Ybor City Historic District as it may deem appropriate.

(b) **Membership.** Five (5) members of the commission and one (1) alternate member, shall be appointed by the mayor, with the approval of the majority of city council, and four (4) members and one (1) alternate member shall be appointed by the city council.

In appointing members, the mayor shall include: one (1) from the Hillsborough County Historical Commission, the Tampa Historical Society, Tampa Preservation, Inc., or the Ybor City Museum Society; one (1) from the Greater Tampa Chamber of Commerce; one (1) from the Ybor City Chamber of Commerce; one (1) registered architect, in the State of Florida, who resides in the city and who has demonstrated an active interest in the purposes of this part through training or experience in architectural history; one (1) arborist, or horticulturist, or landscape architect. In appointing members, city council shall include: one (1) from the Ybor City Chamber of Commerce; one (1) attorney licensed to practice in the state, who resides in the city and who has demonstrated an active interest in historic preservation; one (1) registered architect, in the State of Florida, who resides in the city and who has demonstrated an active interest in the purposes of this part through training or experience in architectural history; one (1) who shall be a resident of the Ybor City.
Historic District. The two (2) alternate members may be from any of the categories set forth above.

(c) Tenure. Members of the commission shall serve overlapping terms of two (2) years. Initially, three (3) members shall be appointed for three-year terms. Thereafter, all appointments shall be for a term of two (2) years. A member may not be reappointed for a third consecutive term, but shall be eligible for reappointment after one (1) calendar year has elapsed from the date of the termination of his or her term.

(d) Meetings. The commission shall establish a meeting time and shall meet at least quarterly and more often as it shall determine and require. All meetings of the commission shall be open to the public and reasonable notice of the time and place thereof shall be given in accord with state law.

(e) Attendance at meetings. Any member of the commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the commission and shall be replaced or reappointed by the mayor, with the approval of the city council. Absence due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not affect the member's status on the commission, except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

(f) Rules of procedure. The commission shall adopt and publish rules of procedure for the conduct of its business.

(g) Annual report required. An annual report shall be prepared and submitted to the mayor and city council by October 25 of each year. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the commission, as well as any budget requests and recommendations.

(h) Meeting minutes. The commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and actions. The minutes of the commission shall be a public record.

(i) Commission powers.

(1) General responsibilities of the commission. The Barrio Latino Commission shall have for its purpose the control of the erection, alteration, addition, repair, removal or demolition of any new or existing buildings and structures, which erection, alteration, addition, repair, removal or demolition in the opinion of the commission will injuriously affect the quaint and distinctive character of the Ybor City Historic District.

(2) Specific authority and powers. In addition to the powers and duties stated elsewhere, the BLC shall take action necessary and appropriate to accomplish the purposes of this article. These actions include:

a. Approval or disapproval on applications for certificates of appropriateness, certificates of appropriateness for relocation or demolition and applications for economic feasibility determinations, and regulating alterations visible to the public, alterations of archaeological sites, demolitions, relocations and new construction involving designated property;

b. To review and recommend reasonable land use to the extent necessary to preserve the historical integrity and appearance within the district, including but not limited to the authority to make recommendations to the appropriate zoning authorities to deny or grant variances from this chapter;

c. Establishing subcommittees of the BLC to conduct preliminary design review of applications for a certificate of appropriateness, provided public notice is given and a quorum of the subcommittee is present, and to perform other assignments; and

d. To give advice to property owners concerning the treatment of the historical and visual characteristics of their properties located within the Historic District.
district, such as façade improvements, signs, color schemes, gardens and landscape features, and minor decorative elements;
e. To report violations of this chapter to the administrative official charged with enforcing this chapter;
f. To discuss with owners and other parties means of preserving buildings scheduled for demolition;
g. To establish guidelines under which the administrator of the commission may approve minor development projects on behalf of the commission. No application shall be denied without first being considered by the commission;
h. To conduct public hearings on applications for certificates of appropriateness under procedures established by the city council, where the rules of procedure of the commission call for such a hearing;
i. To undertake property inspection and design review pertinent to determining compliance with historic preservation property easements or restrictions which the city may have, acquire or accept as a gift or otherwise, upon authorization and approval by the city council;
j. To organize itself and conduct its business in conjunction with procedures prescribed herein for conducting hearings, the submission of plans and the granting of permits; and
k. Exercising such other powers and performing such other duties as are required elsewhere by this chapter, this Code and state statutes.

(3) Variance and administrative appeal powers.

a. In the Ybor City Historic District the BLC shall have the following powers:

i. Hear and decide administrative appeals from any order, requirement, decision or determination made by any official or staff member in interpreting Chapter 13 in accordance with section 27-61(a).

ii. Hear and authorize variances from the terms and requirements of Chapter 13 and sections 27-285 through 27-286; provided, however, that the commission shall not waive in its entirety any section of Chapter 13 or sections 27-285 through 27-286, and shall not have the authority to waive any requirements of the technical manual adopted pursuant to City of Tampa Code Section 13-146.

2. Article VI, Division 6—Signs.

i. Hear and decide administrative appeals from any order, requirement, decision or determination made by the neighborhood improvement manager or any staff member interpreting any sign-related provision of Article VI, Division 6 in accordance with section 27-61(a).

ii. Hear and authorize variances from any sign-related provision of Article VI, Division 6, excluding Lee Roy Selman Expressway signs. Variances are not permitted for prohibited signs.

3. Chapter 27—Zoning and Land Development.

i. Hear and decide any administrative appeals from any order, requirement, de-
cision or determination made by the zoning administrator in the performance of his duties in accordance with section 27-61(a).

ii. Hear and authorize variances from the terms and requirements of Chapter 27, Zoning, relative to:
   A. All yard (setback), fence and buffer requirements.
   B. The height of structures in the Ybor City Historic District.
   C. Such other matters as the BLC may be required to pass upon, decide or determine pursuant to Chapter 27.

Nothing is this section shall be construed to authorize any board or commission to permit a use in a district where that use is neither a permitted use or a special use.

b. In exercising its variance power the BLC shall only be authorized to grant variances in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the hearing supports all of the following findings:
   1. The alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located.
   2. The alleged hardships or practical difficulties which would result from failure to grant the variance extend to the inability to use the land in question for any use in conformity with the provisions of this chapter and include substantially more than mere inconvenience and inability to obtain a higher financial return.
   3. The variance, if granted, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.
   4. The variance is in harmony with, and serves the general intent and purpose of, this chapter and the adopted Tampa Comprehensive Plan.
   5. Allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this chapter and the individual hardships that will be suffered due to a failure of the board to grant a variance.

c. The BLC may impose reasonable conditions upon the granting of any variance to ensure that the public health, safety and general welfare shall be protected and substantial justice done. Any violation of such conditions shall be a violation of this chapter.

d. There shall automatically be a time limit of one (1) year, during which the variance must be utilized. A six-month extension to this time limit may be approved by the BLC administrator provided the applicant requests an extension prior to the expiration of the time limit.

Sec. 27-96. Variance administration; public notice; decision; stay; denial; review.

(a) Variance administration. Applications for variances shall be filed with the BLC's staff administrator, and such applications shall be submitted on forms provided by the administrator.
The administrative review fee for such applications shall be as prescribed by city council resolution.

Each application for a variance to the wetland setback requirements set forth in section 27-286 shall be accompanied by a written recommendation from an authorized representative of the Hillsborough County Environmental Protection Commission or an environmental consultant approved by the director of the parks department.

(b) Public notice. The procedures for required public notice shall be governed by section 27-149 with supplemental notice provided per section 27-149(c)(1) (mailed notice) and (c)(2) (posted notice). Per section 27-149(c)(3), the applicant shall file the required affidavit of compliance with the BLC staff administrator.

(c) Decision. Following the public hearing(s) and the BLC’s decision on the application, staff shall forward written notice of the decision to the applicant.

The appropriate department(s) shall issue any permit(s) in accordance with the BLC’s action on the application, if a permit is authorized by such action, and the appropriate department(s) shall see to the faithful execution of all portions of such action, including the enforcement of any condition(s) attached to the granting of a variance.

(d) Stay. A variance application to the BLC stays all enforcement proceedings in furtherance of the code section from which the variance is sought; provided, however, that a variance application shall not stay any proceeding(s) in furtherance of the code section from which the variance is sought, if the appropriate department certifies either:

1. That, in the opinion of the department, a stay would cause imminent peril to life or property; or

2. That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of this chapter.

In each instance, the appropriate department shall place in the certificate facts to support the conclusion.

(e) Denial. Denial of an application to the BLC shall preclude consideration of a substantially similar request for a period of twelve (12) months from the date of denial. The BLC may determine that this time period does not apply if a substantially different request is submitted which addresses the grounds for denial identified during the public hearing.

(f) Review. Any aggrieved person who participated during the public hearing may seek review of a variance decision of the BLC in accordance with section 27-61(b)(2), (d) through (i), and (j)(2).

Sec. 27-97. Certificate of appropriateness.

(a) Required. No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor aboveground utility structure nor any type of sign shall be erected, rehabilitated, restored, moved or demolished with the Ybor City Historic District until an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the commission or its designated agent. The city shall require such a certificate to be issued by the commission prior to the issuance of a building permit granted for the purposes of constructing, rehabilitating, moving or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this chapter. A certificate of appropriateness shall be required whether or not a building permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid. Without limiting the foregoing, as with any development within the Ybor City Historic District, all development and/or redevelopment of property situated within the YC-3 zoning district, or elsewhere in the Ybor City Historic District, including but not limited to development and/or redevelopment proposed by Hillsborough Community College, shall comply with the Barrio Latino's exterior form and appearance requirements and design manual for the Ybor City Historic District. Said compliance shall be required to the extent that the exterior form and appearance requirements, and design regulations do not conflict with the applicable mandatory state building codes and regulations.
The city and all public utility companies shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street patterns or paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the city or public utility companies.

(b) Application submitted to administrator of the commission. An application for a certificate of appropriateness shall be obtained from and, when completed, filed with the administrator of the commission. Applications for certificates of appropriateness shall be considered by the commission at its next regular meeting, provided they have been filed, complete in form and content, at least fourteen (14) calendar days prior to the regularly scheduled meeting of the commission, otherwise, consideration shall be deferred until the following meeting.

(c) Contents of application. The commission shall set out in its rules of procedure the data required to determine the nature of the application. An application for a certificate of appropriateness shall not be considered complete until all required data have been submitted. Nothing shall prevent the applicant from filing with the application additional relevant information bearing on the application.

(d) Notification of commission. Upon receipt of a complete application, the administrator of the commission shall notify the commission of its filing at least four (4) calendar days before its regularly scheduled meeting.

(e) Notification of affected property owners. Prior to issuance or denial of a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application and shall give the applicant and such owners an opportunity to be heard.

(f) Public hearing. In cases where the commission deems it necessary, the commission may hold a public hearing concerning the application.

(g) Commission action on application. The commission shall take action on the application and, in doing so, shall apply the review criteria contained in section 27-98. The commission's action on the application shall be approval, approval with modifications or disapproval. Prior to final action on an application, the commission, using the guidelines in section 27-98, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the district. Certificates of appropriateness approved by the BLC are deemed to be consistent with the contributing status, historic significance and integrity of the structure, site and district or designation.

(b) Reasons for commission's actions to appear in minutes. The commission shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with modifications or denial.

(i) Time limits. If the commission fails to take final action upon any application within sixty (60) days after the complete application is submitted to the administrator of the commission, the application shall be deemed to be approved.

(j) Denial. Denial of an application for a certificate of appropriateness shall preclude consideration of a request for a certificate of appropriateness on the same property, or portion of the property, for a period of twelve (12) months from the date of denial of the previous application. However, upon written application, the BLC administrator shall consider a request to waive the twelve-month period if, in the determination of the BLC administrator, the applicant demonstrates that the new request for a certificate of appropriateness has adequately addressed the grounds for denial identified during the public hearing.

Upon affirmative determination, the applicant may file a new application with payment for associated fee, subject to the current filing schedule.

(k) Notice of action. The commission shall cause notice of its decision to be mailed to the applicant within ten (10) calendar days of its action. The effective date of the decision shall be the date of the public hearing at which the decision was made.
Sec. 27-98. Review criteria.

(a) Intent. It is the intention of this article to ensure, insofar as possible, that buildings or structures in the district shall be in harmony with other buildings or structures located therein. However, it is not the intention of this article to require the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of some or to impose architectural styles from particular historic periods. In considering new construction, the commission shall encourage contemporary design that is harmonious with the character of the district.

In granting a certificate of appropriateness, the commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

(b) Exterior form and appearance. The following criteria shall be considered, when relevant, by the commission in reviewing an application for a certificate of appropriateness:

(1) Lot coverage, defined as the percentage of lot area covered by primary structures;
(2) Setbacks, defined as the distance from the lot lines to the buildings;
(3) Building height;
(4) Spacing of buildings, defined as the distance between adjacent buildings;
(5) Exterior building materials;
(6) Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration;
(7) Surface textures;
(8) Room shapes, forms and materials;
(9) Use of local or regional architectural traditions;
(10) General form and proportions of buildings and structures, and relationship of any additions to the main structure;
(11) Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials;
(12) Orientation of the building to the street;
(13) Scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures;
(14) Proportion of width to height of the total building façades;
(15) Effect of trees and other landscape elements;
(16) Appurtenant fixtures and other features, such as lighting;
(17) Structural condition and soundness;
(18) Walls: physical ingredients such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building façades, or combinations of these;
(19) Color;
(20) Ground cover or paving;
(21) Maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement.

These criteria are to be supplemented by the publication of a design manual for Ybor City Historic District which shall be made available to property owners within the district. The manual is only one (1) set of standards available for guidance to the property owner and it only governs exterior construction rehabilitation. The Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (revised 1983) should be made available to those property owners wishing to take advantage of the historic preservation incentives in the Economic Recovery Tax Act of 1981.

Sec. 27-99. Interior arrangement not considered.

The commission shall not consider interior arrangement of any structure.
Sec. 27-100. Review of application by commission.

As part of its review procedure, the commission may view the premises and seek the advice of the department of state or such other expert advice as it may deem necessary under the circumstances.

Sec. 27-101. Certain changes not prohibited.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the district which does not involve a substantial change in design, material or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, rehabilitation or demolition of any such feature which the building inspector or similar official shall certify in writing to the commission is required by the public safety because of an unsafe or dangerous condition.

Sec. 27-102. Review of decision.

Any aggrieved person who participated during the public hearing may petition for review of a decision of the BLC granting or denying a certificate of appropriateness in accordance with section 27-61.

Sec. 27-103. Applications for certificates involving proposed demolition of structures within district.

(a) Proposed demolitions. When an applicant wishes to demolish a contributing building, structure or feature in the historic district, the applicant shall have the responsibility of proving that the demolition is necessary, and he shall present substantial evidence on the need for the demolition. The applicant shall explore alternatives to demolition. The applicant shall discuss whether he can retain the building or the structure on the site. The applicant shall discuss whether the relocation of the building or structure on the site to another site is appropriate and feasible. The applicant shall present to the Barrio Latino Commission substantial evidence on his ability to accomplish proposed development and/or construction within a reasonable period of time, if his application is approved. The commission may assist the applicant in determining whether an alternative to demolition can be found. Prior to applying for permission to demolish, the applicant may request a determination from the commission on whether the structure is contributing or noncontributing. In reviewing such requests, the commission shall determine the documentation requirements for the application with consideration given to the specific circumstances of each individual case. The commission may add to or delete from the thirteen (13) items of documentation referred to in this section. The commission may delegate the review of demolition requests for noncontributing structures to the administrator. The commission shall have the responsibility of determining whether the building or structure contributes to the district and whether the building or structure continues to have its significance. On all demolition applications, the commission shall study the question of economic hardship for the applicant and shall determine whether the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income producing building, the commission shall also determine whether the applicant can obtain a reasonable return from his existing building. Failure on the part of the applicant to prove economic hardship or the lack of a reasonable return shall be grounds for denial of demolition. Upon receipt of an application for the demolition of any structure within the boundaries of the Ybor City Historic District, the administrator shall determine whether the structure is contributing or noncontributing. Contributing status of structures shall be determined based upon the most recent cultural resources survey of the Ybor City Historic District using the criteria of the National Register of Historic Places. This information shall be presented to the commission for its consideration of the application. An application involving a structure designated as contributing to the historic or architectural significance of the district and so displayed on a map approved by the commission may be denied. In reviewing applications for the demolition of contributing buildings or structures, the commission shall be guided in its decision by the following information, to be provided by the applicant:

(1) Estimate of the cost of the proposed demolition or removal and an estimate of
any additional cost that would be incurred to comply with recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness;

(2) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;

(3) Estimated market value of the property, both in its current condition and after completion of the proposed demolition or removal;

(4) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

(5) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased and any terms of financing between the seller and buyer;

(6) If the property is income-producing, the annual gross income from the property for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(7) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

(8) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;

(9) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

(10) Assessed value of the property according to the two (2) most recent assessments;

(11) Real estate taxes for the previous two (2) years;

(12) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method;

(13) Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

(b) Proposed demolitions involving threat to public health and safety. Regardless of the building’s status as a contributing or noncontributing structure as provided in subsection (a) above, where the planning and development department (PDD) shall certify in writing that the structure is an imminent threat to the public health and safety, a certificate of appropriateness shall not be required. However, the department of housing and development coordination shall forthwith furnish a copy of its certification to the commission. (Ord. No. 2013-67, § 2, 5-16-2013)

Sec. 27-104. Termination of certain uses.

(a) Adult uses, temporary help centers and blood donor centers are uses not permitted or permissible within the Original Ybor City Historic District. All adult uses, temporary help centers and blood donor centers legally established on the effective date of the ordinance from which this article was derived shall be terminated within three (3) years of such date and the premises used for uses permitted or permissible within the district.

(b) Pursuant to section 27-177, Table 8-1, and subsection (a) above, adult uses, temporary help centers and blood donor centers are already prohibited in the Original Ybor City Historic District. Additionally, adult uses, temporary help centers and blood donor centers shall not be permitted within the boundaries of the Expanded Ybor City Historic District. If any adult uses, temporary help centers and blood donor centers were legally established and operating with all required permits and licenses within the boundaries of the
Expanded Ybor City Historic District prior to the date of adoption of the ordinance which established the Expanded Ybor City Historic District, then such adult use, temporary help center or blood donor center shall be considered a nonconforming use and shall be governed by the terms, provisions and limitations set forth in section 27-297, Nonconforming uses of major structures or structures and premises in combination.

**Sec. 27-105. Compliance.**

Compliance with the terms of the certificate of appropriateness shall be enforced by the zoning administrator. Failure to comply with a certificate of appropriateness shall be a violation of this chapter. The discontinuance of work or the lack of progress toward achieving compliance with a certificate of appropriateness for a period of six (6) months shall be considered as a failure to comply with a certificate of appropriateness.

**Sec. 27-106. Signs and other encroachments in the Ybor City Historic District.**

(a) **Signs.** The following requirements shall apply to awning, wall, marquee, and projecting signs in the Ybor City Historic District and shall be in addition to other sign regulations set forth in this Code. Where inconsistent with the regulations contained elsewhere in this Code, the provisions of this section shall apply and control in the Ybor City Historic District. Placement of any sign in the Ybor City Historic District is subject to the final approval by the Barrio Latino Commission and shall comply with the following specific criteria:

1. A minimum distance of fifteen (15) feet shall be required between signs. A minimum clearance of four (4) feet shall be maintained between signs on the same façade.

2. Each occupant of commercial space abutting public right-of-way is allowed one sign only. The occupant name may be placed on both faces of the sign. The maximum dimensions for the sign are as follows: Four (4) feet long, eighteen (18) inches high and six (6) inches thick. The bottom of the sign shall be a minimum of seven (7) feet above the sidewalk.

3. Signs shall have no maximum projection into the right-of-way; however, no sign may project within two (2) feet, six (6) inches of that portion of the right-of-way intended for vehicular use.

4. Sign placement shall leave street corners free of obstructions to allow for safe traffic movement and placement of utilities.

5. If the right-of-way is needed by the city for any reason, the owner shall remove or relocate the sign at his expense within forty-five (45) working days of the written notice by the city.

6. A hold harmless agreement in a form acceptable to the city must be signed by the owner and submitted to the city prior to issuance of sign permit.

(b) **Encroachments.** Encroachments into the public right-of-way for awnings or architectural features may be authorized administratively through the commercial site plan review process; provided that any encroachment in the Ybor City Historic District is subject to the final approval by the Barrio Latino Commission, and the encroachments shall comply with the following specific criteria:

1. The bottom most portion of the encroachment shall be a minimum of seven (7) feet above grade. There is no maximum projection into the right-of-way; however, no encroachment may project within two (2) feet six (6) inches of that portion of the right-of-way intended for vehicular use.

2. Building columns or support poles are prohibited from projecting into the right-of-way.

3. Encroachments shall leave street corners free of obstruction to allow for safe traffic movement and proper placement of utilities.

4. Lighting underneath encroachments shall be provided and maintained by the property owner.
(5) If the right-of-way is needed by the city for any reason, the owner shall remove or relocate the encroachment at his expense within forty-five (45) working days of written notice by the city.

(6) A hold harmless agreement in a form acceptable to the city must be signed by the owner and submitted to the city prior to the issuance of building permits.

Sec. 27-107. Maintenance and repair of landmarks, landmark sites and property in historic districts, multiple property designation or conservation overlay district.

(a) Prevention of demolition by neglect. The owner and the tenant of a landmark, a landmark site or a property in a historic district, multiple property designation or conservation overlay district, shall keep in good repair: (1) all of the exterior portions of such structures; and (2) all interior portions thereof which, if not so maintained, may cause such structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of his structure by neglecting it and permitting damage to it by weather or vandalism, and to protect Tampa’s historic resources by intervening when a historically designated structure is undergoing demolition by neglect. Demolition by neglect is defined as a situation in which a property owner, or others having legal possession, custody or control of a property, allow the condition of a contributing structure or structure designated as a landmark, to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations. No provision in this chapter shall be interpreted to require an owner or tenant to restore the structure to its original appearance.

(b) Ways to improve the condition of the property. The BLC administrator shall request a meeting with the owner and the tenant when the landmark or contributing structure is in poor repair, and the BLC administrator shall discuss with them ways to improve the condition of the property. After this step the BLC administrator may request the department of growth management and development services or code enforcement to take action to require correction of defects in any structure designated under this chapter so that such structure shall be preserved in accordance with the purposes of this chapter. In the event emergency conditions dangerous to life, health or property exist, as determined pursuant to subsection (e), the BLC administrator does not have to comply with the provisions of this subsection.

(c) Ordinary maintenance and repairs. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the structure’s exterior appearance which is visible to the public.

(d) Control of demolition by neglect of contributing structures within local historic districts or those structures designated as local landmarks.

(1) In order to promote the purposes of historic preservation, this subsection requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. The requirements of this subsection are applicable only to contributing structures in local historic districts or those structures designated as local landmarks.

(2) Conditions of neglect defined and prohibited. Owners or others having legal possession, custody or control of a contributing structure in a local historic district or a structure designated as a local landmark shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur on such
properties. It is a violation to fail to remedy a condition of neglect as defined in this section.

Conditions of neglect include, but are not limited to, the following:

a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.

c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

d. Deterioration or crumbling of exterior brick, plaster or mortar.

e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

g. Rotting, holes, and other forms of decay.

h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delaminating, instability, loss of shape and form, or crumbling.

i. Deterioration that has a detrimental effect on the surrounding historic district.

j. Deterioration that contributes to a hazardous or unsafe condition.

(e) Emergency conditions. In any case where the department of growth management and development services, in coordination with the code enforcement department, determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district, the department may order the remedying of these conditions without the approval of the BLC. The department shall promptly notify the administrator of the BLC of the action being taken. When the emergency conditions do not require demolition, the department shall make every effort to carry out the intent of this chapter and to use the design standards of the BLC whenremedying the emergency conditions. Failure to comply with an order issued pursuant to this section, within the reasonable time set within the order for compliance, is a violation of this Code.

(f) Other laws and regulations. The provisions of this section shall be in addition to all other provisions of the state and city laws and regulations requiring that buildings and structures be kept in good repair.

Secs. 27-108—27-110. Reserved.

Subdivision 2. architectural review commission (Other Locally Designated Historic Districts)

Sec. 27-111. Intent and declaration of public policy.

(a) The purpose of this article is to preserve, promote and improve the historic landmarks and districts of the city for the educational, cultural, economic and general welfare of the public; to protect and review changes to these landmarks and districts which have a distinctive character or a special historic, architectural, aesthetic or cultural value to this city, state and nation; to safeguard the heritage of this city by preserving and regulating its historic buildings, historic sites, archaeological sites, monuments, structures, neighborhoods and areas which reflect elements of the city's cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of these landmarks and districts; to strengthen the city's economic base and to stimulate the tourist industry;
to establish, stabilize and improve property values; to foster economic development and to manage growth.

(b) The city council finds that the city has played an important role in the development of the state and that this history is shown today through archaeological sites and through buildings and areas representing the activities as a port, an industrial center and a resort and through sites, buildings and neighborhoods representing the persons who live and work or have lived and worked in the city during its first one hundred fifty (150) years. The council finds that the distinctive and significant character of the city can only be maintained by protecting and enhancing its historic, architectural, aesthetic and cultural heritage and by preventing unnecessary injury or destruction of its landmarks and historic districts which are community assets. The council finds that the federal and state governments have passed laws to protect and preserve landmarks and historic districts.

(c) The city council finds that this article benefits all the residents of the city and all the owners of property and declares as a matter of public policy that the preservation protection and use of landmarks and historic districts are a public necessity because of their character and their value as visible reminders of the history and heritage of this city, state and nation. The council declares as a matter of public policy that this article is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people. The designation and preservation of landmarks and landmark sites wherever located and of buildings and structures within any historic district and the control of the erection, alteration, addition, repair, removal or demolition of new or existing buildings or structures, signs and any such facilities or appurtenances thereto to ensure perpetuation of its historic character is hereby designated to be a public purpose.

(d) As a regulatory tool, this article will protect the character, architectural style and historic value of designated property from alterations that are incompatible with their preservation and from repairs and construction of inferior quality and appearance. These elements will be further enhanced by maintaining a high quality of design in infill construction and other new development in historic districts. One (1) of the purposes of this article is to provide the tools to encourage appropriate new development and appropriate growth in historic districts. In considering new construction, the Architectural Review Commission shall encourage design which is harmonious with the character of the designated historic districts and landmarks. The landmark and district regulations will require adherence to high standards of landscaping, control of signs and the maintenance of property in both public and private ownership.

The intent of this article is to stabilize and strengthen designated landmarks and districts and to preserve these irreplaceable properties of historical significance for the benefit and enjoyment of future generations.


(a) Creation. There is hereby established the Architectural Review Commission of the city, hereafter referred to as the ARC, which shall serve as the architectural review board for locally designated landmarks, landmark sites, multiple property designations, historic conservation overlay districts, and historic districts except for property that is subject to the jurisdiction of the Barrio Latino Commission.

(b) Membership. The ARC shall be comprised of seven (7) members. Four (4) members of the ARC and one (1) alternate member shall be appointed by the Mayor, with the approval of the majority of City Council, and three (3) members and one (1) alternate member shall be appointed by the City Council. The members and alternate members shall have a demonstrated interest, competence, professional experience or knowledge in architecture, historic preservation, history, architectural history, planning, archaeology, development, real estate appraisals, real estate marketing, law or other related disciplines.

In appointing members, the Mayor and City Council shall include, to the extent such individuals are available in the community and willing to serve, two (2) registered architects, individuals
with demonstrated experience in historic preservation, architecture, architectural history, archaeology, landscape architecture or urban design, building construction or real estate, and individuals who reside in each of the different local or national historic districts. The two (2) alternate members may be from any of the categories set forth above.

The members of the ARC shall not be entitled to compensation, pension, or other retirement benefits by virtue of serving on the ARC, but shall be entitled to receive their travel expenses and other actual ARC expenses, as approved by the PDD Director, while outside of the city which are incurred in the performance of their duties of office in an amount equal to and computed in the same manner as the amount allowed to officials of the City of Tampa for travel and subsistence while traveling on public business. Members of the ARC shall not sit as officers or board members of local historic preservation related organizations. If a member of the ARC has two (2) or more conflicts of interest, as defined in F.S. Ch. 112, within one (1) year, then such member's appointment shall be reviewed by the Mayor for a determination of whether the member's business or personal interests present frequent recurring conflicts of interest with his/her membership. Upon such finding by the Mayor, with the concurrence of City Council, the ARC member shall be removed and a replacement appointed. Except with respect to their official duties, members of the ARC shall not sit as officers or board members of local preservation related organizations. The ARC administrator and staff shall act in an impartial manner in all matters involving the ARC. Except with respect to being compensated by the city for carrying out their official duties, the ARC administrator and staff shall be prohibited from receiving any remuneration in connection with any matters which are filed with the ARC. Except with respect to their official duties, the ARC administrator and staff shall not participate in activities relating to matters filed with the ARC.

(e) **Staff.** There shall be an administrator, who shall be designated by the PDD Director, who shall have the responsibility of assisting the ARC in the implementation of its duties. The ARC administrator and staff shall not sit as officers or board members of local preservation related organizations. The ARC administrator and staff shall act in an impartial manner in all matters involving the ARC. Except with respect to being compensated by the city for carrying out their official duties, the ARC administrator and staff shall be prohibited from receiving any remuneration in connection with any matters which are filed with the ARC. Except with respect to their official duties, the ARC administrator and staff shall not participate in activities relating to matters filed with the ARC.

(f) **Meetings.** The ARC shall meet at least once a month at a regularly scheduled time with advance notice given and an agenda available prior to the meeting. The chair may cancel a regularly scheduled meeting if there is no business or quorum to conduct the meeting. If a meeting is cancelled due to a lack of quorum, all matters on the agenda shall automatically carry over to the next regularly scheduled ARC meeting. Additional meetings may be called by the chair or upon the request of four (4) members of the ARC. All meetings of the ARC shall be open to the public. Applicants shall be given notice of the ARC's meetings and its decisions on their applications.

(g) **Attendance at meetings.** Any member of the ARC who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose status as a member of the ARC and shall be replaced. Absences due to sickness or an emergency shall be
recognized as approved absences and shall not affect the member's status on the ARC except that, in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

(h) Rules of procedure. The ARC shall adopt and make public rules for the transaction of its business. A quorum shall consist of four (4) members of the ARC. A majority of those ARC members present shall be required for approval and denial of applications for certificates of appropriateness.

(i) Minutes and annual report. The ARC administrator shall prepare and keep on file, available for public inspection, minutes of its meetings and a written annual report to the Mayor and the City Council of its activities, cases, decisions, qualifications of members and other work. The minutes shall include the reasons for the decisions of the ARC.

(j) Conflict of interest. ARC members shall comply with the state code of ethics and the city code of ethics, as applicable, to appointed officials. Any member who abstains from voting due to a conflict of interest shall not be considered as part of the total membership for that vote.

Sec. 27-113. Powers and duties of the ARC and ARC staff.

(a) Powers and duties of the ARC. The ARC shall have the following responsibilities as authorized and empowered by the provisions of this chapter and the Florida Certified Local Government Guidelines published by Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation:

(1) General responsibilities. The ARC shall have the responsibilities as authorized and empowered by the provisions of this chapter for the approval or disapproval of plans related to alterations, demolitions, relocations or new construction involving locally designated landmarks, landmark sites, or property in a multiple property designation, historic conservation overlay district or historic district. The ARC shall not have jurisdiction over any property that is subject to the jurisdiction of the Barrio Latino Commission.

(2) Specific authority and powers. In addition to the powers and duties stated elsewhere, the ARC shall take action necessary and appropriate to accomplish the purposes of this division. These actions include:

a. Approval or disapproval of applications for certificates of appropriateness, certificates of appropriateness for relocation or demolition, alterations of archaeological sites and variances as set out in section 27-114;

b. Approval or disapproval of applications for certificates of appropriateness for any changes proposed by the city, public utility or transportation company in the character of street patterns or paving, sidewalks, trees, utility installations, lighting, walls, fences, structures, objects, street signage and buildings on property, easements or streets owned or franchised by the city, public utility or transportation company;

c. Reporting violations of this chapter to the administrative official charged with enforcing this chapter;

d. Conducting public hearings on applications for certificates of appropriateness under procedures established by this chapter;

e. Reviewing and making recommendations to the city council, and the Hillsborough County Board of County Commissioners, on applications for ad valorem tax exemption for properties within the ARC's jurisdiction;

f. Organizing itself and conducting its business in conjunction with procedures prescribed herein for conducting hearings, submission of plans and granting of permits;
g. Exercising such other powers and performing such other duties as are required elsewhere by this chapter, this code and state statutes;

h. Reviewing and commenting on design standards;

i. Reviewing government signs and making recommendations regarding the design, size, and scale of government signs. However, in no event can the ARC deny a certificate of appropriateness for a government sign which is necessary for the public health, safety, and welfare; and

j. With regard to applications for rezoning, changes to land use classifications, or comprehensive plan amendments, to review and recommend reasonable land use changes to the extent necessary to preserve the historical integrity and appearance of the locally designated landmark, landmark site, multiple property designation, historic conservation overlay district or historic district in accordance with the applicable design standards.

(3) Other responsibilities. The certified local government program is a federal program established through an amendment to the National Historic Preservation Act, extending some aspects of federal and state responsibilities for historic preservation to qualified local governments. In the development of the certified local government program, the city council may ask the ARC to perform other responsibilities that may be delegated to the city under the National Historic Preservation Act.

(b) Power and duties of the ARC administrator and staff.

(1) Review and advise the applicant in the preparation of applications for certificates of appropriateness.

(2) Review and advise the applicant in the preparation of applications for ad valorem tax exemption.

(3) Review and make recommendations to the ARC on complete applications for certificates of appropriateness, demolitions, relocations and ad valorem tax exemptions.

(4) Review and approve or disapprove applications for certificate of appropriateness for minor development projects pursuant to section 27-118.

(5) Perform such other duties as are required elsewhere by this chapter, this code and state statutes.

(6) Prepare annual schedule for processing of applications and public hearings before the ARC.

Sec. 27-114. Variance; authority; application; public notice; criteria; decision; stay; denial; review; expiration of variance.

(a) Authority. In any historic district, historic conservation overlay district, or multiple property designation, or on any locally designated landmark, landmark site subject to the ARC’s jurisdiction, the ARC shall have the following variance powers:

(1) Chapter 13 Landscaping, Tree Removal and Site Clearing. Hear and authorize variances from the terms and requirements of Chapter 13 and sections 27-285 through 27-286. However, the ARC shall not waive in its entirety any section of Chapter 13, and shall not have the authority to waive any requirements of the technical manual adopted pursuant to section 13-146.

(2) Article VI, Division 6 Signs. Hear and authorize variances from any sign-related provision of Article VI, Division 6, excluding Lee Roy Selman Expressway signs. Variances are not permitted for prohibited signs.

(3) Chapter 27 Zoning and Land Development. Hear and authorize variances from...
the terms and requirements of Chapter 27, Zoning and Land Development, relative to:

(i) All yard (setback), fence, and buffer requirements.

(ii) The height of structures within or relating to any locally designated landmark, landmark site, multiple property designation, historic conservation overlay district or historic district.

(iii) Such other matters as the ARC may be required to pass upon, decide or determine pursuant to Chapter 27.

Nothing in this section shall be construed to authorize the ARC to permit a use on any property where that use is neither a permitted use nor a special use.

(b) Application. Applications for variances shall be filed with the ARC’s staff administrator, and such applications shall be submitted on forms provided by the administrator. The administrative review fee for such applications shall be as prescribed by the city council by resolution.

Each application for a variance to the wet land setback requirements set forth in section 27-286 shall be accompanied by a written recommendation from an authorized representative of the Hillsborough County Environmental Protection Commission or an environmental consultant approved by the director of the parks department.

(c) Public notice. The procedures for required public notice shall be governed by section 27-149 with supplemental notice provided per section 27-149(c)(1) (mailed notice) and (c)(2) (posted notice). Per section 27-149(c)(3), the applicant shall file the required affidavit of compliance with the ARC staff administrator.

(d) Criteria. In exercising its variance power the ARC shall only be authorized to grant variances in cases where the ARC expressly finds that the applicant has demonstrated practical difficulties or unnecessary hardships and that the request ensures the public health, safety and general welfare are protected. A hardship or practical difficulty may be established if the variance request is required in order to be consistent with the design standards. When reviewing a variance application, the ARC shall base its decision on substantial competent evidence in the official record and shall consider the following criteria:

1. The alleged hardships or practical difficulties are unique and singular with respect to the property, or with respect to a structure or building thereon, and are not those suffered in common with other properties, structures, or buildings similarly located.

2. The hardship or practical difficulty does not result from the actions of the applicant. A self-created hardship or practical difficulty shall not justify a variance.

3. The variance, if granted, will not substantially interfere with or injure the health, safety, or welfare of others whose property would be affected by allowance of the variance.

4. The variance is in harmony with, and serves the general intent and purpose of, this chapter and the adopted Tampa Comprehensive Plan.

5. Allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this chapter and the individual hardships or practical difficulties that will be suffered due to a failure of the board to grant a variance.

6. The variance, if granted, will allow development that is consistent with the design standards and compatible with the historic pattern of development within the historic district, historic conservation overlay district, multiple property designation, or the locally designated landmark or landmark site in which the subject property is located.

(e) Decision. The ARC may approve, deny, or approve with the imposition of reasonable conditions to ensure that the public health, safety and general welfare shall be protected and substantial justice done. Any violation of such conditions shall be a violation of this chapter.
Following the public hearing(s) and the ARC's decision on the application, staff shall forward written notice of the decision to the applicant. The appropriate department(s) shall issue any permit(s) in accordance with the ARC's action on the application, if a permit is authorized by such action, and the appropriate department(s) shall see to the faithful execution of all portions of such action, including the enforcement of any condition(s) attached to the granting of a variance.

(f) **Stay.** A variance application to the ARC stays all enforcement proceedings in furtherance of the code section from which the variance is sought; provided, however, that a variance application shall not stay any proceeding(s) in furtherance of the code section from which the variance is sought, if the appropriate department certifies either:

1. That, in the opinion of the department, a stay would cause imminent peril to life or property; or
2. That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of this chapter. In each instance, the appropriate department shall place in the certificate facts to support the conclusion.

(g) **Denial.** Denial of a variance application shall preclude consideration of a request for the same variance on the same property, or any portion of the property, for a period of twelve (12) months from the date of denial of the previous application. However, upon written application, the ARC administrator shall consider a request to waive the twelve-month period if, in the determination of the ARC administrator the applicant demonstrates that the new variance request has adequately addressed the grounds for denial identified during the public hearing.

Upon affirmative determination, the applicant may file a new application, subject to the current filing schedule.

(h) **Review.** Any aggrieved person who participated in a public hearing on an application for variance, may seek review of a variance decision of the ARC in accordance with section 27-61(b)(2), (d) through (i), and (j)(2).

(i) **Expiration of variance.** There shall automatically be a time limit of five (5) years, during which the variance must be utilized. The five-year period commences upon the ARC's written approval of the application for variance.

Sec. 27-115. Certificate of appropriateness; review of work on locally designated landmarks, landmark sites and property in multiple property designations, historic conservation overlay districts and historic districts.

(a) **Work requiring a certificate of appropriateness.** A certificate of appropriateness from the ARC shall be required before a person may undertake the following work affecting a locally designated landmark, a landmark site or a property in a multiple property designation, historic conservation overlay district or historic district:

1. An exterior improvement or alteration that is visible to the public;
2. An alteration of an archaeological site;
3. New construction;
4. Landscaping for development and redevelopment of properties which include the installation of or changes to a parking lot;

(2) **Exceptions.** Landscaping of single-family or two-family dwellings shall not require a certificate of appropriateness; trackage, including ties, ballast, drainage structures, signals, switches, communications lines, tie plates, rail anchors, spikes, fasteners or other rail materials, within a landmark site, multiple property designation, historic conservation overlay district, or in historic district shall not require a certificate of appropriateness.

Certificates of appropriateness for demolition and relocation are handled as provided in section 27-116.

(b) **Application made to the ARC.** When a person or entity wishes to undertake work requiring a certificate of appropriateness, that person or entity shall file an application for a certificate of
appropriateness with the ARC’s staff administrator on forms provided by the city. The administrative review fee for such applications shall be as prescribed by the city council by resolution. A certificate of appropriateness must be obtained even when a building permit is not required for the proposed work. The city shall refer to the ARC any person applying for a permit for work that will also require a certificate of appropriateness.

(c) Contents of an application and staff report. The application must be submitted in accordance with section 27-70(d)(2). Further, at least fourteen (14) days prior to the public hearing, all final exhibits and documents for the public hearing shall be submitted to the ARC office. At least seven (7) days prior to the public hearing, a written staff report regarding compliance with applicable criteria (including but not limited to applicable design standards, applicable code provisions and the Secretary of the Interior's Standards) shall be provided to the applicant or the applicant's authorized agent, and ARC members.

(d) Notice. Notice of public hearing of certificate of appropriateness cases before the ARC shall be given by the posting of a sign.

(1) Posting. The petitioner shall, for the period commencing at least thirty (30) days prior to the scheduled public hearing, post a sign on the property of a size not less than eighteen (18) inches by twenty-four (24) inches, upon which shall be written the following:

PUBLIC NOTICE—Hearing before the Architectural Review Commission, City of Tampa, (insert place, date and time of hearing) involving a certificate of appropriateness for this property.

The petitioner shall post the sign in a conspicuous place on or near the front of the property, adjacent to a street or public right-of-way and not within a building nor obstructed by any site feature.

(2) Affidavit. The petitioner shall prepare an affidavit stating that the sign required was posted, provide one (1) photograph depicting the location of the sign on the property and its proximity to the street frontage and one (1) photograph in which the language on the sign is clear and legible. The affidavit shall be filed with the staff administrator not less than fifteen (15) days prior to the date of the public hearing.

(e) Stay. The submittal of a complete application for a certificate of appropriateness application to the ARC stays all enforcement proceedings in furtherance of the Code. However, that an application shall not stay any proceeding(s) if the appropriate department certifies either:

(1) That, in the opinion of the department, a stay would cause imminent peril to life or property; or

(2) That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of this chapter.

In each instance, the appropriate department shall place in the certificate facts to support the conclusion.

(f) Action on an application. The ARC shall hold a public hearing on each complete application for a certificate of appropriateness requiring ARC approval. An application is considered "complete" when it has been submitted in accordance with section 27-70(d)(2).

(g) Decision. The ARC shall approve or disapprove each application for a certificate of appropriateness, including in its decision its reasons using the criteria contained in the applicable design standards, Secretary of the Interior's Standards, Chapter 27, and other applicable provisions of the City of Tampa Code of Ordinances. Certificates of appropriateness approved by the ARC are deemed to be consistent with the contributing status, historic significance and integrity of the structure, site and district or designation. The ARC shall include findings of fact and reasons for its decision.

ARC staff shall forward written notice of the decision to the applicant.

The appropriate city department(s) shall issue any permit(s) in accordance with the ARC’s action on the application, if a permit is authorized by
such action, and the appropriate department(s) shall see to the faithful execution of all portions of such action, including the enforcement of any condition(s) attached to the granting of the certificate of appropriateness. The ARC administrator shall forward to the HPC all certificates of appropriateness for new construction and additions over one hundred (100) square feet enabling the HPC to amend the official building inventory.

(h) Denial. Denial of an application for a certificate of appropriateness shall preclude consideration of a request for a certificate of appropriateness on the same property, or portion of the property, for a period of twelve (12) months from the date of denial of the previous application. However, upon written application, the ARC administrator shall consider a request to waive the twelve-month period if, in the determination of the ARC administrator the applicant demonstrates that the new request for a certificate of appropriateness has adequately addressed the grounds for denial identified during the public hearing.

Upon affirmative determination, the applicant may file a new application, subject to the current filing schedule.

(i) Petition for review of the decision on a certificate of appropriateness. Any aggrieved person, any registered preservation group, or any registered neighborhood group, who participated in a public hearing on an application for certificate of appropriateness, may petition for review of the ARC's decision in accordance with section 27-61.

(j) Approach taken by the ARC in reviewing an application. In making a decision on an application, the ARC shall be aware of the importance of finding a way to meet the current needs of the applicant. The ARC shall also recognize the importance of approving plans that will be reasonable for the applicant to implement that decision.

(k) Review criteria. In making a decision on an application which does not involve relocation or demolition, the ARC shall use the design standards, Secretary of the Interior's Standards, Chapter 27, and other applicable provisions of the City of Tampa Code of Ordinances. The ARC shall consider:

1. The effect of the proposed work on the property upon which such work is to be done.

2. The relationship between such work and other buildings, structures or objects on the landmark site or other property in the historic district, multiple property designation, or historic conservation overlay district. In evaluating the effect and the relationship, the ARC shall consider historical and architectural significance, architectural style, design, arrangement, texture, and materials.

3. The ARC shall not have review authority over alterations to the interiors of a building or structure, but it shall study such plans as they relate to the exterior. The ARC shall not have review authority over paint colors used on the exterior of designated buildings.

4. The design standards for work involving locally designated landmarks, landmark sites, multiple property designations, historic conservation overlay districts and historic districts in the city shall include the Secretary of the Interior's Standards.

5. The review of work involving locally designated landmarks, landmark sites, multiple property designations, historic conservation overlay districts and historic districts supplements existing city ordinances and codes including but not limited to the regulation of landscaping, tree planting, site clearing, parking, fences and signs. Decisions by the ARC shall be coordinated with actions by other city offices.

6. A rehabilitation should relate properly to the original components of a building and the surrounding neighborhood. It is important to maintain existing grand trees and landscaping in a rehabilitation within
a historic district, multiple property designation or historic conservation overlay district, or on a landmark site.

(7) Design standards for new construction and additions focus attention on those special visual and spatial qualities that a historic district, multiple property designation or historic conservation overlay district, and landmark and landmark site are established to protect. Since architectural styles and details vary within a district, the standards emphasize the relationship among buildings in the immediate setting.

(l) Additional criteria on new construction. When the applicant wishes to undertake new construction within a historic district, multiple property designation or historic conservation overlay district, or on a landmark site, the ARC shall consider the compatibility of the new construction with the existing character of the district, multiple property designation, or the landmark. However, the ARC shall not dictate the architectural style of the new construction. Compatible design shall mean architectural design and construction that will fit harmoniously into the district, multiple property designation, or the landmark site. New construction shall be compatible in scale, materials and quality of construction with adjacent buildings and structures that have been designated. New construction must comply with this section even if this section requires development and/or construction that is more restrictive than applicable requirements found elsewhere in this Code.

The ARC shall include the following points in its consideration of an application for new construction:

(1) Scale: height and width;
(2) Massing and building form;
(3) Setback;
(4) Orientation and site coverage;
(5) Alignment, rhythm and spacing;
(6) Maintaining materials within the historic district, multiple property designation or historic conservation district, or on the landmark site;
(7) Trim and detail; Link between old and new;
(8) Facade proportions and window patterns;
(9) Entrances and porch projections;
(10) Roof forms; and,
(11) Maintaining quality of design and construction within the historic district, multiple property designation or historic conservation district, or on the landmark site.

These considerations shall be in addition to the points contained in subsection (k).

(m) Applications required from the city, public utility and transportation companies.

The city and all public utility and transportation companies shall be required to obtain a certificate of appropriateness prior to initiating any changes in the character of street patterns or paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements or streets owned or franchised by the city, public utility or transportation company.

(n) Requirement for other permits and approvals. The issuance of a certificate of appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the city. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the certificate of appropriateness required for the proposed work. The ARC does not have any control over uses permitted within any designated historic property, and so the ARC does not approve proposed uses. The zoning administrator shall be the sole administrator of this Code as it pertains to landmark, landmark sites, multiple property designation, historic conservation overlay districts, and historic district boundaries, the requirements for permitted or permissible special uses, the schedule of area, height, bulk and placement regulations, the parking require-
ments and any other item not dealing specifically with the procedure and review criteria for obtaining a certificate of appropriateness.

(o) Applicants seeking federal rehabilitation tax incentives; resolution conflicts. For an applicant who has applied for a certificate of appropriateness and for federal rehabilitation tax incentives under Section 48(g) and related sections of the Internal Revenue Code, including successor provisions of the Code, the terms of approval given by the National Park Service, as administrator of the tax incentives, shall prevail should there be a conflict regarding a specific aspect of the plans submitted to each of these two (2) agencies.

Sec. 27-116. Applications for certificate of appropriateness to demolish or relocate; preapplication determinations of historic status; administration; notice; decision; stay; denial; review of decision; review criteria; demolition by neglect; predemolition requirements.

(a) Application. When an applicant wishes to demolish or relocate a landmark, a building or structure on a landmark site, or a contributing building or structure located in a historic district, multiple property designation or historic conservation overlay district, the applicant shall make an application for certificate of appropriateness to demolish or relocate with the ARC staff administrator on forms provided by the city. The administrative review fee for such applications shall be as prescribed by the city council by resolution. The city shall refer all requests for demolition or relocation within the ARC's jurisdiction to the ARC. For noncontributing structures located in historic districts, a certificate of appropriateness must be approved by the ARC administrator pursuant to section 27-118.

(b) Review of initial determination of historic significance. An applicant for a certificate of appropriateness to demolish or relocate may request a review of the initial determination of the historic significance of the landmark, landmark site or structure or building in a historic district, multiple property designation or historic conservation overlay district, on forms provided by the administrator. The reevaluation of the determination of historic significance shall be made by the HPC, pursuant to section 27-261.

(c) Contents of an application. The applicant shall provide scale drawings of the existing building, structure, or site, photographs of the existing building, structure or site and adjacent properties and information about the existing building, structure or site. An application for certificate of appropriateness to demolish or relocate shall not be considered complete until all required data have been submitted and the application has been accepted by the administrator. When such an application involves new construction, the applicant shall present conceptual plans for review and comment before the preparation of construction drawings, and otherwise comply with this chapter. Prior to the public hearing, the applicant shall supply a certificate from a registered structural engineer that the building cannot be moved and, if the building can be moved, proof of reasonable efforts, including advertisement in a newspaper of general circulation at least twice of the availability of the landmark, building or structure for relocation.

(d) Notice. Notice of public hearing on an application for certificate of appropriateness to demolish or relocate before the ARC shall be given by the posting a sign and by written notification as required below.

(1) Posting. The petitioner shall, for the period commencing at least thirty (30) days prior to the scheduled public hearing, post a sign on the property of a size not less than eighteen (18) inches by twenty-four (24) inches, upon which shall be the following:

PUBLIC NOTICE—Demolition (relocation) hearing before the Architectural Review Commission, City of Tampa, (insert place, date and time of hearing) involving this property.

The petitioner shall post the sign in a conspicuous place on or near the front of the property, adjacent to a street or public right-of-way and not within a building nor obstructed by any site features.
(2) **Written notice.** The petitioner shall mail notice of the hearing by certificate of mailing, at least thirty (30) days prior to the public hearing, setting forth the legal description and street address, if any, of the property for which the demolition or relocation is being requested, the name of the petitioner, the specific nature of the request and the place, date and time of the hearing. Such notice shall be given to all property owners, according to the latest ad valorem tax records, of every parcel of land within two hundred fifty (250) feet in every direction of the subject property, including streets and street rights-of-way.

The petitioner shall send written notice by "certificate of mailing," entitled "Good Neighbor Notice for ARC Certificate of Appropriateness for Demolition or Relocation," no less than thirty (30) days prior to the public hearing, to the officially registered neighborhood association, as registered with the City of Tampa, in which the subject property is located, and to all other officially registered neighborhood associations that lie within a two hundred fifty (250) feet radius, including roads and streets, in all directions from the subject property, from the boundaries of the subject property. If the subject parcel does not lie within the boundaries of an officially registered neighborhood association or if no officially registered neighborhood association exists within the distance measurements as required by this subsection, the applicant shall mail the notice required herein to the closest officially registered neighborhood association, as measured in a straight line, on the "neighborhood association map."

(3) **Affidavit.** The petitioner shall prepare an affidavit stating that the sign required herein was posted, setting forth the lands that lie within two hundred fifty (250) feet, including streets and street rights-of-way, in all directions from the subject property, the names of the owners of such lands and the date and post office address to which each copy of the notice was mailed, provide one (1) photograph depicting the location of the sign on the property and its proximity to the street frontage and one (1) photograph in which the language on the sign is clear and legible, and the names and addresses of the officially registered neighborhood associations that were mailed notice. The petitioner shall attach to the affidavit the certificate of mailing. The affidavit and certificate of mailing shall be filed with the staff administrator not less than fifteen (15) days prior to the date of the public hearing.

(e) **Stay.** The submittal of a complete application for certificate of appropriateness to demolish or relocate submitted for review by the ARC stays all enforcement proceedings in furtherance of the Code. However, an application shall not stay any proceeding(s) if the appropriate department certifies either:

1. That, in the opinion of the department, a stay would cause imminent peril to life or property; or
2. That the situation appealed from is transitory in nature and, therefore, an appeal would seriously interfere with enforcement of this chapter. In each instance, the appropriate department shall place in the certificate facts to support the conclusion.

(f) **Action on an application.** The ARC shall hold a public hearing on each complete application for certificate of appropriateness to demolish or relocate.

1. **Burden of proof.** The applicant shall prove through substantial, competent evidence, that the demolition or relocation is necessary, including in the evidence presented:
   a. Alternatives to demolition or relocation such as planned development districts;
   b. Whether the landmark or building or structure can be retained on the site;
   c. Whether relocating the landmark or building or structure is appropriate and feasible;
d. Whether the applicant has the ability to build the proposed new construction within a reasonable period of time if the application is approved; and

e. Whether the demolition is justified as an economic hardship.

(2) Additional criteria on applications for certificates of appropriateness to relocate. When the applicant wishes to relocate a landmark, a building or structure from or to a landmark site or move a building or structure from, within, or to a historic district, multiple property designation or historic conservation overlay district, the ARC shall consider:

a. The contribution the building or structure makes to its present setting;

b. Whether there are definite plans for the site to be vacated;

c. Whether the building or structure can be moved without significant damage to its physical integrity; and,

d. The compatibility of the building or structure to its proposed site and adjacent properties.

These considerations shall be in addition to the points contained in subsection (1) of this subsection.

(3) Economic hardship. On applications for certificate of appropriateness to demolish, the ARC shall consider the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic district, multiple property designation, or historic conservation overlay district can be put to reasonable beneficial use without the approval of the demolition application. For purposes of this section, economic hardship means the inability of the property to be put to reasonable beneficial use, and in the case of an income producing property the inability of the owner to obtain a reasonable investment backed expectation. In reviewing applications for certificate of appropriateness to demolish, the ARC shall consider substantial, competent evidence of the following, whether provided by the applicant or any person or entity:

a. Estimate of the cost of the proposed demolition or relocation and an estimate of any additional costs that would be incurred to comply with recommendations of the ARC for changes necessary for the issuance of a certificate of appropriateness;

b. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for relocation and/or rehabilitation;

c. Estimated market value of the property, both in its current condition and after completion of the proposed demolition or relocation, to be presented through an appraisal by a qualified professional expert;

d. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property or relocation to another property;

e. Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer;

f. If the property is income-producing, the annual gross income from the property for the previous two (2) years and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;
g. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years;

h. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property;

i. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years;

j. Assessed value of the property according to the two (2) most recent assessments and an assessment of the property after demolition or relocation;

k. Real estate taxes for the previous two (2) years;

l. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other method;

m. Any other information which would assist in making a determination as to whether the property does yield or may yield a reasonable return to the owners, e.g., a pro forma financial analysis.

The ARC shall also consider evidence presented from any person or entity on a through m.

(4) Administrator’s report. The administrator shall provide a written report evaluating the application and the landmark or building or structure, including a recommendation to the ARC, and provide a copy of the report to the ARC and the applicant at least seven (7) days before the hearing on the application. The administrator can obtain reports from independent experts concerning economic hardship.

(5) Time for decision. The ARC shall make a decision on an application for certificate of appropriateness to demolish or relocate within sixty (60) days of the date of the initial public hearing on the application. The ARC may extend the time for decision on such an application and additional sixty (60) days when necessary to provide adequate due process. If the ARC fails to decide on such an application within the specified time period, the application shall be deemed approved.

(g) Decision. The ARC shall approve or disapprove each application for certificate of appropriateness to demolish or relocate including in its decision its reasons using the criteria contained in this section and in its design standards. Following the public hearing(s) and the ARC’s decision on the application, staff shall forward written notice of the decision to the applicant.

The appropriate city department(s) shall issue any permit(s) in accordance with the ARC’s action on the application and this section, if a permit is authorized by such action, and the appropriate department(s) shall see to the faithful execution of all portions of such action, including the enforcement of any condition(s) attached to the granting of a demolition or relocation request. The ARC administrator shall forward to the HPC all certificates of appropriateness for demolition or relocation enabling the HPC to amend the official building inventory.

(h) Demolition by neglect. In the event the ARC finds that an (1) applicant for the demolition of a landmark, building or structure located on a landmark site or contributing building or structure located in a historic district or (2) a property owner of such property has compromised the architectural integrity of the building or structure by intentionally or willfully neglecting the property, the ARC may deny the application for demolition.

(i) Denial. Denial of an application for a certificate of appropriateness shall preclude consideration of a request for a certificate of appropriateness on the same property, or portion of the property, for a period of twelve (12) months from the date of denial of the previous application. However, upon written application, the ARC administrator shall consider a request to waive the twelve-month period if, in the determination of
the ARC administrator the applicant demonstrates that the new request for a certificate of appropriateness has adequately addressed the grounds for denial identified during the public hearing.

Upon affirmative determination, the applicant may file a new application, subject to the current filing schedule.

(j) Review of decision on an application for certificate of appropriateness to demolish or relocate. Any aggrieved person, any registered preservation group, or any registered neighborhood group, who participated in a public hearing on an application for certificate of appropriateness to demolish or relocate, may petition for review of the ARC’s decision in accordance with section 27-61.

(k) Archival information and access required when demolition approved. In the event the ARC grants a certificate of appropriateness to demolish or relocate, the applicant or property owner must provide information and access to the property for the information enumerated below according to the schedule set forth in the guideline for each historic district before the administrator may approve issuance of the demolition permit. The property owner or applicant shall provide access to the property and the landmark, building or structure to registered preservation, education, historical, cultural, archival or archaeological organizations for an archaeological review of the property which review shall, to the extent available when applicable, be at that organization’s expense. In addition, when the ARC grants a certificate of appropriateness to demolish, the property owner or applicant shall at the property owner’s or applicant’s expense provide to the administrator:

(1) Schematic drawing delineating the footprint of the landmark, contributing building or contributing structure. The drawings shall include the building site and shall be drawn to scale;

(2) Photographs of the exterior elevations of the landmark, contributing building or contributing structure;

(3) A synopsis of the history and historical significance of the property and landmark, building or structure in its context; and

(4) An inventory of salvageable interior and exterior materials, a plan for reuse of salvage or access for removal by a registered salvager of the salvageable materials, and proof of a published advertisement of available salvage materials where appropriate, with all salvage completed before demolition, or after with the clearable within one (1) week of the demolition date.

Sec. 27-117. Compliance with certificates of appropriateness.

(a) Inspections and approvals by the ARC. Work performed pursuant to a certificate of appropriateness shall be started within five (5) years after the approval of the certificate of appropriateness, and the work shall conform to the provisions of the certificate. The five-year period commences upon the ARC’s written approval of the certificate of appropriateness.

(b) Failure to comply or obtain certificate or approval. Failure to comply with a certificate of appropriateness or failure to obtain a certificate of appropriateness shall be a violation of this chapter, and is subject to the fines and penalties set forth in Chapter 9, Code Enforcement, or section 1-6 and 1-6.1. Approval of the administrator of the ARC shall be required before the city issues a certificate of occupancy or before the final inspection is approved for work for which a certificate of appropriateness was issued.

(c) Stop work orders during construction, relocation or demolition. In the event work is being performed without the required certificate of appropriateness, or work is being performed which is not in accordance with its certificate of appropriateness, the city shall issue a stop work order, and all work shall cease on the subject property. A stop work order shall be in addition to other penalties and remedies available to the city. No additional work shall be undertaken as long as
such stop work order shall continue in effect. The city may apply for an injunction to enforce its stop work order.

Sec. 27-118. Approvals by the ARC administrator.

(a) The ARC administrator is authorized to approve certificates of appropriateness for minor development projects as follows:

(1) Single-family and duplex structures:
   a. Installation of a wood fence that does not require a variance from any applicable code requirement and does not adversely impact original fabric that is able to be rehabilitated.
   b. Demolition of non-contributing structures that have been verified by the ARC administrator as being non-contributing within the last six (6) months.
   c. Repair or replacement of exterior roofing material, provided that the exterior roofing material is replaced using materials approved for the specific district in which the property is located, there is no change in the roof line, and the exterior roofing material is appropriate to the style of architecture.
   d. Exterior repairs using original materials or materials approved by the ARC as detailed in the adopted design standards for the historic district, historic conservation overlay district, multiple property designation, or alternatively, in the Secretary of the Interior's Standards.
   e. Patio or other slab.
   f. Paving.

(2) Commercial, multi-family and new construction structures:
   a. Installation of signs that do not require a variance from any applicable code requirements.
   b. Installation of a wood fence that does not require a variance from any applicable code requirement and does not adversely impact original fabric that is able to be rehabilitated.
   c. Demolition of non-contributing structures that have been verified by the ARC administrator as being non-contributing within the last six (6) months.
   d. Repair or replacement of a exterior roofing material, provided that the exterior roofing material is replaced using materials approved for the specific district in which the property is located, there is no change in the roof line, and the exterior roofing material is appropriate to the style of architecture.
   e. Exterior repairs using original materials or materials approved by the ARC as detailed in the adopted design standards for the historic district, historic conservation overlay district, multiple property designation, or alternatively, in the Secretary of the Interior's Standards.
   f. Patio or other slab.
   g. Paving.
   h. Remodeling of storefront or office alterations.
   i. Location of street furniture.
   j. Landscaping.
   k. Applications concerning construction for handicapped access shall receive immediate review by the administrator in the most timely fashion possible. Where the application does not involve major renovation of the building or new construction, the review of construction for handicapped access shall be completed by the administrator in a maximum of five (5) working days.

(b) Criteria. The ARC administrator, in reviewing applications for certificate of appropriateness under this section, shall ensure that the proposed minor development is compatible with the hist-
toric pattern of development and complies with applicable provisions in Chapter 27, the applicable design standards and, if applicable, the Secretary of the Interior’s Standards.

(c) Appeal. A property owner, or the property owner’s designated representative, may appeal a written order, requirement, decision or determination of the ARC administrator or staff by filing a written petition within seven (7) days of the date of the ARC administrator’s or staff’s written order, requirement, decision or determination. The appeal shall be filed, noticed and conducted in accordance with section 27-61(a).

(d) Report to ARC. On a monthly basis, the ARC administrator shall provide a report to the ARC identifying each application for certificate of appropriateness approved by staff.

Sec. 27-119. Maintenance and repair of landmarks, landmark sites and property in historic districts, multiple property designation or conservation overlay district.

(a) Prevention of demolition by neglect. The owner and the tenant of a landmark, a landmark site or a property in a historic district, multiple property designation or conservation overlay district, shall keep in good repair: (1) all of the exterior portions of such structures; and (2) all interior portions thereof which, if not so maintained, may cause such structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of his structure by neglecting it and permitting damage to it by weather or vandalism, and to protect Tampa’s historic resources by intervening when a historically designated structure is undergoing demolition by neglect. Demolition by neglect is defined as a situation in which a property owner, or others having legal possession, custody or control of a property, allow the condition of a contributing structure or structure designated as a landmark, to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure or its relevant architectural detail to a degree that the structure and its character may potentially be lost to current and future generations. No provision in this chapter shall be interpreted to require an owner or tenant to restore the structure to its original appearance.

(b) Ways to improve the condition of the property. The ARC administrator shall request a meeting with the owner and the tenant when the landmark or contributing structure is in poor repair, and the ARC administrator shall discuss with them ways to improve the condition of the property. After this step the ARC administrator may request the department of growth management and development services or code enforcement to take action to require correction of defects in any structure designated under this chapter so that such structure shall be preserved in accordance with the purposes of this chapter. In the event emergency conditions dangerous to life, health or property exist, as determined pursuant to subsection (e), the ARC administrator does not have to comply with the provisions of this subsection.

(c) Ordinary maintenance and repairs. Ordinary maintenance and repairs may be undertaken without a certificate of appropriateness, provided that the work involves repairs to existing features of a structure or the replacement of elements of a building or structure with pieces identical in appearance and provided that the work does not change the structure’s exterior appearance which is visible to the public.

(d) Control of demolition by neglect of contributing structures within local historic districts or those structures designated as local landmarks.

(1) In order to promote the purposes of historic preservation, this subsection requires that owners of historic properties maintain their properties and not allow them to fall into disrepair. The requirements of this subsection are applicable only to contributing structures in local historic districts or those structures designated as local landmarks.

(2) Conditions of neglect defined and prohibited. Owners or others having legal possession, custody or control of a contributing structure in a local historic district or a structure designated as a local land-
mark shall maintain or cause to be maintained the exterior and structural features of their properties and not allow conditions of neglect to occur on such properties. It is a violation to fail to remedy a condition of neglect as defined in this section.

Conditions of neglect include, but are not limited to, the following:

a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

b. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling.

c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

d. Deterioration or crumbling of exterior brick, plaster or mortar.

e. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of point or other protective covering.

g. Rotting, holes, and other forms of decay.

h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

i. Deterioration that has a detrimental effect on the surrounding historic district.

j. Deterioration that contributes to a hazardous or unsafe condition.

(3) Undue economic hardship. A property owner who believes that application of this section creates an undue economic hardship may apply for a variance under the process contained in section 27-114, but applying the economic hardship criteria contained section 27-116(f)(3).

(e) Emergency conditions. In any case where the department of growth management and development services, in coordination with the code enforcement department, determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site or a property in a historic district, the department may order the remedying of these conditions without the approval of the ARC. The department shall promptly notify the administrator of the ARC of the action being taken. When the emergency conditions do not require demolition, the department shall make every effort to carry out the intent of this chapter and to use the design standards of the ARC when remedying the emergency conditions. Failure to comply with an order issued pursuant to this section, within the reasonable time set within the order for compliance, is a violation of this Code.

(f) Other laws and regulations. The provisions of this section shall be in addition to all other provisions of the state and city laws and regulations requiring that buildings and structures be kept in good repair.

Secs. 27-120—27-125. Reserved.

DIVISION 5. SPECIAL USE PERMITS PROCEDURES

Sec. 27-126. Intent.

(a) Special use permit procedures and requirements as set out in this article are intended to apply in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations, and to ensure consideration of the particular circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest generally and of adjacent properties, the neighborhood and the city as a whole.
(b) In establishing this special use permit system, the intent is to increase efficiency and reduce time required for processing applications by relating administrative responsibilities and procedural requirements to the degree of complexity and potential impact of the matters being considered.

(c) A special use permit is a grant of authority under the terms of this Code to the applicant for the use of property in the manner set out in the grant of a special use permit. Uses or occupancies requiring special use permits and the type of special use permit required in each instance are set out in the official schedule of district regulations.

Sec. 27-127. Classes of special use permits; agent or body responsible for each general procedure.

(a) Two (2) classes of special use permits are hereby established: those dealing with uses, occupancies and activities of a temporary nature or likely to have small but potentially adverse impacts on adjacent and nearby properties and those with substantial effects on neighborhoods or the city.

(b) Classes of special permits, the agent or body responsible for each and general provisions regarding the procedure are as follows:

(1) S-1 special use permits; administered by zoning administrator; no formal public notice or hearing. It is intended that S-1 permits be required in relation to certain temporary uses and occupancies or where specified uses or characteristics of use could have adverse effects on adjacent properties unless special requirements are met.

a. Administration by zoning administrator. The zoning administrator shall be responsible for the administration, processing, review and determination on applications for S-1 special use permits. Recommendations from other departments or agencies may be requested by the zoning adminis-
quest for an expedited review with payment for review at triple the fee of a standard review.

iii. Upon certification of the special use site plan and issuance of an approval for alcoholic beverage sales, the zoning administrator or designee shall issue an "AB conditions placard" to the applicant, which reflects the information required by section 14-150.1.1.

c. **No formal public notice or hearing.** Formal public notice and public hearing are not required and shall not be held in connection with the zoning administrator's review or determination of an application for an S-1 special use permit as provided for in this section.

(2) **S-2 special use permits; procedure for submission and consideration of decision by city council.** It is intended that S-2 special use permits be required where specified uses or occupancies involve matters deemed to be of citywide or area-wide importance. The city council shall be solely responsible for decisions on all applications for S-2 special use permits.

a. **Application submitted to zoning administrator.** An application for approval of S-2 special uses shall be filed with the zoning administrator, who shall, before accepting any application, ensure that it contains all required information, as specified elsewhere in this chapter.

b. **Zoning administrator analysis and report.** The zoning administrator shall cause an analysis to be made of the application and, based on that analysis, prepare a report for consideration by the city council.

c. **Public hearing required; notice specified.** Prior to consideration of the application for approval of a special use, a public hearing thereon shall be held by the city council. Applicants for approval of special uses, the city clerk and the zoning administrator shall, for special use public hearings, meet the same requirements as are established for public notice and final site plan deadlines for parcel rezonings (see Article II, Division 7).

d. **Action on the application.** After completion of the public hearing, the city council shall take action on the application. This action shall be one (1) of the following:

1. Approval;
2. Approval with conditions attached;
3. Approval with waiver(s) to criteria set forth in section 27-132 (with or without conditions attached);
4. Denial.

City council shall grant waivers if city council finds that the application, after granting the waiver, is consistent with the applicable general standards set forth in section 27-129.

e. **Action subsequent to city council action.** The city clerk shall cause notice of the disposition of the application to be sent to the applicant and a copy of the decision to be filed in the office of the zoning administrator. As applicable, the following additional actions shall occur:

1. The zoning administrator or designee, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the city council's actions;
2. Upon certification of the special use site plan and issuance of an approval for alcoholic beverage sales, the zoning administrator or designee shall issue an "AB
conditions placard" to the applicant, which reflects the information required by chapter 3.

f. **Effect of denial by city council.** A denial of an S-2 special use permit shall preclude consideration of an application which has a substantially similar request as described in the application involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous application. The city council may determine that this time period does not apply if the new S-2 application has addressed the grounds for denial identified during the public hearing.

   (c) All adult use special use permit applications shall be submitted and processed under the procedures specified for S-1 special use permits relating to constitutionally protected first amendment activity.

   (d) Failure by the zoning administrator, or any other department or agency requested to review an S-1 special use application relating to constitutionally protected first amendment activity, to review and issue a final determination within thirty (30) days of receipt thereof shall authorize the applicant to operate or conduct the activity for which the S-1 special use permit otherwise would be required. Provided however, if the applicant requests a continuance, or commits any other action or inaction which delays the zoning administrator's or any other department or agency's ability to issue a final determination or ruling within the time frame prescribed by City Code, then the zoning administrator's failure to issue a final determination or ruling within the time frames prescribed by the City Code then the zoning administrator, or any other department or agency so delayed shall have additional time equivalent to the length of the delay within which to issue a final determination.

**Sec. 27-128. Minor changes to be approved by zoning administrator; substantial deviations require action by city council.**

   (a) A special use may be developed only in accordance with the plans approved by the zoning administrator or city council. Further, the variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District) may not vary requirements in a plan approved by city council, unless such plan provides otherwise. However, the zoning administrator is authorized to approve minor changes in the approved plans of special uses, as long as they are in harmony with action by the city council, but the zoning administrator shall not have the power to approve changes that constitute a substantial deviation. A substantial deviation shall be handled as a new application and shall be resubmitted to the zoning administrator of city council pursuant to 27-127. Notwithstanding anything else to the contrary in the City of Tampa Code, the zoning administrator shall not approve minor changes or deviations under this section in or to the approved plans of, or otherwise apply to this section to, a S-1 special use relating in any way to constitutionally protected first amendment activity.

   (b) The following changes, amendments or modifications shall constitute a substantial deviation:

   1. Any increase in intensity of use. An increase in intensity of use shall include, but not be limited to more than a five (5) percent increase in usable floor area, more than a five (5) percent increase in number of dwelling or lodging units, or more than a five (5) percent increase in outside land area devoted to sales, displays or demonstrations.

   2. Any change in parking areas resulting in an increase or reduction of five (5) percent or more in the number of spaces approved.

   3. Structural alterations significantly affecting the basic size, form, style, ornamentation and the like of the building as shown on the approved plan.

   4. Any reduction in the amount of open space resulting in a decrease of more than five (5) percent of open space or any change in location of open space, recreation facilities or landscape screens.

   5. A change in use.
(6) Substantial changes in pedestrian or vehicular access or circulation including, but not limited to, a change in location of driveways which are determined to have negative effect on abutting property.

(7) Any change in a condition required by the city council or the zoning administrator as part of the special use approval.

(8) Reduction in approved setbacks by more than five (5) percent from any structure to perimeter property lines or a reduction in the separation of residential structures which results in a lesser separation than is required by section 27-162 by more than five (5) percent.

(9) Any change which renders the special use in nonconformance with any requirements or provisions of the land development code.

(c) The zoning administrator shall, before making a determination as to whether a proposed action is a substantial deviation, consult with the city legal department where necessary and any other applicable departments and shall review the record of the proceedings or the original application for approval of the special use permit.

Sec. 27-129. General standards.

(a) Except as otherwise provided herein, the following general standards shall be met by all applicants for special use permits:

(1) The use will ensure the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted.

(2) The use, which is listed as a special use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of Articles II, VI, and IX of this chapter, unless greater or different regulations are contained in the individual standards for that special use.

(3) The use is compatible with contiguous and surrounding property or the use is a public necessity.

(4) The use is in conformity with the Tampa Comprehensive Plan.

(5) The use will not establish a precedent of or encourage more intensive or incompatible uses in the surrounding area.

It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use permit.

(b) As appropriate to the nature of the special use permit involved and the particular circumstances of the case, the following considerations and standards shall apply generally, in addition to any other standards and requirements set forth concerning the class or kind of permit being considered.

(1) **Ingress and egress.** Due consideration shall be given to adequacy of ingress and egress to the property and structure and uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

(2) **Off-street parking and loading.** Due consideration shall be given to off-street parking and loading facilities as related to adjacent streets, with particular reference to automotive and pedestrian safety and convenience, internal traffic flow and control, arrangement in relation to access in case of fire or other emergency, and screening and landscaping.

(3) **Refuse and service areas.** Due consideration shall be given to the location, scale, design and screening of refuse and service areas; to the manner in which refuse is to be stored; to the manner of refuse collection, deliveries, shipments or other service activities, in relation to the location and nature of uses on adjoining properties; and the location and character of adjoining public ways.

(4) **Lighting.** Due consideration shall be given to the number, size, character, location and orientation of proposed lighting for premises, with particular reference to traf-
fic safety, glare, and compatibility and harmony with adjoining and nearby property and the character of the area.

(5) **Utilities.** Due consideration shall be given to utilities required, with particular reference to availability and capacity of systems, location of connections, and potentially adverse appearance on other adjoining and nearby property and the character of the area.

(6) **Drainage.** Due consideration shall be given to provision for drainage, with particular reference to effect on adjoining and nearby properties and on general drainage systems in the area.

(7) **Control of potentially adverse effects generally.** In addition to consideration of detailed elements indicated above, as appropriate to the particular class or kind of special use permit and the circumstances of the particular case, due consideration shall be given to potentially adverse effects generally on adjoining and nearby properties, the area, the neighborhood or the city, of the use or occupancy as proposed, or its location, construction, design, character, scale or manner of operation. Where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration of use of such space, or such other measures as are required to assure that such potential adverse effects will be compatible and harmonious with other development in the area.

(c) The general standards set forth in section 27-129(a) and (b) and referenced in the preamble to section 27-132 shall be the only standards considered or applied in connection with the review or determination of an application for a S-1 special use permit relating to constitutionally protected first amendment activity.

(d) Notwithstanding any other provision, if the sale of alcoholic beverages does not constitute a change of use, as defined in this chapter, then the application shall not be reviewed for compliance with the general land development regulations, with the exception of section 27-129(a)(1), (3)—(5) and 27-132.

**Sec. 27-130. Conditions and safeguards.**

(a) The agent, agency or body of the city designated by this Code as having responsibility for issuance or denial of each of the classes of special use permits set out in this article shall have authority to attach to the grant of any such special use permit such conditions and safeguards as may be necessary for the purposes of this Code in the particular case.

(b) Such conditions and safeguards, if attached to the grant of the special use permit, shall be based upon and consistent with considerations and standards applicable to the class or kind of special use permit involved as set out in this chapter. The requirement for any such conditions or safeguards shall be supported in the record by stated reasons therefore based upon such considerations and standards, and no such condition or safeguard shall establish special limitations or requirements beyond those reasonably necessary for the accomplishment of the purpose for which attached.

(c) Failure to comply with conditions and safeguards, when attached to a grant of special use permit, shall be deemed a violation of this Code. Any violation of the approval or conditions of approval for the sales of alcoholic beverages (all types) also subjects the permit to suspension or revocation pursuant to Article IX, section 27-318.

(d) The conditions and safeguards shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.
(e) Notwithstanding anything to the contrary in the City of Tampa Code, the zoning administrator shall not impose any conditions or safeguards under this section with respect to, or otherwise apply this section to, any S-1 special use permit relating in any way to constitutionally protected first amendment activity.

(f) Specific to alcoholic beverage sales, city council and the zoning administrator shall not place any additional safeguards and conditions on a special use permit that are preempted by state law.

**Sec. 27-131. Expiration of special uses.**

If the special use ceases operation for one hundred eighty (180) consecutive days, the special use permit shall expire, with the exception of the provisions for alcoholic beverage sales, as set forth in Article IX.

**Sec. 27-132. Regulations governing individual special uses.**

The following specific use standards for individual special uses shall be applied by the city council or the zoning administrator, as appropriate, in deciding applications for approval, in addition to the general standards listed above in this article:

*Accessory dwelling unit.* The following specific standards shall be used in deciding an application for approval of this use:

a. An accessory dwelling unit shall be limited to a maximum of nine hundred fifty (950) square feet of living space.

b. An accessory dwelling unit may only be approved when the main residence is owner occupied.

c. An accessory dwelling unit may be designed to be located within the single-family dwelling with a separate entrance or in a conforming accessory structure; however, it may not be located in a nonconforming accessory structure or structure made conforming as a result of a variance.

d. At no time may the number of occupant(s) of an accessory dwelling unit exceed two (2).

e. The special use permit shall be reviewed annually by staff and if any conditions change, a new special use permit and public hearing will be required.

*Adult use.* The following specific standards shall be used in deciding an application for approval of this use:

a. Location:

1. No adult use shall be located within five hundred (500) feet of any residential or office district.

2. No adult use shall be located within one thousand (1,000) feet of any other adult use.

3. Distance shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.

b. All windows, doors, openings, entries, etc., for all adult uses shall be located, covered, screened or otherwise treated so that views of the interior of the establishment are not possible from any public or semipublic area, street or way.

c. Waivers. No waivers of the specific standards set forth above shall be permitted.

*Air conditioned storage.* The following specific standards shall be used in deciding an application for approval of this use, except when located within the Central Business District:

a. There will be a single, common entry into the building with customer parking in a congregate area.

b. Individual exterior access to separate storage facility is prohibited.
c. Storage will be limited to record retention or personal household items.

d. Storage areas will not be used for short term storage or as a distribution center (i.e., entry in and out on a daily basis).

e. No more than the minimum required number of loading spaces will be allowed per section 27-283.14, Tampa Code.

The following specific standards shall be used in deciding an application for approval of this use within the Central Business District:

a. This use may only be established within a mixed use project that contains at least two (2) uses, one (1) of which must be residential;

b. This use shall not exceed forty (40) percent of the project square footage;

c. This use must be integrated with the structural system of the principal building, or, for projects with multiple buildings, integrated with the structural system of one (1) of the principal buildings;

d. No customer related business or retail operations shall be permitted within or operated from the individual storage units;

e. This use may only be located in the Central Business District on properties north of Harrison Street;

f. This use shall not be located at the ground level, except that entrance and loading functions can occur at the ground level; and

g. The storage of hazardous materials other than materials common in household use and in retail and commercial businesses such as ordinary detergents and other cleaning materials, cosmetics, paints and adhesives, automotive fluids in small quantities, and other such materials, shall be prohibited.

Alcoholic beverage sales (all types): All applications shall comply with parking requirements, in effect at the time of the application, and contained in the applicable section of this chapter.

(a) Applications processing as an S-1. When processed as an S-1 permit, the zoning administrator shall only approve the application if it is consistent with the applicable specified use standards contained below:

(1) **Hotel with one hundred (100) plus rooms (on premises only):**

   a. Sales shall be incidental to a hotel with one hundred (100) plus rooms.

   b. Sales only allowed with an "S" license from the state (no waivers shall be granted by the city).

   c. No outdoor amplified music.

   d. Sales area shall not be located within a parking or loading area or space.

(2) **Bowling alley with twelve (12) plus lanes (on premises only):**

   a. Sales shall be incidental to a bowling alley with twelve (12) plus lanes.

   b. Sales only allowed with an "SBX" license from the state (no waivers shall be granted by the city).

   c. No outdoor amplified music.

   d. Sales area shall not be located within a parking or loading area or space.

(3) **Shopper’s goods/convenience/gasoline/specialty retail (package only):**

   a. Sales shall be incidental to a shopper’s goods/convenience/gasoline/specialty retail.
b. Sales only allowed with a license from the state as follows (no waivers shall be granted by the city):
   a. "1-APS" or "2-APS," or
   b. "3-PS" (incidental to shopper's goods retail only).
   c. Sales area shall not be located within a parking or loading area or space.

(4) Bar/lounge/nightclub (only those located within Central Business District (CBD)):
   a. No outdoor amplified after 1:00 a.m.
   b. No more than three (3) of this use type per city (CBD) block.
   c. Sales area shall not be located within a parking or loading area or space.

(5) Special restaurant (on premises only):
   a. Hours of operation shall be limited to 11:00 p.m. (Sunday—Wednesday) and 1:00 a.m. (Thursday—Saturday), except within the Central Business District and West Shore Business Center (as defined in the Tampa Comprehensive Plan.) In the Central Business District and West Shore Business Center, the hours of operation follow Chapter 3.
   b. Sales only allowed with an "SRX," "1-COP," or "2-COP" license from the state (no waivers shall be granted by the city).
   c. No outdoor amplified music after 11:00 p.m., unless within a large-scale commercial development of five hundred thousand (500,000) square feet or more of gross floor area (not including residential or office floor area).
   d. Sales area shall not be located within a parking or loading area or space.

(6) Temporary. Applications that meet the following minimum criteria shall be processed as an S-1; no waivers shall be granted by the city for temporary permits.
   a. Applicant shall be a bona fide non-profit or governmental organization;
   b. Approvals shall be limited to on premises consumption only, and only on land(s) that meet the following criteria:
      1. Land(s) that are public right-of-way, subject to (g) and (h) below,
      2. Land(s) that maintain a non-residential zoning district; or
      3. Land(s) on which a legal conforming or legal nonconforming, non-residential use exists within a residential zoning district;
   c. Approvals shall not be granted for a period longer than three (3) consecutive days;
   d. Approvals shall not be granted more than three (3) times in any one (1) calendar year to any one (1) organization;
   e. Sales shall cease at 12:00 a.m.; except that on De-
cember 31 of each year, sales shall cease at 2:00 a.m. on the following day (January 1).

f. All net profits from sales of alcoholic beverages collected during the approval period must be retained by the nonprofit or governmental organization;

g. No applications for temporary sales on property owned or held in the public trust by the City of Tampa shall be accepted unless there is a letter consenting to such application issued by the Office of the Mayor of the City of Tampa;

h. If any portion of the event is on property owned by the City of Tampa or within any right(s)-of-way owned and/or maintained by the city, an original certificate of insurance naming the City of Tampa as an additional insured (or a copy of the insurance certificate if the original is on the file with the department of public works for a special event) showing a commercial general liability insurance policy with a limit of no less than one million dollars ($1,000,000.00), a liquor liability insurance policy with a limit of no less than one million dollars ($1,000,000.00), and an aggregate limit of two million dollars ($2,000,000.00) must be provided to the city. The insurance coverage and limits required must be evidenced by properly executed certificates of insurance forms that are to be furnished by the city. All insurance policies must be signed by the authorized representative of the insurance company. Cancellation or modification of the insurance policy requires a thirty-day written notification to the city. During the term of the permit, the applicant shall provide, pay for, and maintain insurance with companies authorized to do business in Florida, with a AM Best rating of B+ (or better) Class IV (or higher), or otherwise be acceptable to the city if not rated by AM Best. The permit holders, participants and volunteers waive all rights against the city, its agents, officers, directors, and employees for recovery damages to the extent such damage is covered under the commercial general liability or liquor liability insurance policies.

i. Security services: Security services shall be secured and documented prior to approval of a temporary AB permit consistent with the security services requirements set forth in Chapter 28, section 28-26(7)a. Exhibit I. There shall be no waivers to this provision granted by the city.

(7) Sidewalk café. Applications that meet the following minimum criteria shall be processed as an S-1; no waivers shall be granted for temporary permits.
a. Permits shall not be issued until such time the right-of-way permit is issued by the transportation division for a side-
walk café. Approvals shall not be granted for a period longer than one (1) calendar year and if granted, shall be valid for the same timeframe as the right-of-way permit for sidewalk cafés.

b. Permits may be renewed by the zoning administrator, subject to the criteria herein, on an annual basis.

c. Approvals shall only be granted for an alcoholic beverage classification which is less than or equal to the alcoholic beverage zoning classification assigned to the establishment adjoining the sidewalk café, and shall be limited to on premises consumption only.

d. For sidewalk café sales, an original certificate of insurance naming the City of Tampa as an additional insured showing a commercial general liability insurance policy with a limit of no less than one million dollars ($1,000,000.00), a liquor liability insurance policy with a limit of no less than one million dollars ($1,000,000.00), and an aggregate limit of two million dollars ($2,000,000.00) must be provided to the city. The insurance coverage and limits required must be evidenced by properly executed certificates of insurance forms that are to be furnished by the city. All insurance policies must be signed by the authorized representative of the insurance company. Cancellation or modification of the insurance policy requires a thirty-day written notification to the city. During the term of the approval, the applicant shall provide, pay for, and maintain insurance with companies authorized to do business in Florida, with a AM Best rating of B+ (or better) Class IV (or higher), or otherwise be acceptable to the city if not rated by AM Best. The permit holders, participants and volunteers waive all rights against the city, its agents, officers, directors, and employees for recovery damages to the extent such damage is covered under the commercial general liability or liquor liability insurance policies.

e. Sidewalk cafés are not permitted to have outdoor amplified music.

(b) **Applications processing as an S-2.**
When processed as an S-2 permit, city council shall consider the application’s consistency with the applicable general standards set forth in section 27-129 and the following standards:

(1) **Distance separation requirements.**

   a. Unless more specific separation requirements are set forth in (2) below, those applications that process as an S-2 permit shall follow the distance separation requirements set forth in (1)b. The distance separation requirements are
based on the geographical location of the subject property in relation to the city form location, as defined in the Tampa Comprehensive Plan.

b. Distance separation requirements. Distance measurements shall be measured in a straight line distance from the boundary of the Alcoholic Beverage Sales Area ["AB Sales Area"] to the property boundary of the specified surrounding use as follows:

a. **Within the Business Centers (Westshore & USF only):** Two hundred fifty (250) feet from residential uses.

b. **Within the Urban Villages:** Two hundred fifty (250) feet from other AB Sales establishments.

c. **Along Mixed Use Corridor Villages:** Two hundred fifty (250) feet from residential uses, two hundred fifty (250) feet from other AB Sales establishments.

d. **All other areas of the City:** One thousand (1,000) feet from residential uses, institutional uses, and other AB Sales establishments.

(2) When processed as an S-2 permit, city council shall grant waivers if they find that the application, after granting the waiver, is consistent with the applicable general standards set forth in section 27-129.

a. **Bar/lounge/nightclub:**
   1. Maintain one thousand-foot distance separation from all residential and institutional uses and other AB Sales establishments.
   2. No outdoor amplified music, unless within a large-scale commercial development of five hundred thousand (500,000) square feet (not including residential or office floor area).
   3. Sales area shall not be located within a parking or loading area or space.

b. **Restaurant (on premises only):** Sales area shall not be located within a parking or loading area or space.

c. **Large venue:**
   1. In addition to the provisions below, all large venues, which do not have a "full kitchen," must include the following items as part of the application and placed on the development site plan:
      i. Business hours of operation.
      ii. If within Channel District, Central Business District, or Ybor City Historic District, provide security plan for the es-
shall not be located within a parking or loading area or space.

d. **Small venue.** The following specific standards shall be used in deciding an application for approval of this use: Sales area shall not be located within a parking or loading area or space.

(c) All permits issued after April 1, 2011, shall keep on site, a copy of the adopted ordinance and associated site plan ("alcoholic beverages sales permit").

**Auto rental.** The following specific standards shall be used in deciding an application for approval of this use:

a. Auto rental shall be limited to non-commercial automobiles and vans not exceeding five thousand (5,000) pounds.

b. No more than ten (10) rental vehicles shall be stored on the property at one time.

c. Storage areas for vehicles to be rented shall be located in the rear of the office and screened from the view of rights-of-way with a solid one hundred (100) percent opaque fence.

d. The parking area for employees and customers using rental services may be located in the front or side of the office building. However, no vehicles may be stored in any parking lot within view of rights-of-way.

e. Accessory uses may include car wash, cleaning and preparation and minor vehicle repairs for rental vehicles only.

**Bank.** The following specific standards shall be used in deciding applications for the approval of this within the Ybor Historic District.

a. The bank special use must be located in a mixed-use development and within its commercial area. Mixed use development is used herein to describe development that typically includes residential and neighborhood services, and office or commercial uses, but does not consist of freestanding solely commercial or solely retail developments.
b. Its area shall be limited to five thousand (5,000) square feet of gross floor area per zoning lot, and located on the ground floor.

c. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

d. An exterior automated teller machine may be located at the bank, provided the machine is limited to pedestrian access only.

e. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.

Bank, drive-in. Within the following identified districts, the specific standards set forth below shall be used in deciding an application for approval of this use. In any other district in which this use is a special use, the standards required for the use identified as "drive-in window" shall apply.

a. Central Business District:
1. A drive-in bank shall only be permitted as an accessory use to a bank which is a principal use on the same zoning lot.

2. A drive-in bank shall not be permitted within the Franklin Street Retail District, nor within the Waterfront Overlay District of the Central Business District, unless the drive-in window is located totally within the enclosed principal structure and designed to be integral to the structure.

3. Approval of this use within the CBD shall be limited to one (1) drive-through lane for each zoning lot.

4. The drive-through lane must directly access a teller window within the bank building for customer service, except in cases where access to the external street network or on-site circulation prohibit direct access by the vehicle driver to the service window. Approval of alternate access to the service window through mechanical means may be permitted, based upon a finding by the zoning administrator that the proposed orientation of the drive-through lane is necessary based upon site constraints.

5. Adequate queuing space shall be provided according to City of Tampa Department of Public Works Standards.

6. In reviewing this special use, the zoning administrator shall consider and base his decision on the goals of the Central Business District Element of the Tampa Comprehensive Plan and the Central Business District of this Code. Specifically, the approval of this special use shall not interfere with the pedestrian focus and water-oriented character of the district, shall support a diversified downtown and shall be consistent with the design guidelines of the district.

b. Channel District:
1. A drive-in bank shall only be permitted as an accessory use to a bank which is a principal use on the same zoning lot.

2. Approval of this use within the Channel District shall be limited to the three (3) drive-throughs for each zoning lot having at least twenty thousand (20,000) square feet in area.
3. Adequate queuing space shall be provided according to City of Tampa Department of Public Works Standards.

4. In reviewing this special use, the zoning administrator shall consider and base his decision on the goals of the "The Channel District, A plan for the future" (August 1993). Specifically, the approval of this special use shall not interfere with the pedestrian focus and water-oriented character of the District, shall support a diversified Channel District and shall be consistent with the design guidelines of the district. The site plan must demonstrate how pedestrian impact is minimized by at least one (1) of the following methods:
   i. There is an additional ten (10) percent green space provided on site above the minimum required green spaces required pursuant to section 27-285, City of Tampa Code.
   ii. Required perimeter trees, pursuant to section 27-285 of the City of Tampa Code, shall be a minimum four (4) inches in diameter when measured at six (6) inches above grade and eighty (80) percent of the recommended trees planted on the parcel shall be shade trees.
   iii. An alternative method of mitigation may be approved by the zoning administrator, with the advice of the city planning department, provided the proposed method promotes the pedestrian focus of the abutting right-of-way.

5. Any structural canopy or cover over the drive-through lanes must be designed to architecturally compliment the main structure (i.e. style, material, texture, color).

6. Driveway access must be designed to minimize negative pedestrian impact. The width of a driveway should not exceed the minimum allowed width established by the City of Tampa Department of Public Works Regulations.

Bar and lounge (in YC-7 district). The following specific standards shall be used in deciding an application for approval of this use in the YC-7 zoning district:
   a. The proposed bar and lounge shall be clearly incidental and accessory to the principal use of the building.
   b. The proposed use shall be limited to the same hours of operation as the principal use.
   c. The bar/lounge area shall be located in the enclosed floor area of a building.

Bed and breakfast. The following specific standards shall be used in deciding an application for approval of this use:
   a. The building and parking area shall be located and maintained in a manner compatible with the general character of the surrounding neighborhood.
   b. The use must be operated by the manager who lives on the premises. The total number of available lodging units for rent shall not exceed three (3) units.

Blood donor center. The following specific standards shall be used in deciding an application for approval of this use:
   a. The blood donor center shall not be located within five hundred (500) feet of any residential or office district.
b. The blood donor center shall not be located within one thousand (1,000) feet of any other such blood donor center or temporary help agency.

c. Distances shall be measured from property line to property line along the shortest distance between property lines without regard to route of normal travel.

*Catering shop.* The following specific standards shall be used in deciding upon an application for approval of this use:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the criteria set forth in section 27-97, is required.

*Cemeteries.* The following specific standards shall be used in deciding an application for approval of this use:

a. All requirements of the state statutes regarding the interment of human dead have been met.

b. A minimum size of eighty-five thousand (85,000) square feet is provided.

c. The site shall have direct access from a collector or arterial street as shown on the major street map.

d. There shall be adequate space within the site for the parking and maneuvering of funeral corteges.

e. No interment shall take place within thirty (30) feet of any zoning lot line.

*Clinics.* In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of this use:

a. The use shall be clearly incidental and accessory to the principal use of the structure.

b. Offices shall be permitted only in structures of three (3) floors or more and shall be located only on the ground floor.

*Club.* The following specific standards shall be used in deciding upon an application for approval of this use:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the criteria set forth in section 27-97, is required.

*Commercial telecommunication towers.* The following specific standards shall be used in deciding an application for approval of this use:

a. The commercial telecommunication tower shall meet the following locational criteria:
   1. Non residential uses must be adjacent to the site on two (2) or more sides of the property.
   2. There must be access to collector or arterial streets.

b. The need for the tower shall be verified through documentation submitted to the city's technical expert.

c. The commercial telecommunication tower applicant shall submit an annual report to land development coordination demonstrating continued need for the commercial telecommunication tower.

*Community garden, private:* The following specific standards shall be used in deciding an application for approval of these uses:

a. *Size limitation.* Within residential zoning districts, a community garden, private may not be greater in size than two (2) acres.

b. *Noise limitations.* No gardening activity may take place before sunrise.
or after sunset. The use of hand tools and domestic gardening tools is encouraged. The use of other machinery and other noise-emitting equipment is subject to the noise standards set forth in Chapter 14.

c. **Maintenance responsibilities.** The property maintenance responsibilities shall be that of the property owner and any lessee of the property, including the community garden group/organization. Standards for property maintenance are set forth in Chapter 19.

d. **Agricultural chemical application.** Application of fertilizer, pesticide, insecticide, herbicide and/or agricultural use chemicals shall be consistent with product label instructions and all applicable local, state, and federal laws. Integrated Pest Management and organic gardening is strongly encouraged.

e. **Sale of harvested crops.**

1. Within residential zoning districts, the produce and horticultural plants grown in a community garden are not intended to be offered for sale on or from the premises on a daily basis. Sales shall be allowed only when part of an event as stated in (4) below.

2. Within office and commercial districts, the produce and horticultural plants grown in a community garden may be sold from the premises on a daily basis.

f. **Events.** Events with sales of crops or goods on residentially zoned property will be limited to a maximum of four (4) events per year.

g. **Permitted structures.** Only the following structures shall be permitted in a community garden:

1. Greenhouses, hoophouses, storage sheds, shade/water collection canopies, and planting preparation houses.

   i. **Location.** Buildings shall be setback from property lines consistent with the minimum principal building setbacks in the front yards and accessory building setback of the underlying zoning district for all other yards.

   ii. **Height.** No building or other structures shall be greater than fifteen (15) feet in height.

   iii. **Building coverage.** The combined area of all buildings, excluding greenhouses and hoophouses, shall not exceed twenty (20) percent of the garden site.

2. Fences. Fencing shall be subject to the regulations of section 27-290.1 and any applicable Overlay District, Historic District or design district regulation. Fencing placed parallel to the front property line shall adhere to Crime Prevention through Environmental Design (CPTED) principles.

3. Outdoor furniture and garden art.

4. Planting beds raised three (3) feet or more above grade, compost bins, and rain barrel systems shall maintain the following yard (setbacks) from property lines: twenty (20) feet front yard, three (3) feet side yard, and three (3) feet rear yard.
5. Lot coverage (use and placement of impervious materials) shall not exceed thirty-five (35) percent of the site area.

6. Signage: Each Community Garden will have a sign indicating the name of the Community Garden and contact information of the principal operator (garden coordinator), including; name and current telephone number, web site, or e-mail address. Signage shall comply with Article VI, Division 6 standards.

h. Parking. Off-street parking is not required for gardens on lots with a residential, YC-, CD-, or CBD- zoning district. For gardens on lots with an office or commercial zoning district, parking shall be provided at a rate of one (1) space per ten (10) individual plots, not to exceed fifteen (15) spaces. All parking shall comply with section 27-283.12.

i. Prohibited activities. The following activities are prohibited within the Community Gardens:

1. Littering, dumping, alcohol consumption and other unlawful activities;
2. Amplified sound;
3. Pets are not allowed in the garden;
4. Storage or use of fireworks.

Congregate living facilities. The following specific criteria shall be used in deciding an application for approval of these uses:

a. No such use shall be established within one thousand two hundred (1,200) feet of another such use, or of a professional residential facility.

b. No external evidence of such use distinguishing it from a normal dwelling shall be visible from adjacent property, public or private.

c. The requirements and standards of the state department of health and rehabilitative services will be met.

d. Facilities located in RS-150, RS-100, RS-75, RS-60, RS-50, RM-12, RM-16 and RO shall be limited to a maximum number of eight (8) persons, in addition to the caregiver.

e. The number of allowable beds shall be consistent with Tampa Comprehensive Plan;

f. A congregate living facility that involves the renovation or rehabilitation of a historic structure is eligible to utilize the bonus density amounts allowed by the Tampa Comprehensive Plan in determining the number of permissible beds.

g. In the Ybor City Districts, placement of the parking area and its screening will be designed to minimize the visual impact on surrounding uses. The Barrio Latino Commission shall review and approve the site plan including the parking arrangement and its screening to ensure compatibility with the characteristic of the surrounding neighborhood.

Crematorium. The following standards shall be used in deciding an application for approval of this use:

a. A crematorium is allowed as an accessory use to a funeral parlor when located in the CG District.

b. As an accessory use, a funeral parlor must limit cremation services to twenty (20) percent of the floor area of the building and may have no more than two (2) crematories.

c. The facility must comply with federal, state and local regulations for such a facility.

d. The equipment must be certified by the manufacturer that it operate free of smoke and odor and has automatic pollution monitoring equipment to constantly supervise the op-
eration and safeguard against pollution and environmental impact.

Day care and nursery facilities (six or more children or adults). The following specific standards shall be used in deciding an application for approval of these uses:

a. Adequate off-street pickup and delivery space shall be available, approved by the department of public works.

b. In the RS-60, RS-50, RM-12, RM-16 and RM-18 districts, the site shall have direct access to an arterial or collector street as shown on the Major Street Map.

Drive-in window. The following specific standards shall be used in deciding applications for approval of this use:

a. The site shall have direct access to an arterial or collector street as shown on the major street map.

b. Adequate space shall exist within the lot for vehicles to queue prior to using the drive-in window.

c. Both the queuing lane and the drive-in window shall be at least fifty (50) feet from any property on which a residential use is located.

d. In addition to items a. through c. above, in the Ybor City Historic District the following specific standards shall be used in deciding an application for approval of this use:

1. Drive-in windows shall only be considered within the area surrounding the existing interstate highway interchange (I-4 at 21st/22nd Streets). The area surrounding the existing interstate highway interchange shall be defined as those properties with frontage on the connector roadways (21st/22nd Streets), and which are wholly located within the area bounded on the north by the southern right-of-way edge of the alley between 14th and 15th Avenues and parallel to the right-of-way of East 14th Avenue, and bounded on the south by the northern right-of-way edge of 12th Avenue and parallel to the right-of-way of East 13th Avenue, as those referenced rights-of-way exist this date.

2. Drive-in windows shall not in any case be allowed on a historic building.

3. On at least one (1) street fronting the drive-in facility the maximum setback for the principal building or structural portion of that building that includes a drive-in window should also be the minimum setback so as to minimize the effect of driveway and parking lots; however, in no case should that setback be greater than eight (8) feet. A structural portion of the building is herein defined as a three-dimensional structure that is physically attached or visually related to the principal building.

4. Each drive-in window and queuing lane shall be visually screened from adjacent streets through placement of the building on the site and through the use of buffer walls and other buffering devices.

5. The drive-in facility shall be limited to a maximum of one (1) queuing lane with one (1) cash window and one (1) food service window.

6. Facilities with a drive-in window shall be sited to facilitate pedestrian traffic from within the historic district as well as vehicular traffic. Sidewalks on the site shall provide pedestrian access to the facility and
connect to adjacent sidewalks and walkways leading toward the center of the district.

7. Each drive-in facility in an existing interchange shall use landscaping and other design features in such a way as to link gateways with the cultural, historical and architectural heart of the district, and to visually lead the visitor into the district per the Ybor City design guidelines for gateway sites.

8. For any restaurant which is constructed with a drive-in window, there shall be a minimum floor area of two thousand five hundred (2,500) square feet and there shall be seating constructed as part of the restaurant.

9. All drive-in windows which are characteristically automotive-dependent uses shall minimize their intrusion into the historic district by the requirement that the zoning lot must have frontage on the adjacent roadways parallel to the interstate (13th Avenue or 14th Avenue).

**Dwelling, single family detached, semi-detached, and two family.** The following specific standards shall be used in deciding an application for approval of this use:

a. The proposed use must be located adjacent to residential uses on at least two (2) boundaries of the zoning lot.

b. A single-family detached dwelling that is an existing dwelling may be expanded provided the proposed addition meets the required setbacks of the underlying zoning district.

**Dwelling, multiple-family and dwelling, single-family attached.** The following specific standards shall be used in deciding an application for approval of this use:

a. The site shall have direct access to an arterial or collector street as shown on the major street map.

b. When located in office and commercial districts, the site shall meet the dimensional regulations (Table 4-2) of the RM-24 zoning district and shall be consistent with the Tampa Comprehensive Plan.

**Explosive storage and manufacturing.** The following standards shall be used in deciding an application for approval of this use:

a. All federal, state, and local environmental regulations must be met.

b. A conceptual site plan must be submitted showing compliance with local development regulations, including the City of Tampa Fire Prevention Code and the City of Tampa Sanitary Sewer Code requirements.

**Extended family residence.** The specific standards shall be amended as follows:

a. An extended family residence shall be limited to a maximum of six hundred (600) square feet.

b. An extended family residence may only be approved when the main residence is owner occupied.

c. An extended family residence may be designed to be located within the single-family dwelling with a separate entrance or in a conforming accessory structure; however, it may not be located in a nonconforming accessory structure or structure made conforming as a result of a variance. The extended family residence shall not be separately metered for electricity or water.

d. The occupant(s) of an extended family residence will be limited to family members related by marriage, blood, adoption, or legal guardianship.

e. The intention of this use is to meet a temporary need. At no time may the number of occupants of an extended family residence exceed two (2).
f. The occupant(s) of the extended family residence may not pay rent for the use of the residence or property.

g. The owner(s) of the single-family dwelling must certify his/her understanding that an extended family residence is limited by the conditions presented in the S-1 Application, including: number of occupants, who the occupant(s) will be, the relation of the occupant(s) to the main resident(s), and location and size of the extended family residence. This certification shall be attached to the approval letter as an exhibit.

h. The special use permit shall be reviewed annually by staff and if any conditions or occupants change, a new special use permit will be required.

**Hazardous materials.** The following standards shall be used in deciding an application for approval of this use:

a. All federal, state, and local environmental regulations must be met.

b. A conceptual site plan must be submitted showing compliance with local development regulations, including the City of Tampa Fire Prevention Code and the City of Tampa Sanitary Sewer Code requirements.

**Heliport, helistop.** The following specific standards shall be used in deciding an application for approval of this use:

a. A heliport or helistop shall only be located on the roof of a building which is a minimum of sixty (60) feet in height.

b. The heliport or helistop shall be evaluated for its noise impact and potential hazard to the surrounding residential areas and shall mitigate that impact through site design, hours of operation and other applicable techniques.

c. The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to its use for residential purposes. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and no outside display, storage or use of land is permitted.

d. There shall be no change in the outside appearance of the building or premises as a result of such occupation with the exception of a nameplate, which shall be attached to the principal structure, shall not be illuminated and whose maximum size shall not exceed two (2) inches by twelve (12) inches.

e. No home occupation shall be conducted in any accessory building.

**Home occupation.** The following specific standards shall be used in deciding an application for approval of this use:

a. A home occupation shall include but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, beauty and barber shops (one-chair operations only), dog grooming (provided no overnight keeping of animals), repair of small household appliances, private tutoring and instruction (limited to five (5) pupils at any one (1) time) and professional services.

b. No persons shall be employed other than members of the immediate family residing on the premises.

c. The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to its use for residential purposes. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and no outside display, storage or use of land is permitted.

d. There shall be no change in the outside appearance of the building or premises as a result of such occupation with the exception of a nameplate, which shall be attached to the principal structure, shall not be illuminated and whose maximum size shall not exceed two (2) inches by twelve (12) inches.

e. No home occupation shall be conducted in any accessory building.

f. No mechanical equipment shall be used for storage on the premises, except such that is normally used for purely domestic or household purposes, nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be
used which creates visual or audible interference in any radio or television set off the premises or causes fluctuations in line voltage.

g. No commodity shall be sold on the premises nor displayed or warehoused on the premises for sale elsewhere.

h. No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.

i. A home occupation shall not be interpreted to include activities such as but not restricted to auto repair and tune-up, clinics, welding shops, animal hospitals or kennels.

j. The use can qualify for all local, state and federal licenses, certificates and permits.

Hospital. In the U-C District, the following standards shall be used in deciding an application for approval of this use:

a. A hospital shall be allowed to be private or public. The facility shall be allowed to provide health services primarily for inpatients, medical or surgical care of the sick or injured, and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, staff offices, and staff housing, which are integral parts of the facility.

b. Public or private hospitals shall have provision for such of the following facilities as may be required in order to be accredited by the Joint Commission on Accreditation of Hospitals sponsored by the American College of Physicians, American College of Surgeons, American Hospital Association and the American Medical Association:

   Emergency facilities, pediatric and obstetric facility, surgical facilities, pathology and radiology facilities, pharmacy facilities, dietary department, medical records facilities, medical library facilities, laundries, and other services and facilities.

c. Hospitals shall provide for a minimum of one hundred (100) beds exclusive of bassinets, and shall have a minimum gross floor area of six hundred (600) square feet per bed.

d. The minimum site area shall be thirty (30) acres and the minimum width of the site shall be six hundred (600) feet.

Hotel/motel. In the U-C District, the following standards shall be used in deciding an application for approval of this use:

a. The site shall have frontage on an arterial or collector street as shown on the Major Street Map on file in the City of Tampa Transportation Division.

b. Access to the site shall comply with the Department of Public Works regulations. Access to the University's internal vehicular circulation system is permitted, provided the system is adequate to accommodate the additional traffic generated by this use without undue hazard and congestion.

c. The site layout shall comply with all development regulations for said use.

Interim parking (in YC-7 District). The following specific standards shall be used in deciding an application for approval of this use in the YC-7 Zoning District:

a. The design of the interim parking lot shall meet the minimum standards set forth in section 27-283.13(a).

b. The proposed and required improvements shall be designed to be consistent with the Ybor City Historic District design guidelines. The Barrio Latino Commission shall conduct a preliminary review of the special use
site plan and shall give city council a recommendation as to the appropriateness of this use on the property.

c. Within the YC-7 District, city council shall determine the appropriate time frame for the use of the property as an interim parking lot, including hours of operation and duration of the special use. In determining an appropriate time frame, city council shall consider the impact this special use will have on residential uses. The maximum duration for any interim parking lot in the YC-7 District is five (5) years. No waiver of this condition is allowed.

d. The interim parking shall be screened from all adjacent residential uses in accordance with the requirements of section 27-284.

Junkyard. The following specific standards shall be used in deciding applications for approval of this use:

a. No junkyard shall be located within flood zone A, as established by the Federal Emergency Management Agency.

b. All federal, state and local environmental regulations must be met.

c. A conceptual site plan must be submitted showing compliance with local development regulations.

d. That such business shall be carried on, maintained or conducted entirely inside an enclosed building or buildings, unless the premises on which such business is carried on, maintained or conducted shall be entirely enclosed by a solid fence or wall in accordance with the requirements of sections 27-284 and 27-282.12, City of Tampa Code.

e. That such fence or wall shall be maintained in a neat, safe condition and shall be painted.

f. No junk or secondhand article shall be piled or be permitted to be pile in excess of the height of the enclosing fence or wall, or be piled closer than three (3) feet to the wall.

g. That all gas, oil, or other inflammable liquid shall be drained and removed from any inoperable motor vehicle located thereon.

h. That the premises shall be arranged so that reasonable inspection or access to all parts of the premises can be had at any time by fire, health, police and building authorities.

Exception. A proposed development shall be exempt from the requirements of this subsection if it has received a final local development order as defined in the concurrency management system ordinance on or before January 31, 1990.

Landfill. The following specific standards shall be used in deciding applications for approval of this use:

a. No landfill shall be located within flood zone A, as established by the Federal Emergency Management Agency.

b. All federal, state and local environmental regulations must be met.

c. A conceptual site plan must be submitted showing compliance with local development regulations.

Exception. A proposed development shall be exempt from the requirements of this subsection if it has received a final local development order as defined in the concurrency management system ordinance on or before January 31, 1990.

Lot, irregular. A lot of record as of the adoption of the ordinance from which this chapter was derived may be divided to create one (1) conforming regular lot with frontage on the public street and one (1) irregular lot, provided the following conditions are met:

a. The original lot is an interior lot located.
b. The original lot has sufficient width to provide for only one (1) lot with frontage on the public street, but has unusual depth to meet the lot area requirement for two (2) lots.

c. The dimensional and access requirements of this section shall be met.

d. Creation of three (3) or more lots shall meet all requirements of the subdivision code.

e. Dimensional requirements. An irregular lot shall meet the lot area as required in the applicable zoning district. However, no portion of the lot that is used primarily for access and that does not constitute a portion of the main body of the lot shall be included in the lot area computation. The required setbacks of the applicable zoning district shall be met as shown in the Diagram 5-3, section 27-161. For fence purposes only, the common lot line shall be considered a side yard.

f. Access. The irregular lot shall have access to a public street through a portion thereof or through an approved private street or an approved access easement. If providing two-way circulation, such portion of lot or access way shall be at least twenty (20) feet in width if serving uses requiring nine (9) or less off-street parking spaces in combination, twenty-five (25) feet in width if serving uses requiring ten (10) or more off-street spaces in combination. If providing one-way circulation, such portion of lot or access way shall be at least ten (10) feet in width if serving uses requiring nine (9) or less off-street parking spaces in combination, twelve (12) feet in width if serving uses requiring ten (10) or more off-street parking spaces in combination.

g. Existing irregular lots. An irregular lot that is a lot of record as of the adoption of the ordinance from which this chapter was derived may be developed, provided it meets the dimensional and access requirements as outlined in this section.

Material recovery facility. The following standards shall be used in deciding an application for approval of this use:

a. Facility does not abut a property zoned or classified as residential by the most current land use designation.

b. Within the industrial zone, processors will operate in a wholly enclosed building except for incidental storage, or:

1. Within an area enclosed on all sides by an opaque fence or a wall not less than eight (8) feet in height and landscaped on all street frontages; and

2. Located at least one hundred fifty (150) feet from property zoned or designed by the Tampa Comprehensive Plan for residential use.

c. Power driven processing shall be permitted, provided all noise level requirements are met. Light processing facilities are limited to baling, briquette, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing or reusable materials.

d. Setbacks and landscaping requirements shall be those provided for the zoning district in which the facility is located.

e. All exterior storage of material shall be in sturdy containers or enclosures which are covered, secured, and maintained in good condition, or shall be baled or pelletized. No storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing.
f. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis and will be secured from unauthorized entry and removal of materials when attendants are not present.

g. Space shall be provided on site for the anticipated peak load of customers to circulate, park and deposit recallable materials. If the facility is open to the public, space will be provided for a minimum of ten (10) customers or the peak load, whichever is higher, except where the zoning administrator determines that allowing overflow traffic is compatible with surrounding business public safety.

h. One (1) parking space will be provided for each commercial vehicle operated by the processing center, plus one (1) per one thousand (1,000) square feet gross floor area.

i. Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially zoned or occupied property, or otherwise shall not exceed seventy (70) dBA.

j. If the facility is located within five hundred (500) feet of property zoned or designated by the Tampa Comprehensive Plan for residential use, it shall not be in operation between 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site personnel during the hours the facility is open.

k. Any containers provided for after-hours donation of recallable materials will be at least fifty (50) feet from any property zoned or classified as residential by the most current land use designation; all containers shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected and shall be secure from unauthorized entry or removal of materials.

l. Donation areas shall be kept free of litter and any other undesirable material. The containers shall be clearly marked to identify the type of material that may be deposited. The facility shall display a notice stating that no material shall be left outside the recycling containers.

m. Sign requirements shall be those provided for the zoning district in which the facility is located. In addition, the facility will be clearly marked with the name and phone number of the facility operator and the hours of operation.

n. No dust, fumes, smoke, vibration or odor above ambient level may be detectable on neighboring properties.

Nursing, convalescent and extended care facilities. The following specific standards shall be used in deciding an application for approval of these uses:

a. The site shall have direct access to an arterial or collector street as shown on the major street map.

b. The standards and requirements of the state department of health and rehabilitative services shall have been met.

c. In the RM-16, RM-18, RM-24 and RM-35 districts, no such use shall be established within one thousand two hundred (1,200) feet of another such use or a congregate living facility or a professional residential facility.

Office, business and professional.

a. In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of these uses:

1. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

2. Compliance with design guidelines developed and recom-
mended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.

b. In the U-C District, offices for the administrative business or professional use shall comply with the following specific standards for approval of this use:

1. The site for such use shall not be allowed within one thousand (1,000) feet measured from closest perimeter point to closest perimeter point of property lines of the three (3) area medical facilities: Veteran's Administration Hospital, University Community Hospital, and Florida Mental Health Institute; and one thousand (1,000) feet from and existing University of South Florida (USF) Medical School structure, measured from the closest exterior point of USF structure to closest perimeter point of the proposed office property.

Office, medical.

a. In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of these uses:

1. Nonresidential development must be designed to be compatible with existing and potential future residential uses.
2. Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.

b. In the RO, RO-1 and CN Districts, the following specific standards shall be used in deciding an application for approval of these uses:

1. The minimum size zoning lot for a medical office shall be ten thousand (10,000) square feet in area.

2. Reduction of the required number of off-street parking spaces for medical office use may be approved by city council when it is demonstrated that the reduction will have no negative effects on the surrounding neighborhood. The city council must follow the criteria established in section 27-283.10(b).

Parking, off-street, commercial. The following specific standards shall be used in deciding an application for approval of this use:

a. The property to be used for commercial parking must be immediately adjacent to and not separated by a street right-of-way from the commercial use it will serve.

b. The commercial use which is served by the parking must be located in an office or commercial district and must be a conforming use in that district.

2. The commercial parking shall only be used for parking of operative vehicles used by the employees, customers and clients of the commercial and office use. The following items shall not be permitted in the commercial parking:

1. Storage of inoperative vehicles;
2. Open storage;
3. Commercial trucks or vans or any vehicle over five thousand (5,000) pounds manufacturers specified weight.
4. Open display of vehicles available for sale or lease.

e. The commercial parking shall be screened from all adjacent residential uses in accordance with the requirements of section 27-284.

Parking, off-street, principal and accessory use.
The following specific standards shall be used in deciding an application for approval of this use:

a. All accessory parking structures shall meet the requirements of section 27-290.

b. The following standards shall be required in construction of any principal parking structure or surface lot:
   1. Location of access drives must be approved by the department of public works.
   2. Surface lots must be improved to department of public works standards according to section 27-283.12(d) with respect to paving and drainage.
   3. Landscaping must be provided in accordance with the city landscaping and tree planting ordinance.

c. In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of these uses:
   1. No portion of an off-street parking area shall be located within fifty (50) feet of the right-of-way of 7th Avenue between Nick Nuccio Parkway and the eastern boundary of Ybor City Historic District. Such off-street parking may only be constructed in conjunction with a building that conceals it from pedestrian and vehicular traffic on 7th Avenue.
   2. Access from 7th Avenue to any off-street parking area is prohibited between Nick Nuccio Parkway and the eastern boundary of Ybor City Historic District.

3. All off-street parking areas within the Ybor City Historic District shall use effective site design techniques which minimize the visual impact of the parking area from the street. In addition, the off-street parking area shall meet the regulations in section 27-178, Alternative parking requirements and the design guidelines for Ybor City.

4. The provisions of subsections b.1. and 3. above shall be met for all parking structures.

Parking lots, temporary. The following specific standards shall be used in deciding an application for approval of this use:

a. The term of approval for such use shall not exceed the construction period of the structure served by the temporary parking lot.

b. Lighting, if installed, shall be so arranged that the direct illumination shall not fall outside the limits of the site covered by the application.

c. Vehicular pedestrian access, stormwater management, dust control and interior circulation shall be in accordance with the standards and policies of the department of public works.

d. A performance bond or other security acceptable to the legal department of the city and sufficient to ensure the removal of the parking lot and the restoration and securing of the lot subsequent to its use as a temporary parking lot shall be posted to the benefit of the city.

e. When located adjacent to or abutting land which is being used for residential purposes, notwithstanding the
zoning district classification, there shall be a solid wood fence not less than six (6) feet in height and no more than eight (8) feet in height designed to provide appropriate screening from the surrounding properties in order to lessen the parking lot’s impact.

**Personal services.** The following specific standards shall be used in deciding an application for approval of this use:

a. In the Ybor City Historic District.
   1. Nonresidential development must be designed to be compatible with existing and potential future residential uses.
   2. Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.

b. In the M-AP-1, M-AP-2, M-AP-3 and M-AP-4 districts, personal services shall be limited to five thousand (5,000) square feet of gross floor area per zoning lot.

**Petroleum storage and/or processing.** The following standards shall be used in deciding an application for approval of this use:

a. All federal, state, and local environmental regulations must be met.

b. A conceptual site plan must be submitted showing compliance with local development regulations, including the City of Tampa Fire Prevention Code and the City of Tampa Sanitary Sewer Code requirements.

**Pharmacy.** The following specific standards shall be used in deciding upon an application for approval of this use:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the criteria set forth in section 27-97, is required.

**Place of religious assembly.** The following specific standards shall be used in deciding an application for approval of these uses:

a. All required yards shall be forty (40) feet, except that front yards may meet the requirement in the district in which it is located.

b. Minimum lot size of twenty thousand (20,000) square feet shall be provided.

c. The site shall have direct access to an arterial or a collector street as shown on the major street map.

d. A place of religious assembly may be constructed in excess of the height limitations of the zoning district in which it is located provided the applicant can demonstrate that the height of the place of religious assembly does not adversely affect adjoining and nearby properties. In determining whether height has an adverse effect, the relationship of the place of religious assembly to the surrounding neighborhood, including yards, distance from streets and distance from existing residential dwellings and other structures shall be considered. Other special conditions may also be established to ensure the compatibility of the height of the place of religious assembly with the surrounding residential neighborhood.

e. One (1) wall, pylon, or ground sign may be located at street frontage provided all of the following are met:
   1. The height of the sign shall be limited to eighteen (18) feet on an arterial street or a collector street and ten (10) feet on a local street.
2. The sign shall not exceed thirty-two (32) square feet on display area.

3. Such shall be setback fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of right-of-way.

Private pleasure craft. The following specific standards shall be used in deciding an application for approval of such uses:

a. Occupancy of private pleasure craft as living quarters shall be permissible as a special exception as a principal use only in connection with vacant lots.

b. For such occupancy for living quarters, required off-street parking shall be provided on the zoning lot.

c. Regulations of the city, state or federal government regarding sewage disposal, availability of potable water, security against menaces due to storm surge, tides, currents and hurricane menace shall be met.

Professional residential facility. The following specific standards shall be used in deciding an application for approval of such uses:

a. No such use shall be established within two thousand (2,000) feet of another such use. Distance shall be measured from property line to property line along the shortest distance between property lines regardless of the normal travel route. City council may waive this distance requirement upon consideration of the following factors:

1. Whether the existing uses which occur between the proposed professional residential facility and another such facility are predominately commercial in nature.

2. Whether the proposed professional facility would have an adverse impact upon any adjacent residential neighborhoods; and

b. No such use shall be established within one thousand two hundred (1,200) feet of a congregate living facility. Distance shall be measured from property line to property line along the shortest distance between property lines regardless of the normal travel route.

c. No external evidence of such use distinguishing it from a normal residential structure shall be visible from adjacent property, public or private.

d. The requirements and standards of the state department of health and rehabilitative services and state department of corrections shall be met.

e. The site plan must thoroughly describe the type of treatment and security that will be provided at the facility.

Public cultural facility. The following specific standards shall be used in deciding upon an application for approval of this use:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the criteria set forth in section 27-97, is required.

Public service facility. The following specific standards shall be used in deciding the applications for approval of such use:

a. The uses allowed shall be restricted to pumping stations, lift stations, telephone exchanges, transformer step-down stations, and similar uses
required to serve the needs of the immediate residential and office districts. Water and sewage treatment plants, energy generation plants, freight and marshaling yards, terminals and similar uses shall not be permitted in office and residential districts.

b. All uses shall be effectively screened from adjacent residential and office districts.

c. Whenever possible, such installations shall be so constructed so as to have the exterior appearance of adjacent residential and office structures.

Public use facility. The following specific standards shall be used in deciding upon an application for approval of this use:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the criteria set forth in section 27-97, is required.

Radio/TV studio.

a. The following specific standards shall be used in deciding an application for approval of this use in the Ybor City Historic district YC-1 subdistrict.

1. The building constructed and/or rehabilitated for this use shall meet all criteria of the Ybor City Historic District Design Guidelines.

2. The building constructed and/or rehabilitated for this use shall be limited to fourteen thousand (14,000) square feet maximum gross floor area.

3. All parking and vehicular storage provided for this use shall be screened from view from adjacent pedestrian and vehicular thoroughfares, and further shall conform to the requirements of section 27-132, Parking, off-street, principal and accessory use, subsections (c)(1) through (c)(4).

4. Antennae, communication towers, and other devices for sending and/or receiving communication signals associated with this use, shall be constructed or installed in a manner so as to minimize their visual impact. Such appurtenances may be permitted only in cases where they are clearly an accessory use to the radio/TV studio use and they are outside the sight-lines from pedestrian ways adjacent to the site for which this use is proposed. The design for such appurtenances shall be reviewed and approved by the Barrio Latino Commission prior to approval of this special use.

b. The following specific standards shall be used in deciding an application for approval of this use in the M-AP 2 zoning district:

1. The building or portion thereof constructed and/or rehabilitated for this use shall be limited to fifteen thousand (15,000) square feet maximum gross floor area.

2. Any antenna installation proposed in M-AP zoning districts that exceeds the height of ten (10) feet above ground level or is associated with an AM, FM or TV station must have documentation from the Aviation Authority (HCAA) of no objection. Review will be subject to Federal Aviation Regulations (FAR Part 77) and FCC approval. Any electromagnetic interference causing transmitted signals to be reflected upon ground-based
or airborne air navigation communications equipment or affect instrument procedures will be prohibited.

The referenced antenna devices may only be permitted in cases where the antenna is an accessory use to the radio and TV studio facilities described herein.

3. Studio facilities shall not include areas for studio audiences. The phrase "studio audience" does not include individuals directly involved in the production of the radio/TV show.

4. The Hillsborough County Aviation Authority shall review the special use application and shall evaluate the proposed radio/TV broadcasting facility to determine if the facility will cause interference with aircraft or the safe operation of the Tampa International Airport. If the HCAA objects to the facility, the zoning administrator will not approve the special use.

Recreational facility; commercial-outdoor. The following specific standards shall be used in deciding an application for approval of this use:

a. A recreational facility having outdoor activities shall commit to comply with equivalent sound levels not to exceed the following standards:

1. If the receiving use is residential: between 10:00 a.m. and 8:00 p.m.—60 dBA; between 8:00 p.m. and 10:00 a.m.—50 dBA.

2. If the receiving use is commercial: Between 10:00 a.m. and 8:00 p.m.—60 dBA; between 8:00 p.m. and 10:00 a.m.—55 dBA.

b. Outdoor lights located in the facility shall not illuminate any land not covered by the application for special use.

c. The site plan shall demonstrate compliance with section 27-284, Buffers and screening. No outdoor recreation area shall be within fifteen (15) feet of abutting residential uses.

Recreational facility, private. The following specific standards shall be used in deciding applications for approval of this use:

a. Where membership is not limited to residents of adjacent residential areas, the site shall have primary access to an arterial or collector street as shown on the major street map.

b. The building shall be constructed and maintained to be compatible with the general character of the surrounding neighborhood.

c. No parking or loading areas or mechanical equipment shall be located within twenty-five (25) feet of any adjoining property which is in a residential district.

d. One (1) wall, pylon, or ground sign may be located at street frontage provided all of the following are met:

1. The height of the sign shall be limited to eighteen (18) feet on an arterial street or a collector street and ten (10) feet on a local street.

2. The sign shall not exceed thirty-two (32) square feet on display area.

3. Such sign shall be setback five (5) feet from the right-of-way line and thirty (30) feet from the intersection of right-of-way, provided the placement of the sign does not obstruct visibility per section 27-283.5.
**Recycling/building and auto parts.** The following specific standards shall be used in deciding an application for approval of this use:

a. All areas used for the storage of wrecked vehicles, the processing or dismantling of parts, or building scrap must be enclosed in either a building or completely surrounded by an eight-foot high masonry wall.

b. The minimum lot size is twenty thousand (20,000) square feet for building parts recycling, and one (1) acre for auto parts recycling.

c. All areas displaying merchandise for retail or wholesale sale must be kept neat and orderly within a completely enclosed and roofed structure. The display area must be screened according to section 27-282.13.

d. At no time outside storage of inventory be stacked higher than six (6) feet.

e. Recycling of auto parts must be done in compliance with all applicable federal, state and county environmental regulations. If vehicles or machinery are dismantled, then equipment used to clean parts and collect dirty oil, grease and hazardous chemicals for proper disposal must be part of the operation. A contract with a certified and licensed hauler of hazardous waste or petroleum products must be current.

f. Used building parts (such as fixtures, windows and doors) may be stored and sold. Building debris or rubble that is dusty or any type of hazardous or biodegradable trash shall not be brought to or stored on the site.

**Restaurants.**

a. In the YC-4 District, the following specific standards shall be used in deciding applications for approval of these uses:
   1. The use shall be clearly incidental and accessory to the principal use of the building.

b. In the YC-2 District, the following specific standards shall be used in deciding applications for approval of these uses:
   1. Nonresidential development must be designed to be compatible with existing and potential future residential uses.
   2. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.

**Restaurant, drive-in.** The standards set forth for the use identified as "Drive-in window" shall be shall be used in making a decision on an application for approval of this special use.

**Retail bakery.** In the Ybor City Historic District, the following specific standards shall be used in deciding applications for these uses:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with design standards developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.

c. Gross floor area shall be limited to fifteen thousand (15,000) square feet.
d. No more than three (3) delivery trucks may be stored on site overnight at any time.

e. Delivery trucks shall not exceed twenty-six (26) feet in length.

Retail sales, convenience goods. The following specific standards shall be used in deciding upon an application for approval of this use:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the criteria set forth in section 27-97, is required.

Retail sales, gasoline. The following special standards shall be used in deciding an application for approval of this use:

a. A minimum gross land area of ten thousand (10,000) square feet shall be provided; if rental of trucks, trailers, etc., is proposed as an accessory use, the minimum gross land area shall be increased by ten thousand (10,000) square feet.

b. The zoning lot shall front on an arterial or collector street, as shown on the major street map, and have direct access thereto.

c. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes and for the removal of hazardous chemicals and fluids.

d. In the Ybor City Historic District, no retail sales of gasoline establishments shall be located within eight hundred (800) feet of another such establishment. Distance shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.

Retail sales, lawn and garden shop. The following specific standards shall be used in deciding an application for approval of this use:

a. In the CN District, the maximum allowed floor area for the use shall be two thousand five hundred (2,500) square feet or .35 FAR whichever is less. The floor area shall include all interior display area, enclosed storage and administrative office area.

b. The open storage of plants and gardening material shall be permitted provided section 27-282.12, Screening of open storage, and section 27-284, Buffers and screening, provisions are met. At no time can the open stacking of materials exceed the height of the fence used to screen the storage area. At no time shall there be open storage of equipment.

c. The retail sale of lawn and gardening supplies shall be limited to prepackaged commodities (e.g., fertilizer, mulch, rock, potting soil, seed, sand and pesticides).

Retail sales, specialty goods. In the Ybor City Historic District, the following specific standards shall be used in deciding applications for these uses:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.

Roominghouse. The following specific standards shall be used in deciding applications for this use:

a. The lot shall have direct access to an arterial or collector street as shown on the major street map.
b. Such a use shall not be established within five hundred (500) feet of another such use.

c. Such use shall comply with standards set forth in section 19-235 (no waivers shall be granted by the city for this provision).

d. Each lodging unit is limited to two (2) adult occupants and related minors.

e. Each lodging unit shall contain a minimum of one hundred fifty (150) square feet or the minimum area required by the Florida Building Code for such unit type, whichever is more.

Schools. The following specific standards shall be used in deciding applications for approval of such uses:

a. The site shall have direct access to an arterial or collector street as shown on the major street map.

b. The site shall meet performance standards and other requirements of the state.

c. The location, arrangement and lighting of play fields and playgrounds will be such as to avoid interference with the use of adjacent residential property.

d. Proposed structures shall comply with the required setbacks of the underlying zoning district, unless city council approves a reduction in setbacks provided the petitioner demonstrates compatibility with the neighborhood, more intensive buffering to compensate for the reduction in setback, or historical pattern of lesser setbacks on the school site.

e. Parking shall be provided in compliance with Article VI, Division 3, Off-Street Parking and Loading, however, city council shall have the ability to approve requests for waivers of number of parking spaces and loading and unloading spaces.

f. A school may be constructed in excess of the height limitations of the zoning district in which it is located provided the applicant can demonstrate that the height of the school does not adversely affect the adjoining and nearby properties. In determining whether height has an adverse effect, the relations of the school to the surrounding neighborhood, including yards, distance from streets and distance from existing residential dwellings and other structures shall be considered. Other special conditions may also be established to ensure the compatibility of the height of the school with the surrounding residential neighborhood.

g. The solid waste collection station (dumpster) existing and/or proposed shall be located on the site plan and shall be visually screened from adjacent property and right-of-way.

h. The following specific standards shall be used in determining whether an application for a college use in the M-AP 4 zoning district shall be approved:

1. The applicant for a college use in the M-AP 4 zoning district must provide documentation of no objection from the Hillsborough County Aviation Authority ("aviation authority"). That documentation of no objection may consider the following information: (1) the nature of the school proposed, and (2) whether the property is within the FAA 65 DNL noise contour or a restricted boundary as set forth in F.S. Ch. 333, existing or planned runway approaches and any other applicable public safety and airport zoning restrictions.

2. The property owner of the parcel upon which the college use is requested must provide re-
corded aviation easement accepted by the aviation authority.

3. The operator of the college must provide a recorded release and waiver of claims related to airport and aircraft operations, noise, or vibrations or for noise abatement or sound insulation which is accepted by the aviation authority.
4. Dormitories, or any residential use supporting a college, are specifically prohibited.

5. The college shall be limited to a maximum of twenty thousand (20,000) square feet of gross floor area and cannot be an educational facility prohibited by F.S. §§ 333.03(2)(c) and 333.03(3), as determined by the aviation authority.

Storefront/residential, office, commercial. The following specific standards shall be used in deciding upon an application for approval of this use:

a. Nonresidential development must be designed to be compatible with existing and potential future residential uses.

b. Compliance with the design guidelines developed and recommended by the Barrio Latino Commission, including the criteria set forth in section 27-97, is required.

Temporary help agencies. The following specific standards shall be used in deciding an application for these uses:

a. The agency shall not be within five hundred (500) feet of any area in the city zoned residential or office.

b. The agency shall not be within one thousand (1,000) feet of any other such agency or a blood donor center.

c. Distances shall be measured from the property line to property line on the shortest distance between property lines without regard to route of normal travel.

Temporary special events. The following specific standards shall be used in deciding an application for approval of this use:

a. The parking and access layout shall be approved by the department of public works. In addition, the use shall be in a location which shall not create hazardous vehicular or pedestrian traffic conditions.

b. Adequate utility, drainage, refuse and sanitation facilities, emergency services, and other similar services shall be provided.

c. The zoning administrator shall approve the duration of the use, which shall be as short as practicable. When the time period has expired, all temporary structures and facilities shall be removed and the site returned to its original condition.

Temporary waterfront surface parking lots. The following specific standards shall be used in deciding an application for approval of this use (no waivers shall be granted by the city):

a. The property must meet the following criteria:

1. The property was previously utilized for legally established surface parking;

2. The property is adjacent to a constructed portion of the Riverwalk;

3. The applicant owns both the proposed surface parking lot and the abutting property, upon which a building contains the use to which the proposed parking is to be accessory; and

4. All parking shall be open to the public on weekends free of charge between the hours of 8:00 a.m. to 10:00 p.m.

b. Such lots must be improved in accordance with guidelines for the North/South Zone - Primary Pedestrian Corridor in subsection 27-187(f).

c. Temporary waterfront surface parking lots may only exist and operate at their approved locations until May 7, 2000. Thereafter, no temporary
waterfront surface parking lots shall be permitted to operate in the Waterfront Overlay District.

**Transfer of development rights receiving site:**

(a) Must have received a certificate of transfer that identifies the amount of entitlements eligible to be transferred pursuant to section 27-282.23;

(b) Must provide the zoning administrator or designee a recorded restrictive covenant of zoning for the sending site;

(c) Must comply with the provisions of section 27-282.23;

(d) All parcels receiving an S-1 permit under this section shall be required to comply with Article III, Division 2, Subdivision 3, notwithstanding previous review under that provision;

(e) Waivers. No waivers of the specific standards set forth above shall be permitted;

(f) May not be a landmark site, multiple property designation, historic conservation overlay district or historic district.

**Truck/trailer rental.** All establishments that are within the CG zoning district shall be required to meet the following provisions:

a. The property shall contain a minimum of ten thousand (10,000) square feet.

b. The property shall have frontage and direct access to a right-of-way classified as an arterial roadway.

c. Trucks/trailers available for rental or lease shall not exceed twenty-six (26) feet in length.

d. Storage areas for trucks/trailers to be leased shall be located in the rear of the lot and screened from the view of all residential zoning districts and residential uses with solid masonry wall with a minimum height of eight (8) feet. This is in addition to sections 27-284 and 27-282.12.

e. The parking area for employees of the rental services use shall be located in the rear of the main building.

f. All trucks/trailers for rent shall be parked on either an asphalt, concrete, or pervious pavement pad, or on a stabilized, dust-free parking surface as approved by the transportation division.

g. The number of trucks available for rental is limited to one (1) vehicle per four hundred (400) square feet of undeveloped land on the subject property, and shall not exceed ten (10) trucks for any establishment.

h. Only minor vehicle repair, consistent with Table 4-1, shall be allowed in conjunction with this use.

**Utility transmission site.** The following specific standards shall be used in deciding an application for approval of this use:

a. The utility transmission site and transmission corridor shall be located, constructed and maintained such that they produce minimal adverse effects on the environment and public health, safety and welfare. The transmission site and/or corridor shall meet or exceed the minimum standards established under the rule-making authority of the state department of environmental regulation.

If the department does not establish minimum standards, the city shall develop standards that must be met by the transmission site and/or corridor prior to construction. The minimum standards shall establish requirements based on the best available data, addressing each of the following issues:

1. Width of right-of-way in relation to the voltage strength of the site or utility line;
2. Permissible strengths of electric fields, magnetic fields, and induced current levels and the location such strength is to be measured;

3. Construction and safety standards of the towers and other equipment, including the method of restricting access for public safety;

4. Any other provisions which are deemed necessary to protect the environment and public health, safety and welfare.

b. In the review of the transmission site and/or corridor, the proposed and alternative locations shall be evaluated against the Tampa Comprehensive Plan, existing zoning districts and land uses, and approved developments of regional impact.

c. Joint use of the facilities by different modes within the communication industry is strongly encouraged to mitigate the impact of the site on the environment and surrounding area. Every reasonable effort shall be made by the city, other governmental agencies and the communication industry to promote and allow joint use and operation of the site.

d. The site shall have the appropriate area, bulk and placement dimensions, access restrictions and buffering which protect the public health, safety and welfare and preserve the privacy of adjacent residential uses. In addition, the tower shall be so constructed as to be visually unobtrusive as possible, including such provisions as height, design and selected building materials and the prohibition against the illumination of towers.

Vehicle repair, minor. The following specific standards shall be used in deciding an application for this use:

a. A minimum gross land area of twenty thousand (20,000) square feet shall be provided; if rental of trucks, trailers, etc., is proposed as an accessory use, the minimum gross land area shall be increased by ten thousand (10,000) square feet.

b. The zoning lot shall front on an arterial or collector street, as shown on the major street map, and have direct access thereto.

c. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.

d. In the Ybor City Historic District, no service station shall be located within eight hundred (800) feet of another service station. Distance shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.

Vendor (all types): All vendors shall be required to obtain a vendor permit (this section shall not apply to vending machines). Vendors that locate in designated city parks and on Franklin Street right-of-way within the Central Business District shall be reviewed by the City of Tampa Parks Department and must comply with the regulations in Chapter 16. Vendors that locate on public right-of-way and are authorized by an event sponsor shall be reviewed by the office of special events and must comply with the regulations in Chapter 25. Vendors that locate on private property are subject to the following provisions:

(a) Additional submittal requirements and review criteria are hereby established for the five (5) classifications of vendors that locate on private property:

(1) General requirements. Evidence of compliance with the following criteria shall be required as part of the application:

a. Placement of the vendor on the property shall not interfere with required
parking, loading and unloading spaces, or the vehicular access to those spaces for the principal use;

b. The vendor may not block, damage, or interfere with required landscaping, buffers, or stormwater improvements on the subject property;

c. The vendor must meet all other applicable city code requirements, with the exception of off-street parking; and

d. The vendor shall only sell those goods that are legally permitted to be sold by such a use under the applicable laws of the City of Tampa, Hillsborough County, State of Florida, and United States.

(2) Special use criteria by vendor classification.

a. Annual vendor. Annual vendors are prohibited on all lands zoned or used for residential purposes, except as otherwise allowed in this section or by law. Annual vendors shall be allowed on private property that has been zoned or used for commercial or non-residential purposes, subject to the following conditions:

1. The vendor shall only be located on a parcel that meets the minimum lot size and dimensional requirements for the underlying zoning district. Furthermore, vendors shall only be allowed on parcels that lie adjacent to one (1) of the following streets:

i. Hillsborough Avenue, excluding that portion lying within the Seminole Heights Historic District;

ii. Dale Mabry Highway;

iii. Florida Avenue, excluding that portion lying within the Seminole Heights Local Historic District or Tampa Heights Local Historic District;

iv. Nebraska Avenue, excluding that portion lying within the Ybor City Local Historic District;

v. Adamo Drive, excluding that portion lying within the Ybor City Local Historic District;

vi. Broadway Avenue from 40th Street to Columbus Drive;

vii. 22nd Street;

viii. Maritime Boulevard;

ix. Causeway Boulevard;

x. Armenia Avenue between Hillsborough Avenue and Waters Avenue;

xi. Waters Avenue running from Nebraska Avenue (both East and West sides of right-of-way) west to the city limits;

xii. Columbus Avenue;

xiii. Excluding all other road segments adjacent to or running through a local historic district.

2. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity shall encroach onto any right-of-way or onto any adjacent private property without express permission from that property owner in accordance with this section;

3. The vendor shall provide a sworn statement from the property owner on a form provided by the city indicating that the vendor has permission to vend on that site, along with the following:

i. The property owner may allow the vendor and vendor’s patrons access to bathroom facilities on the subject property, when available;

ii. The property owner shall state that the vendor shall meet all local, state and federal regula-
tions, ordinance, statutes and laws in regards to his specific business; and,

iii. The property owner shall state that he understands the regulations governing vendors and will be held responsible, along with the vendor, for any code violations.

iv. The property owner shall state that the property shall be continuously maintained in a neat, clean, and orderly manner.

4. The vendor shall be allowed to set up in accordance with the principal structure setbacks of the underlying zoning district;

5. The vending sales area shall not be allowed to utilize more than two (2) parking spaces or six hundred (600) square feet in area, whichever is greater. However, at no time shall the required number of parking spaces for the principal use of the property be rendered nonconforming due to the vendor use;

6. The vendor shall be allowed to be located and operate on the site from dawn to dusk only. On sites containing less than one-half (½) acre in area, all equipment and supplies shall be removed from the site at the end of each day. On developed sites that contain a half acre or more, the equipment may remain if secured/tied down;

7. The vendor shall be prohibited from selling or distributing any type of glass container;

8. Only one (1) annual vendor shall be allowed on any one zoning lot;

9. A vendor proposing to sell food shall submit a copy of all permits and licenses required by the State of Florida and the Hillsborough County to the City of Tampa at the time of the submittal of the special use application;

10. The maximum sign area allowed for the vending operation shall be twelve (12) square feet; and,

11. All vending carts or structures shall meet the following design standards and those graphically depicted in Vendor Cart Illustrations Diagram 6.3; however, alternative designs may be considered by the zoning administrator:

   i. Maximum size ten-foot width, twenty-foot length and eight (8) feet in height (measured from the surface of the tire or wheel sits on to the upper most limit of the roof or canopy/umbrella, including vent structures);

   ii. Any umbrellas or coverings shall not extend more than two (2) feet beyond the outer edge or in height of the vendor cart or structure;

   iii. Fender covers are required for rubber tires;

   iv. The trailer hitch must be concealed while the vendor is occurring and, at all times the trailer is parked or stored in a zoning district where open storage is permitted;

   v. If exterior lights are incorporated on the cart, the light source must be a steady light (no flashing lights) and it must be concealed or other method of indirect lighting;

12. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period;

13. Time limit: Vendors in compliance with the above requirements may be
approved for a one-year period. The zoning administrator may grant an annual extension with continued compliance with the standards above.

b. Special event vendor (City of Tampa sanctioned special events). During a special event or festival sanctioned by city council pursuant to a parade, block party, or road festival permit, vendors may be allowed on private property that lay adjacent to the public right(s)-of-way that is(are) closed during the special event or festival, subject to and in accordance with the parade, block party, or road festival permit, and shall adhere to the following:

1. The vendor may not impede the safe flow of people and vehicles during use of the vendor site;

2. The vendor must obtain all applicable city, county and state licenses and permits and must display them in plain view. If applicable, the vendor must also display an event authorization tag issued to the vendor by the event sponsor;

3. The vendor must clear the vendor site of all litter and debris after use;

4. The vendor shall be prohibited from selling or distributing any type of glass container; and,

5. Time limit: An approved vendor may operate during the event hours only. The vendor may prepare the specific vending location on the property beginning no more than two (2) hours prior to the special event. Furthermore, the vendor must be cleared from the property no later than one (1) hour after the end of the event.

c. Sports and entertainment vendor. These are vendors that are operating in association with any event:

1. Events held within these boundaries for the St. Pete Times Forum [sales boundaries]: south of Brorein Street, east of Florida Avenue, west of Meridian Street, and north of St. Pete Times Forum Drive;

2. Events held within these boundaries for Raymond James Stadium [sales boundaries]: south of Hillsborough Avenue, east of Lots Avenue, west of Hillsborough River, and north of Interstate-275; and,

3. Events held within these boundaries for Legends Field sales boundaries: south of Cayuga Avenue, east of Lois Avenue, west of Himes Avenue and north of Tampa Bay Boulevard.

4. When allowed, vendors must meet the following conditions:

i. Sales shall be allowed on any lot (within the above described boundaries that lies adjacent to collector or arterial street) located in an office, commercial or industrial zoning district;

ii. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity shall encroach onto any right-of-way nor onto any adjacent private property without express permission from that property owner in accordance with this section;

iii. The vendor may not impede the safe flow of people and vehicles during use of the vendor site;

iv. The vendor shall be setback a minimum of ten (10) feet from the public right-of-way, including all display area, carts, tents, and trailers. However, at no time may the location violate section 27-283.5, Visibility at intersections;

v. The vendor shall be prohibited from selling or distributing any type of glass container;
vi. Signs shall not exceed a maximum of twelve (12) square feet for all total signs used in conjunction with the vending operation;

vii. The vendor shall provide a sworn statement from the property owner and the vendor on a form provided by the city indicating that the vendor has permission to vend on that site;

viii. The property owner shall state that the vendor shall meet all local, state, and federal regulations, ordinances, statutes and laws in regards to his specific business;

ix. The property owner shall state that he understands the regulations governing vendors and will be held responsible, along with the vendor, for any code violations;

x. The vendor shall not be allowed to eliminate required parking spaces for the principal use of the property;

xi. Time limit: An approved vendor may operate during the event hours only. The vendor may prepare the specific vending location on the property beginning no more than four (4) hours prior to the special event. Furthermore, the vendor must be cleared from the property no later than two (2) hours after the end of the event;

xii. Only one (1) sports and entertainment vendor shall be allowed on any individual zoning lot; and,

xiii. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period.

d. Temporary vendor: Temporary vendor sales shall be allowed by permit on parcels that are zoned or used for non-residential uses subject to the following provisions:

1. No more than six (6) permits shall be issued per parcel in any calendar year and the duration of the vending on the parcel shall not exceed forty-five (45) consecutive days per permit issued on parcels that contain less than twenty-five (25) acres;

2. Unlimited permits shall be issued per parcel in any calendar year and the duration of the vending on the parcel shall not exceed forty-five (45) consecutive days per permit issued on parcels that contain twenty-five (25) or more acres;

3. No display areas, merchandise, or stored items in association with the vendor or those associated with the principal use on the property, which are displaced due to the vending activity shall encroach onto any right-of-way nor onto any adjacent private property without express permission from that property owner in accordance with this section;

4. The vendor shall maintain a minimum setback of ten (10) feet from the public right-of-way, including all display area, carts, tents, and trailers. However, at no time shall the location violate section 27-283.5, Visibility at intersections;

5. For purposes of this subsection, allowable signage for temporary vendor tents and/or carts shall be calculated based on the "building sign" factor and method, as set forth in Article VI, Division 6, to find the maximum allowable square-feet of copy area. The maximum copy area that is determined may be utilized
as building signs, banners, or free-standing signs, so long as the maximum copy area is not exceeded; and,

6. The vendor shall provide a sworn statement from the property owner on a form provided by the city indicating that the vendor has permission to vend on that site, along with the following:

i. The property owner shall state that the vendor shall meet all local, state, and federal regulations, ordinance, statutes and laws in regards to his specific business;

ii. The property owner shall state that he understands the regulations governing vendors and will be held responsible, along with the vendor, for any code violations;

iii. The vendor shall not be allowed to eliminate required parking spaces for the principal use of the property;

iv. The vendor shall be prohibited from selling or distributing any type of glass container;

v. The vendor shall be allowed to be operate on the site between the hours of 7:00 a.m. to 9:00 p.m.;

vi. Only one (1) temporary vendor shall be allowed on any individual zoning lot that contains less than twenty-five (25) acres;

vii. All waste and/or refuse shall be removed from the vendor area and placed in an appropriate, legally designated receptacle for the private property on a daily basis for the duration of the sales period.

e. **Ybor City Historic District Vendor.** Vendors are prohibited within the Ybor City Historic District, except as follows:

1. Vendors shall be allowed within the Ybor City Historic District under the following circumstances and subject to the following conditions:

i. During a special event or festival designated by city council pursuant to a parade, block party or road festival permit, vendors may be allowed on private property that lies adjacent to subject to the public right(s)-of-way that is closed during the special event or festival and in accordance with the parade, block party or road festival permit;

ii. On a city park if allowed by the city's parks department in connection with a event or festival of a limited duration; or

iii. As a subordinate use, which is integral to the conforming principal use of the property, the design of which subordinate use has been reviewed and approved by the Barrio Latino Commision.

2. When allowed, vendors must meet the following conditions:

i. The vendor must clear the vendor site of all litter and debris after use;

ii. The vendor shall be prohibited from selling or distributing any type of glass container;

iii. The vendor may not impede the safe flow of people and vehicles during use of the vendor site; and,

iv. The vendor must obtain all applicable city, state, county, and health department licenses and permits and display them in plain view. If applicable, the
vendor must also display an event authorization tag issued to the vendor by the event sponsor.
Diagram 6.3
VENDOR CART ILLUSTRATIONS

Example 1:
• Any covering shall not exceed the size of the cart by two (2) feet.
• Conceal trailer hitch.
• Fender skirts are required for rubber tires.
• If exterior lights are incorporated on the cart, the light source must be steady (no flashing lights) and they must be concealed.
• Maximum cart size: W=10’ × H = 8’ × L = 20’

Example 2:
• Any covering shall not exceed the size of the cart by two (2) feet.
• Conceal trailer hitch.
• Decorative wheels may be exposed.
• If exterior lights are incorporated on the cart, the light source must be steady (no flashing lights) and they must be concealed.
• Maximum cart size: W = 10’ × H = 8’ × L = 20’

Example 3:
• Any umbrella shall not exceed the size of the cart by two (2) feet.
• Conceal trailer hitch.
• Fender skirts are required for rubber tires.
• If exterior lights are incorporated on the cart, the light source must be steady (no flashing lights) and they must be concealed.
• Maximum cart size: W = 10’ × H = 8’ × L = 20’
Vendor market. A vendor market shall be required to comply with the following standards for development:

1. The vendor market shall be a permanent structure with a fixed foundation in the ground.
2. Water, sewer and electrical service shall be provided on the property. Temporary utility hookups may not be used to satisfy this requirement.
3. The development must comply with the minimum dimensional requirements set forth in section 27-177, Table 8-2, Schedule of Dimensional Regulations.
4. Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in section 27-97, is required.
5. No open storage is permitted, including the overnight storage of vendor carts or stations.
6. The vending activity being conducted on site must be consistent with the uses permitted in the underlying zoning district.
7. All litter and debris must be cleared from the vendor market after each use.
8. The placement of individual vendors may not impede the safe flow of pedestrians or vehicles within the vendor market or in, on or from the public right-of-way.
9. Individual vendors leasing space in the vendor market must obtain all applicable city, state, county, and health department licenses, approvals and permits and display them in plain view.
10. Access, to be approved by the department of public works, is required to provide safe ingress and egress to and from the site without damaging existing sidewalks or curbs.
11. The design of each vendor cart or station within the vendor market must be reviewed and approved by the Barrio Latino Commission to ensure compatibility with the Ybor City Historic District.
12. A method of approved solid waste pick up shall be provided on site by the vendor market.
13. In reviewing this special use, the zoning administrator shall consider and base a decision on the goals of the applicable Ybor City redevelopment plan, the Tampa Comprehensive Plan and the City Code. Specifically, the approval of this special use, and the vendors within the vendor market, shall not interfere with and shall support and comply with the historic nature of the Ybor City Historic District, the pedestrian focus and the redevelopment goals in the Ybor City Community Redevelopment Area.

(Ord. No. 2013-70, § 1, 6-6-2013; Ord. No. 2013-72, § 3, 6-6-2013)

Secs. 27-133—27-135. Reserved.

DIVISION 6. SITE PLAN ZONING DISTRICT PROCEDURES

Sec. 27-136. Purpose.

The purpose of this article is to provide for zoning districts that recognize unique conditions, allow design flexibility, and promote planned diversification and integration of uses and structures, which other zoning districts cannot accommodate. Through this process city council retains authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare, with the exception of standard technical requirements, as described in this section. The intent of these site plan zoning districts is to provide standards and requirements which:

1. Promote the efficient and sustainable use of land and infrastructure, with careful
consideration of potential adverse impacts to onsite natural elements, surrounding impacted neighborhood(s), and cultural resources;

(2) Allow the integration of different land uses and densities in one (1) development that would not otherwise be provided for or allowed under general zoning districts established in this chapter, which encourage compatibility in overall site design and scale, both internal and external to the project site;

(3) Provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site;

(4) Acknowledge changing needs, technologies, economics and consumer preferences and allows for ingenuity and imagination in the planning and development of relatively large tracts under unified control as well as allowing flexibility in the redevelopment of older areas of the city;

(5) Encourage flexible land development which reduces transportation needs, conserves energy, and will maximize the preservation of natural resources, such as streams, lakes, floodplains, groundwater, wooded areas, uplands, and areas of unusual beauty or importance to the natural ecosystem; open space; greenspace; and, historical and archaeological sites;

(6) Promote and encourage development where appropriate in location, character, and compatibility with the surrounding impacted neighborhood(s), built environment, and existing geography;

(7) Promote more desirable living and working environments than would be possible through the strict application of minimum requirements of other zoning districts;

(8) Promote architectural features and elements, which compliment the surrounding community and enhance the overall quality of the development; and,

(9) Promote the retention and reuse of existing building stock.

Site plan districts include general guidelines and review criteria and are subject to the procedures outlined in this article. Construction on property zoned under a site plan district may only take place consistent with the site development plan approved by city council at the time of rezoning. For purposes of this article, site plan zoning districts include Planned Development (PD); Planned Development-Alternative (PD-A) which is intended for large or multi-phase projects; RO, RO-1 and CN districts which permit neighborhood scale office or commercial near residential or infill areas; Tampa Quality Development (TQD); YC-9 which is found in Article III, Division 2; and Central Business District (CBD-2) which is found in Article III, Division 2, Subdivision 3.

Sec. 27-137. Conflict.

The provisions which follow shall apply generally to the creation and regulation of all site plan zoning districts. Where there are conflicts between these special site plan district provisions and general zoning regulations, the provisions of this article shall not release the applicant from meeting other applicable provisions of the land development code, unless specific variances are requested and obtained in accordance with the provisions of section 27-139 and each applicable chapter of the land development code.

Sec. 27-138. Review procedure.

Applications for all site plan zoning districts, specifically, Planned Development (PD), Planned Development Alternative (PD-A), RO, RO-1, CN Districts, Central Business District-2 (CBD-2), Ybor City (YC-9) and Channel District-3 (CD-3), shall be submitted and processed as zoning amendments in accordance with the following requirements and procedures as set forth in Article II, Div. 7:

(1) Preapplication plan review. Prior to submitting a formal application for a site plan zoning district, the applicant shall confer with the zoning administrator and
other agencies of the city involved in the review of said application. The applicant is further encouraged to submit a land
use sketch plan for review at the conference which is intended to address such matters as:

a. The proper relation between the anticipated project and surrounding uses and the effect of the proposed development on the city’s comprehensive plan and/or stated planning and development objectives of the city.

b. The adequacy of existing and proposed streets, utilities, and other public facilities to serve the development.

c. The nature, design, and appropriateness of the proposed land use arrangement for the size and configuration of property involved.

d. The ability of the subject property and of surrounding areas to accommodate future expansion, if needed.

e. Compliance with locational criteria, if applicable.

(2) Review materials.

a. Site development plan. As required by the zoning administrator, copies of a site development plan shall be provided by the applicant for a site plan district rezoning. At a minimum, the plan shall include (unless otherwise agreed upon by the zoning administrator):

1. Scale, date and north arrow.

2. An accurate metes and bounds or legal description of the property to be rezoned.

3. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.

4. A vicinity map showing the relation of the proposed development to the surrounding road network and major water bodies.

5. A computation of the total acreage of the site to the nearest tenth of an acre and proposed gross density and/or total non-residential square footage and floor area ratio.

6. The location, land use, acreage and gross density and/or floor area ratios (FAR) for each phase or increment of development.

7. The proposed timing for, location and sequence of phasing or incremental development.

8. A list of minimum design standards for each portion of the proposed project including the proposed height and yard area.

9. The location, width, pavement type, right-of-way name and other related appurtenances of all public rights-of-way adjoining, traversing or proximate to the site.

10. A delineation of areas subject to inundation and high groundwater levels up to a one-hundred-year flood classification.

11. The general direction of natural surface drainage of the proposed development site to include the proposed location of the onsite retention/detention area and point of connection to the city stormwater system, which demonstrates a positive outfall.

12. The location of existing wetlands.

13. A delineation of proposed preservation and/or conservation areas.

14. A description of the potential environmental impact on flora and fauna, with particular emphasis on endangered or threatened species which may be located on site.

15. A statement indicating the petitioners’ commitment to com-
ply with specific chapters of the City Code applicable to the project (i.e., tree and landscaping, fire, etc.) at the time of permitting.

16. Signature lines for city council chairman, city clerk, and land development coordination manager.

17. For rezonings involving existing buildings with nonconforming structures or characteristics of use, the site plan shall contain the following statement: "If the structure(s) are destroyed in excess of seventy-five (75) percent of their assessed value, the redevelopment of the site regarding setbacks, buffering, parking and all other land development regulations will require review by the city council at a public hearing which complies with section 27-149(c), Public notice requirements, as amended."

18. Any other information required under the specific site plan districts pertaining to this article or which may be required, when commensurate with the intent and purpose of this Code, by city reviewing staff.

b. Transportation analysis.

1. For those site plan district applications located outside of the Westshore or Downtown DRI boundaries, the following transportation analysis procedures shall be followed:

A transportation analysis shall be prepared by a professional traffic engineer. The analysis shall include the total trips generated by the project and the distribution of trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates or another approved source shall be used as the basis for trip generation calculations.

In addition, the detailed traffic analysis shall include, but not be limited to the following:

i. Level of service calculations at each project access point for both the a.m. and p.m. peak hour.

ii. Level of service calculations at intersections as determined at the methodology meeting, for both the a.m. and p.m. peak hour.

iii. Level of service calculations at major intersections as determined at the methodology meeting, impacted by the project for both the a.m. and p.m. peak hour.

iv. A determination of need for auxiliary lanes.

v. A determination of need for traffic signals or other traffic-control devices.

vi. Other transportation factors as may be appropriate as determined by the City of Tampa Transportation Division, based upon generally accepted traffic engineering practices.
vii. Traffic counts on all frontage streets and any other streets as requested by the City of Tampa.

c. **Aerial photograph.** A recent aerial photograph which shows:
   1. The location of existing structures and/or open space areas on adjacent properties within two hundred fifty (250) feet of the site boundary.
   2. The general layout of the types, quantities and location of trees and other such significant vegetative features.
   3. The property which is the subject of the rezoning shall be delineated/outlined.

d. **Project narrative.** A project narrative of the major planning assumptions and objectives shall be submitted with the application. At a minimum, the project narrative shall include the following:
   1. Project population;
   2. Phasing schedule;
   3. Ownership and maintenance of common open space and facilities;
   4. A statement indicating the distances to all public improvements, existing or planned, such as major roads and intersections; schools; fire stations; public recreational areas and the like, which would serve the site as developed;
   5. Proposed minimum design standards. If these standards vary from those established for similar uses in the general zoning districts, those differences shall be contrasted with the minimums set forth in the general zoning districts;
   6. Proposed deviations from applicable regulations, including alternative methods of providing for same and justification of the request. (Refer to section 27-139(4) for variance procedure.);
   7. **Unified control.** All land included for purpose of development within a site plan zoning district shall be owned or under the control of the petitioner for such zoning designation, whether the petitioner be an individual, partnership or corporation, or a group of individuals, partnerships or corporations. The petitioner shall present evidence of unified control of the entire area within the proposed site plan district and additionally state, by this rezoning application, that if development proceeds it will do so in accord with (1) the site development plan officially adopted for the district, and (2) such other conditions or modifications to the regulations as may be approved as part of the zoning amendment; and that the approved site development plan will bind successors in title to any commitments made with respect to this rezoning.

e. **List of adjacent property owners.** The latest ad valorem tax records, of every parcel of land within a distance of two hundred fifty (250) feet, including roads or streets, in all directions from the property line of the land upon which the applicant requests a change on the district zoning classifications.

f. For single-family detached developments, building elevations and/or photographs shall be provided that display all sides of the proposed structure(s) or similar development type.

g. Sealed survey of the subject property, which demonstrates the overall
boundary, topographic contours, and all trees both onsite and within twenty (20) feet of the property boundary.

(3) **Reviewing staff authority.** The appropriate city staff shall review all information submitted for the site plan zoning district and:

a. Evaluate the impact of the proposed development upon public improvements, surrounding uses and zoning patterns, significant environmental and historic features, and the surrounding neighborhood.

b. Determine the degree to which the proposed development is consistent with the adopted comprehensive plan.

c. Determine the adequacy of existing utilities and other public services and facilities to serve the proposed development.

d. Determine the potential for expansion of such public services and facilities necessary to accommodate the proposed development.

e. The nature, design and appropriateness of the proposed land use arrangement for the size, configuration, topography and natural features of the property involved.

f. The adequacy of existing open space areas as proposed to serve the development.

g. For all other uses, building elevations shall be provided that demonstrate compliance with section 27-136 and shall depict all sides of the proposed structure(s); however, adoption of said elevations as part of the site plan zoning district shall not prescribe a specific architectural style.

(4) **Development review committee meeting.** Any application for a site plan zoning district, together with all materials prescribed herein, shall be submitted to the zoning administrator on or before the filing deadline. The purpose of the DRC meeting shall be to advise and assist the applicant regarding the applicable regulations in order to bring the application into conformity with those applicable regulations, and/or to define any justifiable variations from the application of such regulations.

(5) **City council public hearing and approval.** The city council, upon receipt of the consolidated report of the development review committee, shall hold a public hearing in accordance with Article II, Div. 7. The city council shall make a determination with regard to the appropriateness of the site plan zoning district for the particular site involved and with regard to compliance with the applicable regulations.

If the site development plan and the location are deemed to be acceptable and appropriate, the city council may approve, by ordinance, the petition for a site plan zoning district. The chairman of the city council and city clerk shall date and endorse the appropriate plan, and the plan shall be incorporated by reference into the ordinance and filed as a part of the official zoning records of the City of Tampa.

(6) **Construction after rezoning.**

a. Construction on property zoned site plan zoning district may only take place consistent with the site development plan approved at the time of the rezoning.

b. If complete construction drawings have not been submitted for site and building permit application and subsequent permit does not remain active or substantial construction activity has not occurred on a site plan controlled zoning district property within five (5) years of the date of adoption of the rezoning ordinance, then the property shall be subject to all development regulations in effect at the time of submission of an application or commercial site plan review, building permit review or any.
other development permit review. If the site development plan cannot comply with current codes, the development would be determined to be a substantial change and would be subject to the city council review as per section 27-149(e) parcel rezoning. However, the property owner may request the zoning administrator to allow a one-year extension of development rights to the original site plan, provided the following is met:

1. The request is made by the property owner.
2. The request is submitted to the zoning administrator prior to five (5) years after the date of adoption of the rezoning ordinance.
3. The property owner must provide a written explanation as to the status of the project and the need for the extension.

(7) Substantial changes. Changes to an approved site development plan may be permitted by the zoning administrator, with review and concurrence by the development review committee, provided the changes are determined to be non-substantial. When a proposed change meets or exceeds any of the following criteria, thereby constituting a substantial change, such change shall be processed in like manner as the original rezoning submittal. However, any amendment, change or alteration required by permit conditions from any regulatory agency having jurisdiction over the development shall be presumed not to be a substantial change provided that no alternative solution is available. For the purposes of this article, a substantial change shall be deemed to exist where:

a. There is a proposed increase of greater than five (5) percent in the total number of dwelling units or two hundred (200) dwelling units, whichever is less; or
b. There is an increase in the land area or the floor area proposed for nonresidential development of ten thousand (10,000) square feet or more than five (5) percent, whichever is less; or
c. There is failure to comply with conditions or stipulations authorized in the original approval; or
d. There is a decrease of five (5) percent or more of the acreage set aside for open space/recreation in any phase; or
e. There is a reduction of the approved number or dimension of parking spaces, unless approved by the department of public works; or
f. There is an increase of more than two (2) stories in the number of floors or twenty-four (24) feet in height of nonresidential buildings; or
g. There is a modification in original design concept such as a substantial change in relationships among land uses, addition of a land use category not approved under the original plan, substantial change in traffic pattern or points of ingress or egress, or an increase of ten (10) percent in total external traffic generation based on previously submitted traffic generation figures; or
h. There is an increase of more than five (5) percent in total ground area covered by nonresidential buildings within the development; or
i. There is a reduction in approved setbacks to perimeter property lines for the development as a whole or a reduction in the separation of residential structures which results in a
lesser separation than is required by section 27-162, or as specified herein; or
For individual lots within a larger development requests for changes in height, yards, buffers, and fences shall be determined by the variance review board in accordance with section 27-76 of this chapter and shall not be considered a substantial deviation; or
j. There is a change in the location of the parking area that negatively impacts a surrounding residential neighborhood; or
k. There is a material change in the approved method of buffering that negatively affects abutting residential property; or
l. There is a change in design and location of the proposed stormwater facility that negatively impacts a surrounding residential neighborhood; or,
m. There are either cumulative or concurrent sub-threshold changes proposed to three (3) or more of the above criteria; or
n. Any change in a condition required by the city council as part of the site plan rezoning approval.

Sec. 27-139. General requirements.
The provisions of this section shall apply to all site plan zoning districts except Central Business District-2 (CBD-2). Refer to Article III, Division 2, Subdivision 3 for the general requirements for the CBD-2 site plan zoning district. For the Channel District-3 (CD-3) site plan zoning district, in addition to the general requirements set forth herein, refer also to section 27-200, Development Design Approval and Procedures. For the Ybor City (YC-9) Site Plan Zoning District, in addition to the general requirements set forth herein, refer also to Article III, Division 2, Subdivision 2 in this Chapter.

(1) Development standards.

a. Common open space. For common open space established by an adopted site development plan for a site plan district there shall be provisions which insure that open space land shall continue as such and be properly maintained. The petitioner shall either (1) dedicate such land to public use if the city or another public agency indicates a desire to accept such dedication; or (2) retain ownership and responsibility for maintenance of such open space land; or (3) provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space. In the case of (3) above, each organization shall be a non-profit homeowners’ corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.

b. Physical characteristics of the site.
1. Existing trees shall be preserved in accordance with City of Tampa Code Chapter 13.
2. The development shall be designed and programmed so as to minimize earthmoving, erosion, tree clearance, and the destruction of natural amenities.
3. Condition of soil, groundwater level, drainage and topography shall be appropriate to both kind and pattern of use intended.

c. Signage. All signs within a site plan district shall be in conformance with the sign regulations set forth under the applicable provisions of the City of Tampa Code including, without limitation, Article VI, Division 6 and the regulations regarding signage contained in this chapter; however, a petition for a site plan district may seek a variance from the foregoing sign regulations under the following circumstances:
1. A variance could otherwise be legally granted under the Code
in connection with the sign regulation(s) in question by another city board possessing the power to grant variances if the property was not subject to a site plan district;

2. The petitioner has presented substantial and competent evidence that all of the required findings contained in section 27-80 of the Code have been satisfied evidencing that a variance is required to one (1) or more of the city’s sign regulations because of a practical difficulty or unnecessary hardship; and

3. If the grant of variance(s) requested by the petitioner would result in an increase in the total amount of signage that would otherwise be allowed under the applicable sign regulations of the city, then the petitioner shall also specify the total amount of signage in excess of the signage permitted by Code that will be allowed if the variance(s) is/are approved and the reason why additional signage is necessary in this site plan district.

Notwithstanding the foregoing authority to grant variances in a site plan district, the following variances are expressly prohibited and cannot be granted in any site plan zoning district:

1. Off-site advertising;

2. Nonconforming signs that are not approved as a variance; and

3. Any sign prohibited by section 27-289.14 of the Code or expressly prohibited by any applicable overlay zoning requirements.

d. Refuse stations, storage areas and off-street loading areas.

1. Location. Refuse stations, storage areas and off-street loading areas shall be designed with suitable screening and located where safely accessible and serviceable for its purpose. All refuse containers shall be located within the property no closer than the front building set back line during non-collection days. Said areas shall not be located in a front yard or within buffer areas [Refer to section 27-284(a), section 27-288(b) and section 26-166(l)].

2. Screening. These areas, including any materials stored therein, shall be screened from the public right-of-way and adjacent property with a solid material which may include walls or fences and which are a minimum of six (6) feet in height.

e. Utilities. Underground utilities, such as telephone, television, cable and electrical systems, are required except in those circumstances where the economics, physical constraints, and/or the surrounding area make the provision of underground utilities impractical. Appurtenances to these systems which require aboveground installation shall be permitted where natural features or safety or technical conditions necessitate aboveground construction and routing. Aboveground installations shall be constructed and routed to minimize detrimental effects to the visual character of the district and must be effectively screened. Fire hydrants, public and emergency telephones, accesses to such utilities and primary facilities providing service to the site are excepted from these requirements.
f. Nonresidential areas.

1. Shopping areas and recreational facilities within a site plan district shall be located so as to minimize noise and traffic and to ensure compatibility with nearby residential areas.

2. Bicycle parking facilities shall be provided in adequate number as determined by the zoning administrator for all nonresidential uses within a site plan zoning district. In determining the required number of bicycle parking spaces, the zoning administrator shall consider a bicycle parking space to automobile parking space ratio of 1:10. In all cases where bicycle parking is required, no fewer than two (2) spaces shall be provided. Bicycle parking facilities shall be located in a clearly designated, safe and convenient location; shall not interfere with pedestrian traffic.

(2) Alternative residential development. The traditional lot-by-lot development pattern may not be the most appropriate design concept for the development of all residential parcels within the city. Accordingly, development such as cluster, zero lot line, etc., which allows flexible design and increased open space may be considered in PD and PD-A Districts only.

a. Review criteria.

1. Subdivision. Alternative residential developments shall be limited to fee-simple ownership and shall, therefore, consist of subdivided lots.

2. Lot size. No minimum lot size is established; however, the overall project land area must be of sufficient size to satisfy land development regulations.

3. Housing type. All variations of single-family development are permitted (i.e. single-family detached, semi-detached, attached).

4. Structural setbacks. Proposed setbacks shall be clearly identified on the site plan. In determining flexible setbacks, a variety of criteria will be considered. Setbacks shall be compatible with those on adjacent parcels and shall use section 27-156(c) as a guide. Reduced setbacks will only be approved provided there is adequate open space, fire access, driveway and parking space. In addition, such proposals shall include design and location of garages, HVAC and pool equipment; and additional landscaping; which maximize the aesthetics of the project.

5. Parking. Of the parking spaces required for each lot, a minimum of one parking space shall be in a garage or carport, either of which must be structurally integrated within the principal dwelling unit.

6. Density. The overall density permitted by the respective land use category shall not be exceeded.

(3) Locational criteria. Refer to the Tampa Comprehensive Plan, Future Land Use Element for locational criteria guidelines.

For properties located in LSDR, LDR, LMDR, MDR, MHDR, or HDR land use categories, and where the proposed use for the subject rezoning is residential office or neighborhood commercial, all such rezonings shall meet the requirements of section 27-164.

(4) Waivers. One (1) purpose of the site plan district is to provide design flexibility; however, certain minimum standards are deemed to be essential to the integrity of this article. Therefore, waivers to the fol-
lowing sections of this article and other requirements of the City of Tampa Code of Ordinances listed herein are strictly prohibited, unless expressly allowed in this article:

a. Section 27-138, Site Plan Zoning District Review Procedures; and

b. Section 27-139, General Requirements - (1)(a) Common Open Space, (1)(b) Physical characteristics of the site, (1)(c) Signage except to the extent allowed therein, and (3) Locational Criteria; and

c. Section 27-164, RO, RO-1 and CN Districts - (a) Purpose/definition, (b) permitted uses, (c)(2) Urban Design criteria, (c)(3) Site development plan, (d) Existing districts; and

d. Section 27-227, Planned Development District (PD)-(c) Density/Intensity; and

e. Section 27-228, Planned Development Alternative [PD(A)] -(c) Density/Intensity, (e)(1) Specific requirements; and

f. Section 27-140, Bonus Provisions; and

g. Stormwater Technical Standards, as adopted per section 21-116.1; however, alternative designs may be considered by the director of stormwater or designee; and

h. Solid waste/refuse stations technical standards, as adopted per Chapters 26 and 27; however, alternative designs may be considered by the director of solid waste or designee; and

i. Transportation Technical Standards, as adopted per section 22-292; however, alternative designs may be considered by the director of public works or designee; and

The applicant may present expert testimony and the like in an attempt to refute criteria 27-138 above; city council may hear this evidence and seek further coun-
sel from the appropriate city staff to reach an acceptable, functional, and safe solution.

Sections of this article which are eligible for review and approval of a waiver, based on criteria stated herein, by city council are:

a. Section 27-139, General requirements, (a) (6) Nonresidential areas; (b) Alternative residential development.

b. Section 27-164, RO, RO-I and CN Districts, area, height, bulk and placement regulations. (except for density and intensity)

It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a site plan rezoning request. Furthermore, it shall be the responsibility of the applicant to present any additional information needed to support a request for a waiver pursuant to this section.

The following are the criteria for consideration of a waiver through a site plan controlled rezoning:

1. The design of the proposed development is unique and therefore is in need of waiver(s); however, with waiver(s) granted, the purpose and intent this article stated in section 27-136 is met.

2. The waiver, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the waiver.

3. The waiver is in harmony with and serves the general intent and purpose of this Chapter, other applicable City of Tampa land development regulations, and the adopted Tampa Comprehensive Plan.

4. Allowing the waiver will result in substantial justice being done, con-
sidering both the public benefits intended to be secured by this chapter, other applicable City of Tampa land development regulations, the Tampa Comprehensive Plan, and the individual hardships that will be suffered by a failure of city council to grant a waiver.

The project narrative shall include a description of the waiver criteria and the rationale for the request.

This subsection supersedes the variance procedures established for other chapters of the City of Tampa Code. The PD site plan must identify the requested waivers of required land development regulations. Through the public hearing process the applicant must demonstrate compliance with the criteria established, in the relevant code, for the city council to grant approval of the waiver. Where city codes do not allow for waivers or variances, city council may not grant waivers through the PD rezoning process. The development review committee (DRC) shall evaluate the waiver(s) requested based on the criteria above and deliver its findings to city council during the scheduled public hearing.

**Sec. 27-140. Bonus provisions.**

(a) **Purpose.** The YC-9, PD and PD-A Districts, may be eligible for the density/intensity bonuses provided in the Tampa Comprehensive Plan. In order to qualify for such bonuses, the project is required to provide a combination of at least three (3) of the bonus provisions prescribed in subparagraph (c) below.

(b) **Developer agreement.** The developer shall prepare a draft developer agreement describing the nature and timing of the amenity or amenities proposed, desired density/intensity increase and penalty for noncompliance. The agreement, which meets the requirements of F.S Ch. 163.3220, and Ordinance No. 88-144, shall be entered into between the developer and the city simultaneous with the site plan district public hearing.

(c) **Criteria realizing maximum achievable bonus.** The City of Tampa recognizes the need for and the desirous nature of certain amenities; therefore, if at least three (3) of the following are provided, the maximum achievable bonus shall be realized, provided that all other land development regulations are met:

1. Provision of ten (10) percent of the project's dwelling units as affordable housing. Those units shall be affordable to those buyers or renters who earn no more than eighty (80) to one hundred twenty (120) percent of the area median income (AMI) for the City of Tampa, for a minimum of thirty (30) calendar years from the date of the issuance of the certificate of occupancy for each individual unit deemed affordable. Financial parameters shall be set forth in the developer's agreement for this provision, as reviewed and agreed to by housing and community development, land development coordination and the city attorney for sufficiency.

2. Preservation and designation of contributing historic structures which are located outside of historic districts.

3. Provision of public facility sites (i.e. park, library, school, emergency services) deemed acceptable by the receiving agency or city department.

4. Provision, construction and maintenance of public access to water resources, by way of connecting to planned riverwalks, trails, marina facilities, etc.

5. Provision of structured parking dressed with architectural features or elements with seventy-five (75) percent of the proposed or required parking, whichever is more, located within the principal building.

6. Provision of compatible, mixed-use redevelopment or infill residential development located in areas of chronic economic stress and/or urban homesteading areas.

7. Adaptation or replacement of a grossly incompatible use with a use that is compatible with the predominant use(s) of an
area; or adaptation or replacement of a use which is of lesser intensity than the existing use. Adaptive use or replacement with a use in a less intense use group in section 27-156(b), Table 4-1, Schedule of Permitted Uses by District. (Example: Existing use is Use Group C; proposed use is Use Group B.)

(8) Child care center. The achievable bonus shall be based on the percentage of need satisfied by the proposed child care center. Need is based on the estimated number of children generated by the project multiplied by eighty-five (85) square feet per child which determines the required square footage reserved for the center. The percentage of that total requirement provided shall be equal to the bonus (maximum limit is one hundred (100) percent).

(9) Transit stop. Improvements such as shelters, benches, waste containers, and enhanced landscape materials that provide shade and weather protection for the transit stop area.

(10) Pedestrian/streetscape. Improvements which create a high quality pedestrian experience through the provision of benches, planters, drinking fountains, waste containers, median landscaping, street trees, underground utilities in the public right-of-way, etc. Said improvements shall be on all public or publicly-used through streets adjacent to the subject property. Credit will not be allowed for streetscape on parking areas or private streets with limited access.

Sec. 27-141. Central Business District (CBD) Periphery Bonus; methodology and calculation; list of bonus amenities.

(a) Purpose and intent. The purpose and intent of this section is to establish a method to quantify bonus amenities for development within the Central Business District Periphery. This section, however, does not mandate the award of the bonus to the applicant. The method and calculation will ensure that new development in the defined CBD Periphery will be accompanied by those amenities that enhance the urban quality of life and that balance or compensate in the form of bonus floor area (FAR) to achieve the desired density/intensity in this area.

(b) Compliance. All developments that seek density/intensity bonuses within the defined CBD Periphery shall adhere to the regulations set forth in this section. Developments that have been granted bonuses by city council, per the provisions of this section, shall not be granted any further administrative increase in floor area, unit count, or building height through section 27-138 substantial change.

(c) Review procedure. The developer/property owner(s) shall submit his/her bonus cost incentive estimates to the zoning administrator for review and evaluation during the rezoning process. The zoning administrator shall determine compliance with the provisions set forth in this section and report findings to city council for consideration. Subsequent to a bonus FAR and rezoning approval and prior to the issuance of the first permit for vertical construction for the project, the developer/property owner(s) shall submit certified materials and construction cost estimates to the zoning administrator for review of compliance with the bonus-related rezoning conditions. If the zoning administrator finds that the approved bonus calculations are not being met (amenities and/or dollars are deficient), the petitioner shall disburse the remaining dollar amount to an available city funding source for public infrastructure and/or parks and recreation improvements. The petitioner shall notify the zoning administrator of all disbursements made to the city.

(d) Bonus amenities list. Notwithstanding the list of bonus amenities in Article III, Division 2, Subdivision 4, the following "CBD Periphery Bonus Amenities" list represents those bonus amenities, which are to be provided above and beyond minimum regulations, identified as applicable to the City of Tampa CBD Periphery, per the Future Land Use Element of the Tampa Comprehensive Plan:

(1) Attainable housing (subject to section 27-140).1
(2) Public open space (scaled appropriately for each development).

(3) Riverwalk improvements.

(4) Mid-block pedestrian connectors.

(5) Bicycle accommodation.

(6) Transit support subsidy.

(7) Child care center space.


(9) Enhanced landscaping.

(10) Enhanced public access to waterfront.

(11) Enhanced streetscape design.

(12) Increased sidewalk area/width.

(13) Public art.

(14) Public water features.

(15) Neighborhood serving commercial/retail floor area (located on ground floor).

(16) Artist studio/gallery/display area/indoor-outdoor performance space.

For those developments that propose to incorporate the following amenities, the development may receive an additional 0.10 in floor area ratio (FAR) per amenity, above bonus achieved through calculation described herein. These added bonuses signify the city’s current priorities related to the provision and creation of amenities within the public realm. Total bonus shall not exceed that threshold set forth in the Tampa Comprehensive Plan.

(e) CBD Periphery Sub-Districts Established.

The following sub-districts are hereby established:

(1) West Development Sub-District:

(2) Northwest Development Sub-District:

(3) Northeast Development Sub-District:

(4) Channel District Sub-District:

(5) Harbour Island Sub-District:

(f) Bonus FAR methodology and calculation.

The mathematical calculation, as described in subparagraph (3) below, hereby establishes the method by which the city and the developer shall determine the amount of bonus FAR to be considered for approval by city council. Generally, the formula provides a public subsidy to offset the developer’s added cost of including additional public enhancements, by allowing development intensity beyond the base FAR of the subject ‘future land use’ category. To achieve a ‘standardized’ means of calculation, the following components shall be used in the bonus FAR calculation:

(1) The current "per square-foot sum" of the construction cost and the market land value shall equal the "development cost."

   a. Construction costs shall be based on a standard index. The city shall refer to the most current edition of the RS means "Means Construction Cost Index."

   b. The zoning administrator shall use either the most current, average "land value (market)" calculated by CBD Sub-District or the most recent, recorded 'sales price' figure, per property appraiser and/or clerk of the circuit court records, whichever is greater.

(2) In order to fine-tune the incentive, a cost factor is applied to either increase or decrease the impact. A bonus cost ratio of 10:1 representing for every one dollar ($1.00) contribution to the city in the form of a bonus amenity, the developer receives ten dollars ($10.00) in equivalent development dollars, which then translates to a bonus FAR based on the proposed improvements SF overall development costs.

The following sample tables demonstrate the bonus FAR method and calculation:

**Development Features:**
### Bonus Incentive Calculation:

<table>
<thead>
<tr>
<th>Subject Site Land Area (in square feet (SF))</th>
<th>Amount of Land SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Market Land Value (AMLV) or Recent Sales Price (RSP) per SF</td>
<td>$ per SF</td>
</tr>
<tr>
<td>Construction Cost (CC) per SF</td>
<td>Development Cost per SF: (DC = AMLV or RSP + CC) $ per SF</td>
</tr>
<tr>
<td>Base FAR # for Subject Site (Subject Site SF × Base FAR)</td>
<td>Amount of Gross Floor Area SF (per Base FAR)</td>
</tr>
<tr>
<td>Proposed FAR # (Subject Site SF × Proposed FAR)</td>
<td>Amount of GFA SF (per Proposed FAR)</td>
</tr>
<tr>
<td>Actual Bonus FAR in Gross Building Area (SF) (Proposed FAR — Allowable FAR)</td>
<td>Actual Bonus FAR SF</td>
</tr>
<tr>
<td>Bonus Cost Ratio per Bonus SF (Bonus Incentive $) (Ratio = DC/10)</td>
<td>Bonus Incentive $/SF</td>
</tr>
<tr>
<td>Development Incentive $ for public improvement (Bonus Incentive $ × Actual Bonus FAR SF)</td>
<td>Total Development Incentive $</td>
</tr>
</tbody>
</table>

### Bonus Amenities ($$ Proposed by Developer to be Applied to Bonus Incentive ($$$):

<table>
<thead>
<tr>
<th>Total Development Incentive $ (public improvement) (Bonus Incentive $ × Actual Bonus FAR SF)</th>
<th>Total Development Incentive $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amenity (e.g. land area × AMLV or RSP + $ expenditure)</td>
<td>($$$)</td>
</tr>
<tr>
<td>Amenity (e.g. cost of feature + installation)</td>
<td>($$$)</td>
</tr>
<tr>
<td>Transit Support Subsidy (e.g. cost/year per rider for 20 yrs. × projected population for project based on COT P.P.H.)</td>
<td>($$$)</td>
</tr>
<tr>
<td>Public Art (Note: for only development outside of CBD &amp; CD)</td>
<td>($$$)</td>
</tr>
<tr>
<td><strong>Balance:</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

(g) **Miscellaneous formulas:** Certain amenities may receive bonus credit for subsidies that the developer/property owner(s) provides for multiple years. These amenities are calculated based on the following methods:

1. **Transit support subsidy.** To provide transit support subsidy dollars as a bonus amenity, the developer/property owner(s) shall fund on either an annual basis or as a lump sum payment, the cost per rider based on the projected population, or fraction thereof, of the subject project. The subsidy shall be provided for a period of no less than twenty (20) years with the first annual payment made to Hillsborough Area Regional Transit Authority prior to the issuance of the first certificate of occupancy for the development. To calculate the "total bonus credit" for a transit support subsidy, follow Steps One through Three below:
Step One  
Persons Per Household  
× # of Units in Project  
Projected Population  

Step Two  
Projected Population  
× Current Cost per Rider  
Bonus Transit Subsidy  

Step Three  
Bonus Transit Subsidy  
× 20 (years)  
Total Bonus Credit

a. Current cost per rider figure shall be provided by Hillsborough Area Regional Transit Authority.
b. Projected population shall be derived from the City of Tampa's most current 'persons per household' figure.
c. If a transit subsidy is being requested in order to provide less than the required rate of parking for a development, then said subsidy shall be equal to the cost per rider for the projected population for those units that are not provided the required parking or increment thereof.

(2) Neighborhood serving commercial/retail floor area. To provide floor area for neighborhood serving commercial/retail uses as a bonus amenity, it must be located on the ground floor of the proposed structure(s); however, said uses may expand to the 2nd and 3rd floors to serve a specific user. A developer/property owner(s) may provide reduced rents per SF for a ground floor retail use, however, the bonus given for the reduced rents shall not extend beyond ten (10) years, as calculated in the bonus incentive calculation. The bonus credit given is based on a projected "discounting" of the stabilized rental rate (without inflation), which is hereby established as twenty-five dollars ($25.00)/SF. To calculate the "total bonus credit" for the commercial floor area, follow the table below:

<table>
<thead>
<tr>
<th>Year</th>
<th>1</th>
<th>2</th>
<th>3</th>
<th>4</th>
<th>5</th>
<th>6</th>
<th>7</th>
<th>8</th>
<th>9</th>
<th>10</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>50</td>
<td>45</td>
<td>40</td>
<td>35</td>
<td>30</td>
<td>25</td>
<td>20</td>
<td>15</td>
<td>10</td>
<td>5</td>
</tr>
</tbody>
</table>

(3) Artist gallery, studio, display, or indoor/outdoor performance space. To provide artist space(s) as a bonus amenity, a developer/property owner(s) may provide reduced rents per SF for said use; however, the bonus given for the reduced rents shall not extend beyond ten (10) years, as calculated in the bonus incentive calculation. The bonus credit given is based on a projected "discounting" of the stabilized rental rate (without inflation), which is hereby established as twenty-five dollars ($25.00)/SF. To calculate the "total bonus credit" for artist space, follow the method outlined in Steps One through Three in subparagraph (2) above.

(4) Maintenance. Bonus credit shall be given for expenditures (both labor/operating and capital) related to maintenance of those amenities used in the bonus calculation. The developer/property owner shall provide an estimate for the total maintenance expenditures, subject to the following:

a. Credit may be given for areas designated for full public access and only for that portion of the feature that exceeds the minimum standards of city code.
b. Said estimate shall be calculated for a period not to exceed twenty (20) years.
c. Said estimate shall include a separate calculation for the labor/operating maintenance expenditures. These expenditures shall not exceed fifty (50) percent of the total dollars for maintenance and shall be expressed in present dollars.

(h) Bonus FAR incentive examples. The following "bonus FAR incentive examples" demonstrate the bonus FAR method and calculation as described in this section:

(1) Bonus FAR incentive examples:

a. Example 1: The first cost ratio FAR model scenario (Example 1) assumes a developer donates four thousand (4,000) SF of a site's land area for a pocket-scale public open space area. The developer is awarded an additional 0.284 FAR or 24,762 SF in building floor area.
Pocket-scale Public Open Space Bonus Example - Cost Ratio Model Scenario (development within the CD)

**General Assumptions:**

1. City goal to provide incentives for pocket-scale public open space(s)
2. Base FAR: 3.5/Max: 7.0
3. Bonus incentive: Based on land area contributed to city plus contribution of public open space infrastructure, etc.
4. Any scale public open space shall be open to the public from dawn to dusk, located at grade, and maintained by the property owner/developer in perpetuity.

**Assumptions:**

<table>
<thead>
<tr>
<th>Bonus Cost Ratio</th>
<th>10:1</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0 acre development site</td>
<td>87,120 SF</td>
</tr>
<tr>
<td>Pocket-scale public open space size</td>
<td>4,000 SF</td>
</tr>
</tbody>
</table>

- **Actual Development Costs/SF**
  - (AML V or RSP per SF + construction costs per SF)
  - $210.00 per SF

- **Pocket-scale Land Area Improvement Costs (paid by developer)**
  - $200,000.00 (amount to be provided in the form of a design/construction estimate)

- **Land Price**
  - $80.00 per SF (Total Land Area to be based on avg. land values (market) within sub-district)

- **Land Value (4,000 SF × $80.00)**
  - $320,000.00

- **Base FAR**
  - 3.5

- **Max. FAR w/Bonus**
  - 7.0

**Bonus Incentive Calculation:**

<table>
<thead>
<tr>
<th>Site Size (2.0 acres)</th>
<th>87,120 SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable FAR 3.5</td>
<td>(87,120 SF × 3.5 FAR)</td>
</tr>
<tr>
<td>304,920 SF Gross Bldg. Area</td>
<td></td>
</tr>
</tbody>
</table>

- **Pocket-scale Land Costs + Land Area Improvement Costs**
  - (4,000 SF × $80.00 per SF = $320,000.00 + $200,000.00)
  - $520,000.00

- **Ratio Public Improvement $ to Project Development**
  - Cost 10:1

- **Development Incentive $**
  - (10 × $520,000.00 Contribution)
  - $5,200,000.00

- **Equivalent Bonus FAR Area**
  - ($5,200,000.00/$210.00 per SF Cost)
  - 24,762 SF

- **Aggregate FAR (Base + Bonus)**
  - 329,682 SF Gross Bldg. Area

- **Total New FAR Ratio (329,682 SF/87,120 SF)**
  - 3.784 FAR (rounded)

- **% Increase in FAR**
  - 8.1% increase bldg. area

In this example, development of a four thousand (4,000) SF pocket-scale public open space (design as reviewed and approved through the parks and recreation department and incorporated into the overall development) grants the developer an additional eight and one-tenth (8.1) percent FAR or twenty-four thousand seven hundred sixty-two (24,762) SF in building area. This example assumes the land price/value for the public open space area is equal to full value of land before incentive (or the purchase price by city if available in market).

b. **Example 2 (Alternative calculation method):** The second cost ratio FAR model scenario (Example 2) assumes a developer is attempting to achieve an increase in floor area from 3.5
to 4.0 FAR. A dollar amount is generated based on the bonus cost ratio, against which the developer draws down with each proposed bonus amenity, as selected from the applicable bonus amenities list. In this example, the developer donates four thousand (4,000) SF of a site’s land area for a pocket-scale public open space area, incorporates a water feature into the building design at ground floor level, contributes to public transit (Hartline Intown Trolley), and provides for onsite public art that adheres to Chapter 4 Public Art requirements.

Mixed Amenity Approach - Cost Ratio Model Scenario (development outside of CD/CBD)

General Assumptions:
1. City goal to provide incentives for a mix of amenities(s).
2. Base FAR: 3.5/Max: 7.0.
3. Bonus Incentive: Based on land area contributed to city plus contribution of public open space infrastructure, etc.
4. Any scale public open space shall be open to the public from dawn to dusk, located at grade, and maintained by the property owner/developer in perpetuity.

Assumptions:

<table>
<thead>
<tr>
<th>Bonus Cost Ratio</th>
<th>10:1</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0 acre development site</td>
<td>87,120 SF</td>
</tr>
<tr>
<td>Actual Development Costs/SF (AMLV or RSP per SF + construction costs per SF)</td>
<td>$165.00 per SF</td>
</tr>
<tr>
<td>Land Price</td>
<td>$60.00 per SF (Total Land Area to be based on avg. land area values)</td>
</tr>
<tr>
<td>Base FAR</td>
<td>3.5</td>
</tr>
<tr>
<td>Max. FAR w/Bonus</td>
<td>7.0</td>
</tr>
</tbody>
</table>

Bonus Incentive Calculation:

<table>
<thead>
<tr>
<th>Site Size (2.0 acres)</th>
<th>87,120 SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable FAR 3.5 (87,120 SF × 3.5 FAR)</td>
<td>304,920 SF Gross Bldg. Area</td>
</tr>
<tr>
<td>Proposed FAR 4.0 (87,120 SF × 4.0 FAR)</td>
<td>348,480 SF</td>
</tr>
<tr>
<td>Bonus FAR (Proposed FAR — Allowable FAR)</td>
<td>43,560 SF</td>
</tr>
<tr>
<td>Bonus Cost Ratio per Bonus SF (Ratio = $165.00/10)</td>
<td>$16.50/SF</td>
</tr>
<tr>
<td>Development Incentive $ for public improvement ($16.50 × 43,560 SF)</td>
<td>$718,740.00</td>
</tr>
</tbody>
</table>

Bonus Amenities ($) Proposed by Developer to be Applied to Incentive ($):

| Development Incentive $ for public improvement ($16.50 × 43,560 SF) | $718,740.00 |
| Pocket-scale Public Open Space Land Value (4,000 SF × $60.00/sf) | ($240,000.00) |
| Pocket-scale Public Open Space Improvement Costs ($35.00/SF based on previous example) | ($140,000.00) |
| Public Water Feature (located at pedestrian level and incorporated into building design) | ($75,000.00) |
In this example, development of a four thousand (4,000) SF pocket-scale public open space (design as reviewed and approved through the parks and recreation department and incorporated into the overall development), provision of public art, a public eater feature, and support dollars to Hartline for the Intown Trolley grants the developer an additional thirty-six (36) units (at an average of one thousand two hundred (1,200) SF per unit) or forty-three thousand five hundred sixty (43,560) SF for non-residential uses. This example assumes the land price/value for the public open space area is equal to full value of land before incentive (or the purchase price by city if available in market).

(2) Although the land area set aside for the public open space will not be developed with habitable/usable floor area (calculated as FAR), neither example scenario demonstrates a loss to the developer for development entitlement of that land. It is applied to the overall development with additional bonus FAR given for this amenity. Granted bonus FAR is proportionate to the amenity provided. The scenarios offered apply to any and all of the bonus criteria set forth by the community.

(i) CBD Periphery Code Review. The zoning administrator is charged with reviewing the "CBD Periphery Bonus Amenities" list and related requirements, on a semi-annual basis, to determine any change in community needs/desires and general relevance to current market conditions. The zoning administrator shall seek consult from stakeholders, including both public and private entities, to determine any needed text amendments to the regulations set forth in this section. All proposed text amendments shall follow the process as defined in section 27-149. Said review may include amenity and bonus cost/benefit analyses that consider the following factors:

(1) Any changes to the bonus cost ratio (multiplier).
(2) Stabilized rental rates (neighborhood serving commercial/retail) per square-foot of floor area.
(3) Public benefit derived from bonus amenities.
(4) Developer benefits derived from bonus amenities vs. bonuses received.
(5) Negative impacts that result from bonus gain(s) (congestion, air quality, visual impacts, etc.).
(6) Addition, elimination, and prioritization of the items on the Bonus Amenities List.

(Ord. No. 2007-191, § 1, 9-6-07)

S secs. 27-142—27-145. Reserved.

DIVISION 7. AMENDMENTS

Sec. 27-146. Statement of intent.

For the purpose of establishing and maintaining sound, stable and desirable development within the city, this chapter shall not be amended except to correct a manifest error in the chapter or, because of changed or changing conditions in a particular area or in the city generally, to rezone an area, extend the boundary of an existing zoning district or to change the regulations and restrictions thereof and then only as reasonably necessary for the promotion of the public health, safety or general welfare and to achieve the purposes of and achieve conformance with the Tampa Comprehensive Plan. No amendment shall be approved that will result in the reduction of the level of service standards set forth in the Tampa Comprehensive Plan.

Supp. No. 80  2049
Sec. 27-147. Amendment initiation.

Subject to the limitations of the foregoing statement of intent, an amendment to this chapter may be initiated by:

1. The city council on its own motion;
2. The zoning administrator;
3. Application by any property owner or his or her agent or a citizen or his or her agent.

Sec. 27-148. Procedure for amendment application.

(a) Text amendments. Every application for amendments to this chapter shall contain the information described below. Additional material may be filed at the applicant's option.

1. The application shall be typewritten, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant.
2. It shall state the reason why such regulations, restrictions or boundaries should be amended, supplemented, changed or repealed, and shall include the proposed text changes for review.
3. It shall set out, if applicable, any alleged error in this chapter which would be corrected by the proposed amendment with a detailed explanation of such error in the ordinance and detailed reasons how the proposed amendment will correct such error.
4. It shall set out the changed or changing conditions, if any, in a particular area of the city generally which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
5. It shall set out the manner in which the proposed amendment will carry out the intent and purpose of and provide conformance with the Tampa Comprehensive Plan.
6. It shall set out all other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
7. The application shall be filed with the land development coordination division for presentation to the city council and referral to the appropriate city departments. Applications for all text amendments related to this chapter shall be processed on a semi-annual basis. The zoning administrator shall develop and maintain a schedule for processing said amendments (sec section 27-151).
8. The applicant shall be responsible to pay a fee for the text amendment processing upon scheduling of the first reading of the proposed ordinance before city council. The fee shall be paid to the land development coordination division prior to said first reading or the public hearing will be delayed until the fee is paid.

(b) Area rezoning. An area rezoning is deemed to mean any proposed change to the official zoning atlas which is initiated by:

1. The city council on its own motion; or
2. Application, by any person other than the owner of the property or his agent; or
3. Application, by any person or his agent, for a rezoning which involves ten (10) contiguous acres of land or more.
4. Every application for an area rezoning filed under subsection (b) above shall contain the information described below. Additional material may be presented at the applicant's option:
   a. All items required in subsection (c)(1) and (2) below.
   b. A transportation analysis, prepared by a professional traffic engineer or approved by the city traffic engineer, when required, shall be submitted with all area rezoning applications. The analysis shall include the total trips generated by the rezoning and the distribution of the trips onto
adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates or other approved source shall be used as the basis for trip generation calculations.

(5) The applicant shall pay a fee, as established by the city council by resolution, which covers the city’s cost and expense in connection with the handling and processing of the zoning application. The fee shall be paid at the time of filing. No refund of the fee shall be made after the application is filed. However, by a majority, the city council may authorize the director of revenue and finance to refund the filing fee in any case where, due to administrative error and without applicant’s fault, the rezoning application has been unnecessarily filed.

(6) Processing schedule.
   a. Euclidean and site plan district area rezoning applications.
      1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date. Upon the zoning administrator certifying that the application is complete. City council shall set the date and time for the public hearing by resolution.
      2. Refer to (c)(4)a. below for processing procedures for Euclidean area rezoning applications.
      3. Refer to (c)(4)b. below for processing procedures for site plan district area rezoning applications.
   b. Transportation analysis (when required).
      1. Prior to submittal of the application for rezoning, the applicant shall be required to meet with the transportation division, in order to define the appropriate methodology for the analysis.
      2. The analysis is due upon submittal of the application and the transportation division shall have a minimum of thirty (30) days to review any analysis submitted in support of the application. Any revisions to an analysis may require additional review time beyond the initial thirty (30) day review period, unless otherwise determined by the director of public works.
   c. If the applicant fails to comply with any of the requirements as set forth in section (b)(4)—(6) above, the application shall be required to continue to a later public hearing date. The zoning administrator shall advise the city council of the next available public hearing date. Upon the zoning administrator certifying that the application is complete, city council shall set the date and time for the public hearing by resolution. For purposes of this subsection, "available public hearing date" means an agenda item position, on an evening city council agenda, that is open and available per city council’s adopted Rules of Procedure.

City council, by unanimous vote, may elect to add additional agenda item positions on any evening city council agenda and shall pass a resolution scheduling a date and time for the area rezoning public hearing. In this event, the application must comply with the public notice requirements of section 27-149 and the final site development plan deadline per (6)a.3.i. above.

(7) Adoption by city council. Area rezonings shall be adopted in the same manner as parcel rezonings, subsection (c)(5) below.

(c) Parcel rezonings: receipt of applications and associated documents. Applications shall be filed with the zoning administrator. The zoning administrator shall receive, certify, and make recommendations on applications for rezoning, and once
certified, shall transmit one (1) copy of the completed application to the city clerk for placement on the applicable city council agenda for public hearing. Every application for parcel rezonings shall contain, at a minimum, the information described below.

(1) **Euclidean parcel rezoning.**
   a. The application shall be typewritten, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant and the property owner.
   b. It shall give an accurate legal description of the land involved, including street address, if any, and the names of all owners, mortgage holders, lienors and lessees.
   c. It shall list all owners of the property which is the subject of the application, together with all owners of property within two hundred fifty (250) feet, including roads or streets, in any direction from the property line of the property which is the subject of the application, the names and addresses of all such owners to be obtained by reference to the latest ad valorem tax records.
   d. It shall give the existing district zoning classification of the land and the district zoning classification to which it is desired a change be made.
   e. It shall have attached a sealed survey, which contains boundary, topographic, and tree location information.
   f. Any other information, as required by the zoning administrator, that may be needed to certify the application.

(2) **Site plan district parcel rezoning.**
   a. All requirements noted in (c)(1) above.
   b. All requirements noted in section 27-138.

(3) The applicant shall pay a fee, as established by the city council by resolution, which covers the city's cost and expense in connection with the handling and processing of the zoning application. The fee shall be paid at the time of filing. No refund of the fee shall be made after the application is filed. However, by a majority vote, city council may authorize the director of revenue and finance to refund the filing fee in any case where, due to administrative error and without applicant's fault, the rezoning application has been unnecessarily filed.

(4) **Processing schedule.**
   a. **Euclidean parcel rezoning applications.**
      1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date.
      2. For Euclidean parcel rezoning applications, attendance at a DRC meeting is not required.
      3. The zoning administrator shall distribute the application to DRC and compile all its findings and recommendations into one (1) consolidated report. Said findings and recommendations shall be based on the DRC review of the application and transmitted to city council.
   b. **Site plan district parcel rezoning applications.**
      1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date.
      2. For site plan district parcel rezoning applications, the applicant or assigned agent shall be required to attend a development review committee (DRC) meeting, which shall be held approximately thirty (30) days following the application filing date.
3. Final site plan is due to the zoning administrator no later than thirty (30) days following the scheduled DRC meeting date. The zoning administrator will redistribute the revised site plan to the DRC for any final comments to be incorporated into the consolidated report.

If the final site plan demonstrates substantial revision(s) from the site plan reviewed by DRC, the zoning administrator shall reassign the application to the next available public hearing date, as defined in (c)(4)d. below. If necessary, a new DRC meeting may be held. For purposes of this section, the zoning administrator shall deem a substantial revision to exist where:

i. There is an increase of greater than five (5) percent in the total number of dwelling units; or,

ii. There is an increase of greater than five (5) percent in the total floor area for non-residential and/or mixed use developments; or,

iii. There is a decrease of five (5) percent or more of the acreage set aside for open space (unpaved); or,

iv. There is a modification in the original design concept/site layout, such as a substantial change in relationships among land uses, addition of a permitted use not shown in the initially reviewed site plan, substantial change in traffic pattern or points of ingress or egress, and/or an increase of ten (10) percent in total external traffic generation based on previously submitted traffic generation figures; or,

v. There is a change in design and location of the proposed stormwater facility that negatively impacts a surrounding residential neighborhood; or,

vi. There are either cumulative or concurrent sub-threshold changes proposed that require review by two (2) or more DRC member agencies.

4. The zoning administrator shall distribute the application to DRC and compile all its findings and recommendations into one (1) consolidated report. Said findings and recommendations shall be based on the DRC review of the final site plan and transmitted to city council.

c. Transportation analysis (when required).

1. Prior to submittal of the application for rezoning, the applicant shall be required to meet with the transportation division, in order to define the appropriate methodology for the analysis.

2. The analysis is due upon submittal of the application and the transportation division shall have a minimum of thirty (30) days to review any analysis submitted in support of the application. Any revisions to an analysis may require additional review time beyond the initial thirty (30) day review period, unless otherwise determined by the director of public works.

d. If the applicant fails to comply with any of the requirements as set forth in (4) above, or submits a final site
plan that demonstrates substantial revision(s), the zoning administrator shall reassign the application to the next available public hearing date. For purposes of this subsection, "available public hearing date" means an agenda item position, on an evening city council agenda, that is open and available per city council's adopted rules of procedure.

City council, per "City Council Rules of Procedure," may elect to add additional agenda item positions on any evening city council agenda, or may allow a position to be added on a day city council agenda. In this event, the zoning administrator may adjust the public hearing date for any application, so long as that application complies with the public notice requirements of section 27-149 and the final site development plan deadline per (2)(c) above.

(5) Adoption by city council.

a. First reading public hearing. The first public hearing shall be held concurrent with the first reading of the rezoning ordinance ("first reading public hearing"). If no revisions are required to the site plan, then city council shall proceed pursuant to (5)a.3. below. If revisions to the site plan are required, the following provisions apply:

1. Minor site plan revisions. If any minor revisions to the final site plan are necessary as a result of issues identified prior to or during the first reading public hearing, then those minor revisions shall be clearly articulated and approved by city council prior to the close of the first reading public hearing. Said approval thereby directs the applicant to correct those identified minor revisions prior to the second reading public hearing. Once the public hearing is closed, city council may read the ordinance, by title, for approval on first reading, and the following actions shall occur:

i. The revised final site plan with the approved minor site plan revisions shall be submitted to the zoning administrator no later than the end of business on the seventh (7th) calendar day prior to the second reading public hearing.

ii. If the applicant fails to comply with the submittal deadline in (1)a.i. above, then the second reading public hearing shall be continued a minimum of two (2) weeks or city council may consider the application based upon final site plan submitted to the zoning administrator.

For the purposes of this section, minor site plan revisions shall consist of those text and/or graphical changes to the site plan, which do not exceed the minimum thresholds set forth in the (4)b.3. above.

2. Substantial site plan revisions. If any substantial revisions to the final site plan are necessary as a result of issues identified prior to or during the first reading public hearing, then the first reading public hearing shall be continued a minimum of four (4) weeks, and the following actions shall occur:

i. The revised final site plan containing the substantial revisions shall be submitted to the zoning administrator no later than the end of business on the twenty-first (21st) calen-
regular day prior to the continued first reading public hearing.

ii. If the applicant fails to comply with the submittal deadline in (5)a.2.i. above, then the continued first reading public hearing shall be continued a minimum of two (2) weeks or city council may consider the application based upon final site plan submitted to the zoning administrator.

For the purposes of this section, substantial site plan revisions shall consist of text and/or graphical changes, which exceed the minimum thresholds set forth in the (4)b.3. above, or city council determines that additional time is necessary for further information to be presented to city council.

3. First reading. Upon the close of the first reading public hearing, city council shall either i. read the rezoning ordinance by title only or ii. vote to deny the application.

b. Second reading public hearing. A second public hearing shall be held concurrent with second reading ("second reading public hearing"). The second reading public hearing shall be held no earlier than two (2) weeks following the first reading public hearing. Prior to the close of the second reading public hearing, the zoning administrator shall present the certified site plan to city council.

A certified site plan shall mean a site plan, which is stamped by the zoning administrator as the (revised) final site plan that includes all text and/or graphic revisions approved by city council at the first reading public hearing. Upon close of the second reading public hearing, city council shall either i. Read by title only and approve the rezoning ordinance or ii. vote to deny the application.

c. The chairman of the city council and city clerk shall date and endorse the adopted, certified site plan, and the certified site plan shall be incorporated by reference into the ordinance and filed as a part of the official zoning records of the City of Tampa.

(d) Compliance with Tampa Comprehensive plan. No application for rezoning shall be accepted for filing by the zoning administrator unless the subject property is located completely within a Tampa Comprehensive Plan land use classification that allows consideration of the requested zoning district. This review shall be based upon the adopted Tampa Comprehensive Plan. The zoning administrator may receive and process a rezoning application where the applicant establishes that a land use plan amendment is presently being processed by the appropriate land planning agency, which amendment, if approved, would allow consideration of the requested zoning district. However, the rezoning application may not be adopted until thirty (30) days after the land use plan amendment is adopted. Any fees paid by the applicant to process the rezoning application are forfeited should the subject amendment fail to be adopted by the city council.

(e) City council shall approve or deny an application for rezoning within one hundred eighty (180) days of the applicant submitting their application to the zoning administrator. City council may, for good cause shown, extend this period a maximum of thirty (30) days. Further extension of time may be granted by city council, only upon finding of extenuating circumstance(s). Any application that has not been set for public hearing within one hundred eighty (180) days of submittal to the zoning administrator shall be deemed withdrawn and shall be subject to 27-150, unless the scheduling delay is a result of administrative error.

Sec. 27-149. Public notice requirements for land development decisions and text amendments to the Land Development Code.

(a) Public notice generally. For the purposes of compliance with public notice requirements, the statutory notice requirements set forth in this
section are required in order to ensure a valid final action on land development decisions. However, the City of Tampa recognizes the importance of community involvement in land development decisions for which notice is not required pursuant to Florida Statutes. In an attempt to facilitate such involvement, and to provide courtesy notification of land development decisions to property owners and residents in affected areas of the City of Tampa, and to other interested parties and organizations, it is the intent of the section to provide a process for supplemental notice. The failure to provide this supplemental notice required herein shall not be construed to invalidate any final action on a land development decision, if discovered after final action has been taken.

(b) Statutory notice. Statutory public notice for all land development decisions and for text amendments to the Land Development Code, as defined in this chapter, shall be provided for by the City of Tampa in compliance with the requirements of applicable Florida Statutes, including but not limited to Section 166.041 and the requirements of the City of Tampa Charter for the matter to be approved. All public hearings will be scheduled in a manner consistent with Tampa City Council Rules of Procedure and any other applicable provision of City of Tampa Code of Ordinances. If there is ever a conflict between City of Tampa Code of Ordinances and applicable Florida Statutes relative to notice, the provisions of Florida Statutes shall prevail and apply, including all publication requirements. The city council shall, by resolution, adopt a schedule of fees to be paid in connection with providing statutory notice.

(c) Supplemental notice. Supplemental public notice shall be provided for all land development decisions as provided for below, unless another provision of City of Tampa Code of Ordinance provides for different supplemental notice requirements. For the purposes of this subsection, the term "applicant" shall also include the "petitioner" in a review proceeding. If the city is pursuing the land development decision, then the city shall be deemed the "applicant." If two (2) public hearings are required, then supplemental notice must be provided prior to the first public hearing.

1. Mailed notice. The applicant shall send the required mailed notice not less than thirty (30) days prior to the date of the public hearing. Mailed notice will be provided based upon the date in which the application is accepted for processing. The notice shall identify the physical address of the subject property; the day, month, and year of the public hearing; the scheduled time and location of the public hearing; the phone number, address, and email address (if available) of the applicant; and a description of land development decision requested including type of application, nature or degree of request and potential uses, and other information as required by the zoning administrator.

a. Property owner. If the property owner for the land development decision is not the applicant, then the applicant shall mail notice to the property owner as listed in the most current ad valorem tax rolls. This notice shall be mailed by "certificate of mailing" through the United States Post Office to the property owner to the mailing address listed for the property owner, on the most current ad valorem tax rolls (per section 27-149(c)(3)(b) below).

Related applications: areawide rezonings, right of way vacation and HPC applications.

b. Participating neighbors. The applicant shall mail notice to each owners of real property located within two hundred fifty (250) feet of the subject property in all directions from the subject property line, including roads or streets, as listed in the most current ad valorem tax rolls ("participating neighbors"). This notice shall be mailed by "certificate of mailing" through the United States Post Office to the participating neighbors. Notice shall be mailed to the mailing address listed, if available, for the participating neighbors on the most current ad valorem tax rolls (per section 27-149c(3)(b) below).

Related applications: area wide and parcel rezonings, special use-2, vari...
ance, design exception-2, request for review and formal decision of zoning administrator.

c. **Good neighbor notice for participating organizations.**

   i. The applicant shall mail good neighbor notice to the participating organizations within the neighborhood area which the subject property is located, and those participating organization listed in the neighborhood area, which lies within two hundred fifty (250) feet, including roads and streets, in all directions from the subject property, as measured in subsection (1)(a) above. This notice shall be mailed by regular mail to the address of the authorized representative of the participating organization. If the application is for a site plan zoning district or special use request, notice shall include with a copy of the most recently filed site plan.

   ii. To receive good neighbor notice as a participating organization, an organization shall provide at a minimum, in a format provided by the city, the name, mailing address, telephone number and electronic mail address (if available) of its authorized representative(s) and identify which neighborhood area that the participating organization is requesting to receive good neighbor notice. Upon request of the city, a participating organization shall provide information showing that it qualifies as a participating organization, as defined in Chapter 27 of this Code of Ordinances.

   iii. Registration as a participating organization shall be updated on an annual basis as of October 1 of each year. In order to ensure that good neighbor notice is provided pursuant to this section, a participating organization has an obligation to update the information which the city has on file for its authorized representative.

   Related applications: area wide and parcel rezonings, special use-2, variance, right of way vacation, design exception-2, request for review, formal decision of zoning administrator and HPC applications.

(2) **Posted notice.**

   a. The applicant shall post notice of the public hearing on a sign located on or near the front of the subject property, adjacent to and visible from the street or public right of way and not within a building or obstructed by any site feature, no less than thirty (30) days and, no more than sixty (60) days prior to the public hearing. If the property maintains two (2) or more street frontages, at least one (1) sign must be posted per property frontage.

   b. The sign, which may be metal or other substance in a format provided by the zoning administrator, must be at least eighteen (18) inches by twenty-four (24) inches upon which shall appear and must identify the day, month, and year of the public hearing; the scheduled time and location of the public hearing; the nature or degree of the request including type of application and potential uses (e.g. rezoning, special use, variance etc).

   Related applications: area wide and parcel rezonings, special use-2, variance, right of way vacation, design exception-2, request for review, formal decision of zoning administrator, HPC applications.

(3) **Affidavit of compliance with supplemental notice requirements.** The applicant shall
file proof that the supplemental notice requirements have been met by filing an affidavit of compliance with the city clerk or other appropriate official on a form of affidavit provided by the city. The affidavit of compliance (which includes the affidavit along with the required documents) shall be filed with the city clerk or other applicable official not less than fifteen (15) days prior to the scheduled public hearing. The affidavit of compliance shall state that the applicant has complied with all applicable supplemental notice requirements. The following documents shall be attached to the affidavit of compliance:

a. The certificate of mailing to the property owner and/or participating neighbors;
b. The ad valorem tax rolls used for providing notice to property owners and/or participating neighbors. The official list of property owners obtained from the Hillsborough County Property Appraiser's office, in the format provided by the Hillsborough County Property Appraiser's office and including the dated variance map upon which the list is based, shall be considered the most current tax roll, so long as the list has been produced no more than six (6) months prior to the date of the filing the pending application;
c. A copy of the mailed notice letter;
d. Two (2) photographs of the posted sign which clearly shows the language on the posted sign and two (2) photographs which clearly shows the location where the sign is posted on the subject property; and

e. The list of participating organizations which were provided good neighbor notice, including the mailing address and authorized representative.

(4) Failure to perfect supplemental notice. If the applicant fails to provide supplemental notice in accordance with this section prior to the public hearing on the land development decision or if the applicant fails to timely file the complete affidavit of compliance, then the public hearing shall be cancelled and reset, as a new application pursuant to the applicable scheduling procedure to allow compliance with the notice requirements.

(5) Public notice for continued public hearings and amended applications.

a. Continued public hearings. Supplemental notice shall not be required for a public hearing which is continued by motion or lack of quorum after the date and time of the scheduled public hearing. However, city council may require the applicant to provide additional notice as a condition of granting a continuance request.

b. Amended application for purposes of notice. Before the public hearing, application may be amended to correct an error or omission or to increase the legal boundary of the land, to add new uses and/or adds a more intense zoning application. If this amendment requires readvertisement of the notice of public hearing, the applicant shall pay an amendment fee, as established by resolution of the city council, to cover the cost and expenses as a result of the amendment at the time the amendment is filed. If notice was not perfected in accordance with this section the applicant shall be required to amend his application and pay an amendment fee. An amended application shall be rescheduled to a date which will provide for compliance with the statutory and supplemental notice requirements provided pursuant to the section. The applicant shall be responsible for renotification of the amended application.

Sec. 27-150. Final decision by city council and withdrawal of application.

(a) Appearance by applicant. The applicant or his authorized agent shall appear in support of his application at the public hearing. Failure to so
appear, absent good cause shown, may be grounds for considering the application withdrawn pursuant to subsection (c) below.

(b) Effect of denial of application. Denial of rezoning applications by the city council, filed under this section, shall preclude consideration of other rezoning applications for the same zoning classification sought by the denied application involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous application. However, upon written application to the land development coordination office, the zoning administrator shall consider a request to waive the twelve-month period if in the determination of the zoning administrator the applicant demonstrates:

(1) A specific or comprehensive amendment to the adopted land use plan became a law subsequent to the certification of the denied application for rezoning; and, the amendment has the effect of altering the land use plan so as to allow for favorable reconsideration of the application; or

(2) The new site plan rezoning request has adequately addressed the grounds for denial identified during the public hearing.

Upon affirmative determination, the applicant may file a new application with the land development coordination office, subject to the current filing schedule as set by the zoning administrator.

(c) Withdrawal of application. An applicant, upon written notice to land development coordination and the city clerk, may withdraw his application at any time; provided however, if the request for withdrawal is received after notice of hearing has been provided pursuant to section 27-149, no application for the reclassification of all or any part of the land which is the subject of the application shall be allowed for six (6) months following the date of receipt of the notice of withdrawal.

(d) Refiling. Where an applicant filing an application for rezoning property fails to perfect his application by not filing the affidavit on time or otherwise fails to perfect the notice or site plan requirements set forth in this chapter, so that the petitioner may not be heard at the scheduled public hearing, and any of the foregoing acts or omissions occur for two (2) consecutive public hearings scheduled for the subject petition, then no new or amended application involving the same property may be heard for a minimum period of six (6) months from the date of the last public hearing, specifically scheduled for that petition and/or property.

Sec. 27-151. Comprehensive review of chapter.

The zoning administrator or designee shall examine the provisions of this chapter and shall submit a bi-annual report to the city council recommending changes and amendments, if any, that are desirable in the interest of furthering the public health, safety and general welfare. Any text amendment requests for this chapter made by city council, any other city department, any public or quasi-public agency, or any member of the public, shall be submitted to the land development coordination division for review and processing. The deadline for each text amendment cycle shall fall on January 15 and July 15 of each calendar year. Processing of the proposed text amendments shall begin on the deadline date, following a batch process. The zoning administrator or city council may initiate a text amendment, outside of the normal text amendment cycle, to correct an unintentional error or conflict between sections of this chapter or with other chapters, or for amendments to procedural matters. Refer to section 27-148 and 27-149(a).

Sec. 27-152. Review of city council action.

Review of city council action within the procedures established in this article shall be to the circuit court, and shall be in the form of a petition for writ of certiorari.
§ 27-153. Reserved.

DIVISION 8. SUBDIVISION PROCEDURES*

Subdivision 1. Administrative Provisions†

Subdivision 1.1. General Provisions; Administrative Authority; Definitions

Sec. 27-153.1. Title.

This division of this chapter shall be known and may be cited as the "City of Tampa Subdivision Procedures."
(Ord. No. 89-261, § 2(35-1), 10-12-89; Ord. No. 96-241, § 1, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.1.1. Purpose.

(a) The development of a subdivision includes with it the attendant responsibility for the provision and maintenance of streets, drainage and other public or private facilities and services. Therefore, it is essential to the promotion of the public health, safety and welfare that the development of subdivisions be conceived, designed and constructed in accordance with sound rules and proper minimum standards.

(b) The purpose of these procedures is to establish procedures and standards for the development and subdivision of real property within the city in an effort to, among other things: provide mechanisms for bonding and construction of public improvements; ensure proper legal description, identification, monumentation and recording of real estate boundaries; aid in the coordination of land development in accordance with orderly physical patterns; discourage haphazard, premature, uneconomic or scattered land development; ensure that development protects significant physical features and those areas which are environmentally sensitive; ensure safe and convenient access and traffic control; encourage development of an economically stable and healthful community; prevent periodic and seasonal flooding by providing protective flood control and drainage facilities; provide public open spaces for recreation; ensure that the citizens and taxpayers of the city will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require timely installation by the developer of adequate and necessary physical improvements; ensure the purchaser of land in a subdivision that necessary improvements of last- ing quality have been installed; and ensure the development is consistent with the comprehensive plan.

(c) The rules and regulations contained in this chapter are adopted as the city's subdivision code to guide and coordinate subdivision development within the city.

Sec. 27-153.1.2. Applicability.

(a) Subdivision of land. Unless otherwise expressly exempted by law, the provisions of these procedures shall apply to all subdivision of land within the corporate limits of the city, as now or hereafter established.

(b) Sale or transfer of land. No person shall sell or transfer any land by reference to a plat, subject to these procedures, before a final plat has been approved and recorded as provided herein. Nothing herein shall be construed as affecting the validity of transfers of title to interests in lands, whether by private act or operation of law.

(c) Construction permits. Except as otherwise provided in these procedures, no construction permit shall be issued until a final plat has been duly recorded in the public records of the county.


Cross references—Ordinances dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-12(9); building code, Ch. 5; landscaping, tree removal and site clearing, Ch. 13; concurrency management system, § 17.5-41 et seq.; property maintenance and structural standards, Ch. 19; public improvements, Ch. 20; signs, Ch. 20.5; stormwater management, Ch. 21; streets and sidewalks, Ch. 22; transportation, Ch. 25; utilities, Ch. 26; zoning and land development, Ch. 27.

†Cross reference—Administration, Ch. 2.
(d) **Conflict with private provisions.** These procedures is not intended to abrogate any legally enforceable easement, covenant or any other private agreement or restriction; provided that, where the provisions of these procedures are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of these procedures shall govern.


**Sec. 27-153.1.3. Administrative authority.**

The subdivision procedures shall be administered and enforced by the subdivision coordinator, as defined in this chapter.

(Ord. No. 89-261, § 2(35-5), 10-12-89; Ord. No. 96-241, § 5, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

**Cross references—**Administrative authority of the official, § 1-13; delegation of administrative authority, § 1-14.

**Sec. 27-153.1.4. Alternate materials and methods of construction; innovative design.**

(a) **Alternate materials and methods of construction.** The subdivision procedures are not intended to prevent the use of alternate materials and methods of construction not specifically prescribed by this chapter, provided any such alternate has been approved by the applicable administrative authority. Any such alternate, shall be approved, provided it is found that the alternate for the purpose intended, is at least the equivalent of that prescribed, in quality, strength, effectiveness, fire resistance, durability and/or safety. The applicant shall be required to provide sufficient evidence or proof to substantiate any claim made regarding the alternate. If these criteria are not met, the request shall be denied.

(b) **Innovative design.** The subdivision procedures are not intended to prevent the use of innovative designs not specifically prescribed by this chapter, provided any such design has been approved by the applicable administrative authority. Any innovative design may be approved, which is at least the equivalent of that prescribed in this chapter in quality, efficiency, durability and/or safety and addresses design concerns including, but not limited to, wetlands, the environment, affordable housing (subject to legal constraints), new technologies, site constraints and public improvements. The applicant shall be required to provide sufficient evidence or proof to substantiate any claim made regarding the design. If these criteria are not met, the request shall be denied.

(Ord. No. 89-261, § 2(35-6), 10-12-89; Ord. No. 96-241, § 6, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

**Sec. 27-153.1.5. Cemetery; condominium plats.**

(a) Any cemetery, as defined by state law, meeting the definition of a subdivision as defined herein shall be regulated under the provisions of F.S. Ch. 497.

(b) A condominium, as defined by state law, meeting the definition of a subdivision as defined herein, shall be regulated under the provisions of F.S. Ch. 718.

(Ord. No. 89-261, § 2(35-7), 10-12-89; Ord. No. 91-89, § 3, 5-30-91; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

**Cross reference—**Cemeteries, Ch. 8.

**Subdivision 1.2. Certificates; Documents; Requirements; Etc.**

**Sec. 27-153.2. Applications, documentation.**

(a) The order, sequence and prerequisites for making applications for service shall be as designated by the subdivision coordinator.

(b) The city may require plans, specifications or drawings and such other information as it may deem necessary and pertinent prior to the granting of approval. If the city determines that the plans, specifications, drawings, descriptions or other information furnished by the applicant is in compliance with this chapter, the rules and regulations of any other department having jurisdiction and any other laws, rules and regulations pertaining to construction, it shall approve the documents.

Sec. 27-153.2.1. Stages of subdivision review.

Except as provided below, the review and approval for subdivision plats under these procedures shall be divided into three (3) stages: preliminary plat, construction drawings and final plat.

(Ord. No. 89-261, § 2(35-32), 10-12-89; Ord. No. 96-241, § 8, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.2. Phased developments.

(a) Generally. Any subdivision involving phased or staged development shall be identified in written and graphic form in the application for preliminary plat review and shall designate, for information purposes only, all construction phases and the proposed development schedule.

(b) Independent operation. All construction phases in a development shall be constructed to be capable of operating independently or in conjunction with other constructed phases with respect to drainage, vehicular circulation, utilities and other public improvements and services.

(c) Modifications to approved phase boundaries. Modifications to approved phase boundaries may be administratively approved by the department following submission of a new written and graphic description of such modifications, provided that such phasing does not conflict with any previously approved construction drawings or subsection (b) above.

(Ord. No. 89-261, § 2(35-33), 10-12-89; Ord. No. 96-241, § 9, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.3. Preliminary plat—Generally.

The purpose of the preliminary plat is to safeguard the developer from unnecessary loss of time and expense involved in having final engineering drawings and specifications prepared which do not conform to the standards herein. The preliminary plat, therefore, will serve to demonstrate consistency with subdivision standards and with the comprehensive plan. It does not imply approval of construction drawings or final plat. The preliminary plat requires the scale, dimensions and general location of certain improvements.

(Ord. No. 89-261, § 2(35-34), 10-12-89; Ord. No. 91-89, §§ 4, 5, 5-30-91; Ord. No. 96-241, § 10, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.4. Same—Preapplication plat conference and simultaneous submittal of PD final site plan and preliminary plat.

(a) To facilitate the preparation of a preliminary plat, the developer and/or surveyor, engineer or land planner is encouraged to discuss informally the preliminary studies and sketches for the subdivision of land with the department and other city departments and governmental agencies to facilitate the preparation and design of a plat which conforms with these procedures.

(b) The PD final site plan and preliminary plat may be submitted for review simultaneously provided that the preliminary plat is not approved until the PD final site plan is approved by city council.


Sec. 27-153.2.5. Same—Filing of applications; administrative review.

The owner or owner's authorized representative shall submit to the department the required number of copies of the documents for preliminary plat approval, prepared and submitted in accordance with section 27-153.2.1. Following receipt of this application, all appropriate city departments and other reviewing agencies shall review the plat and return comments to the department.

(Ord. No. 89-261, § 2(35-36), 10-12-89; Ord. No. 96-241, § 12, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.6. Same—Action by city.

(a) Within a reasonable period of time following receipt of the city staff's recommendation, the city shall approve or disapprove the preliminary plat, stating in writing any reasons for disapproval.
(b) When plans have been disapproved, the applicant has three (3) months from the notification date to make any revisions and resubmit plans for review. After three (3) months, the plans become subject to any changes in the City Code.


Sec. 27-153.2.7. Same—Effect of approval.

(a) Approval of a preliminary plat shall acknowledge the basic design of the subdivision and consistency with the comprehensive plan and zoning code. It shall not constitute approval of construction drawings or the final plat; it shall not authorize recording or acceptance of improvements or dedications. Upon approval of the preliminary plat, the developer has six (6) months to submit construction drawings. If the construction drawings are not submitted within six (6) months from the date the preliminary plat is approved, then the preliminary plat approval shall expire. The developer may request an extension of the approval for an additional six (6) months, upon written notice provided ten (10) days before the six (6) month expiration date.

(b) Any person developing a subdivision involving phased development may request a long-term extension of preliminary plat approval by written notice provided before the six (6) month expiration date.

(c) If preliminary plat approval lapses, the plans become subject to any changes in the City Code.

(Ord. No. 89-261, § 2(35-38), 10-12-89; Ord. No. 91-89, § 6, 5-30-91; Ord. No. 96-241, § 14, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.8. Construction drawings—Generally.

(a) The purpose of the review and approval of construction drawings by the city is to ensure satisfaction of the city design and specification requirements for the improvements that are to be constructed to serve the subdivision.

(b) Prior to submission of the final plat, the developer shall submit construction drawings for the installation of improvements that are to be constructed to serve the subdivision.


Sec. 27-153.2.9. Reserved.

Sec. 27-153.2.10. Same—Filing of application; administrative review.

(a) Filing of application. The owner or his authorized representative shall submit to the department the required number of copies of documents for construction drawing approval, prepared and submitted as required by section 27-153.2.22. Construction drawings, which are consistent with the preliminary plat, may be submitted simultaneously with the preliminary plat. Following receipt of these documents, all appropriate city departments shall review the construction drawings and return comments to the department.

(b) Conformance with preliminary plat. Construction drawings shall substantially conform to the approved preliminary plat; provided, however, that the construction drawings shall be subject to subdivision, zoning, environmental, health and all other applicable regulations in effect at the time of construction drawing submission.

(c) Administrative review.

(1) After receipt of construction drawings, all reviewing agencies shall approve or disapprove the construction drawings, stating in writing any reasons for disapproval.

(2) When plans have been disapproved, the applicant has three (3) months from notification date to make any revisions and resubmit plans for review. After three (3) months, the plans become subject to any changes in the City Code.

(d) Commencement of construction activities. Except as provided herein, no clearing, grading, drainage or other construction activities con-
nected with the subdivision application, except testing, land alteration activities and brush remova
l necessary to complete surveying, shall commence on the site until all required construction
drawings are approved and all applicable permits are obtained. Authorized brush removal shall not
be deemed to include the removal or damaging of any trees protected by the City Code.

(e) Townhome developments. For townhome development projects, the developer may submit one
set of plans containing all of the information required for construction drawings and commercial
site plan review. The subdivision coordinator shall coordinate the plan review for the subdivi
sion construction drawing review and the commercial site plan review as one review. Construct
shall not commence until the plans have been approved for both. Upon completion of the com
mercial site plan review and the construction drawings review and approval of the plans, the
developer may begin construction to the extent prescribed in section 27-153.2.11 of this Code.

Sec. 27-153.2.11. Same—Effect of approval.

(a) Upon approval of the construction drawings and obtaining the applicable permits, the deve
loper may:

(1) Obtain those permits to construct those improvements described on the approved construc
tion drawings; or

(2) File for final plat approval and pursuant to section 27-153.2.15 elect to post performance
security prior to city council approval of the plat.

(b) Upon approval of the construction drawings, the developer may submit building permit
applications to construct model homes/sales centers, golf courses, swimming pools, pool cabanas,
perimeter walls, and entry features including, but not limited to, wall signs, security guard sta
tions and entry walls.

(c) Upon approval of the construction drawings, the developer has six (6) months to begin con
struction of the required improvements as shown on the approved construction drawings. If
construction does not begin within six (6) months, the developer may request an extension for a
maximum of six (6) months by providing written notice to the department before the original six (6)
months expiration date. The request will be forwarded to all infrastructure departments for re
view. Should revisions to the plans be necessary, then a resubmittal of the plans will be required.

(d) If construction drawing approval lapses, the plans become subject to any changes in the
City Code.

Sec. 27-153.2.12. Final plat—Generally.

(a) The purpose of the review and approval of the final plat by the city is to ensure that all
requirements of these procedures have been satisfied.

(b) The developer may submit a final plat for approval for the entire subdivision when any one
of the following conditions exist:

(1) All private improvements, if any, have been installed and approved by the city and all pub
lic improvements, if any, have been installed and accepted by the city;

(2) In the absence of the completion of all improvements referenced in subsection (b)(1) above, provision of security for such
installation as required by section 27-153.2.15; or

(3) In the absence of any required improvements, as determined by the preliminary
application conference.

(c) The developer may submit a final plat for review prior to construction drawing approval. How
ever, the final plat will not be accepted until one (1) cycle of the construction drawing review haseen completed. The submission of the final plat does not imply approval of the construction
drawings.

(d) Any project that is subject to commercial site plan review may be submitted for that review
simultaneously with the preliminary plat review.
and/or construction drawing review. The developer may submit one (1) set of plans containing all of the information required for preliminary plats or construction drawings and commercial site plan review. The subdivision coordinator shall coordinate the plan review for the subdivision preliminary plat or construction drawing review and the commercial site plan review as one (1) review. If preliminary plat and/or construction drawings are not required for a particular project, the commercial site plan may be submitted with the final plat as one (1) set of plans containing all of the information required for commercial site plan review and final plat review for a simultaneous review coordinated by the subdivision coordinator, provided that the commercial site plan is not approved before the city council approves the final plat and it is recorded in the public records of Hillsborough County.

Sec. 27-153.2.13. Same—Filing of application; administrative review.

(a) Filing of application. The owner or owner's authorized representative shall submit to the department an original and the required number of copies of documents required for final plat approval. Such documents shall be prepared and submitted in accordance with section 27-153.2.23. Following receipt of these documents, they shall be reviewed by all appropriate city departments, and comments from the reviewing city departments will be submitted to the department.

(b) Administrative review.

(1) Upon receipt of the application for final plat approval, the department shall forward copies to all appropriate city departments for review. Because final plats cannot be conditionally approved and must be accurate for recording in the public records, the developer, engineer of record, surveyor or other appropriate parties may be called upon to make appropriate corrections. Once a determination is made by city staff that the plat and all supporting documents conform to city requirements, the final plat will be forwarded to the city council for approval.

(2) When plans have been disapproved, the applicant has three (3) months from the notification date to make any revisions and resubmit plans for review. After three (3) months, the plans become subject to any changes in the City Code.

Sec. 27-153.2.14. Same—Standards for approval; effect of approval.

(a) Standards for approval. No final plat shall be approved for recording, unless:

(1) The final plat is substantially in conformance with the approved preliminary plat;

(2) The final plat is in compliance with all applicable regulations, approved construction drawings and as-built drawings;

(3) All improvements have been installed, inspected and accepted in accordance with section 27-153.3.4 of these procedures or, when approved by the city, the developer has provided adequate performance security in accordance with section 27-153.2.15 of these procedures and the developer provides to the city adequate defect security in accordance with section 27-153.2.16 of these procedures;

(4) The developer has paid all application and recording fees required by the city;

(5) When construction of improvements is required, a subdivision agreement in substantial conformance with the model agreement provided by the city has been executed by the developer; and

(6) The developer has provided one (1) copy of all homeowners documents (articles of incorporation, bylaws, and deed restrictions) for review by the city attorney and three (3) copies of the approved homeowners documents.
(b) **Contingent approval.** Final plat approval shall be contingent upon the developer providing proof of:

1. All required permits from the Florida Department of Transportation, Department of Environmental Protection and the U.S. Corps of Engineers;

2. Filing with the Department of State of the bylaws and articles of incorporation for the Homeowners Association; and

3. All required state and local permits for wells and septic tanks.

(c) **Effect of approval.** No lot may be sold until all contingencies have been fulfilled.

Ord. No. 89-261, § 2(35-45), 10-12-89; Ord. No. 91-89, § 12, 5-30-91; Ord. No. 96-241, § 20, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013

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**Sec. 27-153.2.15. Performance security.**

(a) **Performance security required.**

1. **Full performance security.** In order to receive final plat approval before the installation of all improvements, the developer shall provide and maintain sufficient full performance security guaranteeing the installation and approval of all private on-site or off-site improvements and the installation and acceptance of all public on-site or off-site improvements, except sidewalks. When providing full performance security, the developer shall submit the performance security on forms provided by the city two (2) weeks before to city council action; such security shall be effective as of the date city council approves the subdivision. Such performance security shall comply with all statutory requirements, the requirements of section 27-153.2.22(7) of this Code, and be satisfactory in form to the city attorney and appropriate city staff and be in an amount equal to one hundred twenty-five (125) percent of the developer's contract for the work or a certified engineers estimate, subject to approval of the appropriate city staff. When providing a bond for performance security, the bonding company shall have a B+ or better rating in accordance with "Best Bond Book."

2. **Partial performance security.** In order to receive final plat approval after installation and approval of a specific private improvement or the installation and approval of a specific public improvement but prior to installation and approvals of all private improvements and the installation and approval of all public improvements, the developer shall provide sufficient partial performance security guaranteeing the installation of any remaining improvements not yet installed in the amount of twenty (20) percent of the developer's contract for the installation of the entire of the improvements being partially secured. Partial performance may be provided at the point the city and the developer deem the improvement substantially complete as certified by the developer's engineer of record. Partial performance security may be posted for the completion of a particular improvement, although other improvements are yet to be completed. Partial performance security may not be posted if only a percentage of a particular improvement is completed. Approval for posting a partial performance security must be given by the appropriate infrastructure department as it relates to the improvement. When providing partial performance security, the developer shall submit the partial performance security on forms provided by the city two (2) weeks prior to city council action; such security shall be effective as of the date of city council approval of the subdivision. Such performance security shall comply with all statutory requirements, be satisfactory in form to the city attorney subject to approval by appropriate city staff and be in an amount acceptable to the city so as to equal the full estimated cost adjusted to cover inflation and administration for installation of any remaining improvements not yet installed, approved and/or accepted; in no case will the amount be less than one
hundred twenty-five (125) percent of the developer's contract for the installation of the remaining improvements.

(b) Performance security not required. If all private improvements have been approved and inspected by the city and all public improvements have been approved and accepted by the city, the developer shall not be required to provide performance security upon final plat approval by staff prior to city council action.

(c) Effective period; extensions. The effective period of the performance security shall not be less than one (1) year from the date city council approves the subdivision; provided, however, that the city may permit or require extensions by renegotiation of the security amount and execution of a new security and subdivision agreement. Performance security for streetlights will not be extended more than the allotted twelve-month time frame if one-third (\(\frac{1}{3}\)) or more of the total number of units in the subdivision have received their certificates of occupancy. Under no circumstances will performance security for streetlights be extended beyond one (1) year from the expiration date of the original security provided.

(d) Default of performance security. Where approved performance security has been provided and the improvements have not been installed according to the approved construction drawings, the City Code or the terms of the performance security instrument, the city may, upon ten (10) days' written notice to the parties to the instrument, declare the performance security to be in default and exercise the city's rights thereunder. Upon default, no further permits or approval shall be granted for the project until adequate progress toward completion of the remaining improvements is shown as determined by the city.

(e) Release of performance security. Subject to the terms of such security and subdivision agreement, the performance security shall be released by the city when all private improvements are installed, inspected and approved and when all public improvements are installed, inspected and accepted pursuant to section 27-153.3.4 of these procedures.

Sec. 27-153.2.16. Defect security; release of defect security.

(a) Defect security. Upon final acceptance of improvements by the city, the developer shall post security, in an amount equal to ten (10) percent of the actual construction costs of improvements for the purpose of correcting any construction, design or material defects or failures within public rights-of-way or easements in the development or required off-site improvements. The form and manner of execution of such securities shall be subject to the approval of the city attorney. The effective period for such security shall be one (1) year and thirty (30) days following the city's acceptance of the installed improvements. Upon default, the city may exercise its rights under the defect security instrument, upon ten (10) days' written notice by certified mail to the parties to the instrument.

(b) Release of defect security. Subject to the terms of such security and subdivision agreement, the defect security shall be released by the city at the expiration of its effective period.

Sec. 27-153.2.17. Final plat—Effect of approval.

(a) Upon approval of the final plat by city staff, the city council shall:

(1) Approve or disapprove the final plat and any legal instruments;

(2) Authorize the recording of the plat and supporting documents for all purposes under state law.
Sec. 27-153.2.18. Same—Recording and reproducing.

(a) Following approval by the city council, the original final plat and original copies of any supporting legal documents required to be recorded in the public records shall be submitted by the developer to the department who will in turn submit such plat and supporting documentation directly to the clerk of the circuit court for recording within the public records of the county. Following recording of the plat, the clerk of the circuit court, in coordination with the department, shall have prints and reproducible copies of the final plat made for distribution.

(b) In addition to the above, copies will be prepared for the developer upon prior written request to the department. The actual cost of recording and preparing all required copies, prints and reproducibles shall be paid by the developer.

(c) Notwithstanding any other provisions of these procedures, if a final plat is not recorded within six (6) months from the effective date of the resolution approving the final plat for the subdivision, then administrative approval of the preliminary plat, construction drawings and final plat previously approved shall expire.

Sec. 27-153.2.19. Same—Requirements subsequent to recording.

(a) Upon construction completion and acceptance of improvements, a defect security bond shall be required pursuant to section 27-153.2.16.

(b) When installation of improvements has occurred subsequent to final plat recordation, the surveyor's certificate of installation of P.C.P.'s, P.R.M.'s, etc., in accordance with F.S. § 177.091(8), shall be submitted.

Sec. 27-153.2.20. Same—Amendments.

(a) Vacating and replatting. Whenever land comprising all or part of an existing plat of record is proposed as all or part of a new plat, it shall be properly vacated prior to final plat approval of the new subdivision in accordance with the procedures set forth in F.S. § 177.101(3), (4), (5).

(b) Revision of final plat after recordation. No changes, erasures, modifications or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted to the city council for its approval. This shall not affect the right to file an affidavit confirming an error on a recorded plat as provided by law.

(c) Minor amendments.

(1) When it is necessary to modify a plat which has been duly recorded, the applicant may do so through the minor amendment or single amendment process.

   a. The minor amendment process shall consist of submission of a final plat to the department including the modifications for recording in the public records of the county. The minor amendment process shall apply if two (2) or more of the following modifications are proposed:

   1. Lot line adjustment, provided that the number of lots does not increase and the individual lot sizes still meet the minimum lot sizes prescribed in Chapter 27 of this Code;

   2. Minor adjustments in street alignments;

   3. Release or dedication of easements; or

   4. Street name changes.

   b. The single amendment process shall apply where only one (1) modification described in subsection (c)(1)a. is necessary. The single amendment process shall consist of submission of a final plat or, at the city's option, submission of an alternate document recordable in the public re-
cords as prescribed by the depart-
ment, provided that the changes are
approved by the city council and
recorded in the public records of the
county.
(Ord. No. 89-261, § 2(35-51), 10-12-89; Ord. No.
91-89, § 14, 5-30-91; Ord. No. 96-241, § 24, 10-31-
96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.21. Application submission re-
quirements for preliminary
plats.

All applications for preliminary plat approval
shall be submitted to the department in the
required number of copies and shall include the
information as specified in the subdivision review
technical manual, provided that the department
or other appropriate departments may waive or
modify such submittal requirements if a determi-
nation is made that such information is currently
available to the city or is otherwise unnecessary.
All determinations to waive or modify submittal
requirements shall be made at the preapplication
conference. The application for preliminary plat
approval shall include the following:

(a) **Boundary drawing.** A sketch showing a
metes and bounds description of the prop-
erty proposed to be platted, total acreage,
existing easements, utilities, streets, gen-
eral topography, floodplain and flood zone
boundaries and other significant features
existing at the time of submission;

(b) **Legal description.** A legal description of
the property, including the citation and
general description of any existing ease-
ments, covenants or other restrictions af-
fecting the use and development of the
property existing at the time of submis-
ion. The legal description shall include
the total acreage of the parcel or tract of
land to be platted;

(c) **Vicinity map.** A vicinity map at a conve-
nient scale showing the site, including
existing roads and waterways, street rights-
of-way and street intersections on all four
(4) sides;

(d) **Development schedule and plan.** A pro-
posed development schedule indicating the
approximate starting and completion dates
for the entire project and any phases,
complete with a plan identifying and de-
scribing such phases;

(e) **Subdivision name.** The name of the plat
shall be shown in bold legible letters of
uniform size and type, including the words
"section," "unit," "replat," "amended," etc.,
although the latter need not be in bold
letters of the same size as the basic name.
The name of the subdivision shall be
shown on each sheet included. Such name
shall not be so similar to another recorded
subdivision in the city or county so as to
confuse their identities. Subdivision names
are subject to approval by the city;

(f) **Transportation analysis.** A transportation
analysis shall be prepared by a profes-
sional traffic engineer. The analysis shall
include the total trips generated by the
project and the distribution of the trips
onto adjacent streets. Institute of traffic
engineers (ITE) trip generation rates or
another approved source shall be used as
the basis for trip generation calculations.
(Note: Required only if analysis not pre-
viously prepared in association with an-
other development approval, i.e., DRI, re-
zoning, etc., approved for the same project.)
This requirement may be waived if the
transportation division determines that
the transportation impact will not be sig-
nificant. In addition, the detailed traffic
analysis shall include, but not be limited
to, the following:

1. Level of service calculations at each
project access point for both the a.m.
and p.m. peak hours;

2. A determination of need for auxil-
iary lanes;

3. A determination of need for traffic
signalization or other control de-
vices;

4. Other transportation factors as may
be appropriate as determined by the
city’s transportation division, based
upon generally accepted traffic engi-
neering practices;
(g) Concurrency review for transportation. All submissions for preliminary plat review shall include an application for a concurrency management transportation review. The transportation division will determine if the proposed project is concurrent. If a project is found not to be concurrent, the developer will be advised to schedule a methodology meeting with the city's traffic engineer. When a project is in compliance with concurrency, a temporary certificate of concurrency will be issued upon approval of the construction drawings. The final certificate of concurrency will be issued upon recordation of the final plat. The final certificate of concurrency will be required to apply for all building permits;

(h) Preliminary plat. A preliminary plat prepared in accordance with and including the following information:

(1) Graphic standards.
   a. Sheet size. Drawings shall be on one (1) or more sheets twenty-four (24) inches by thirty-six (36) inches in size. A three-inch margin shall be provided on the left edge and one-half-inch margin on the remaining three (3) edges of all sheets;
   b. Scale. All plans shall be at a scale which is no smaller than one (1) inch equals one hundred (100) feet;
   c. Dimensions. All dimensions shall be feet;
   d. North arrow. All drawings shall have a north arrow pointing to zero degrees north; and
   e. Title block. A title block shall be located in the lower right corner of the format of all sheets and shall contain the following information:
      1. Subdivision name;
      2. City, county and state;
   3. Sheet number and total number of sheets;
   4. Name, address and phone number of the responsible individual or professional; and
   5. Preparation date and date of any revisions;

(2) Existing site conditions.
   a. The location of the property with respect to adjoining development, together with the existing zoning on adjoining property and existing land uses adjacent to the property (one-hundred-foot band at a minimum);
   b. The name, location and width of existing or platted streets and street rights-of-way within or contiguous to the site;
   c. The size and approximate location of sewers, water mains, storm drains and other underground facilities within or in close proximity to the site;
   d. The location and width of easements for all utilities, such as electric power lines, within and adjacent to the site;
   e. Topographic contours at one-foot intervals (five-foot contours in areas of steep slope when authorized by the department of public works), based on mean sea level datum. Topographic information shall be furnished by USGS, SWFWMD or a certified land surveyor;
   f. National flood insurance program's flood zone boundaries and categories;
   g. The location of trees or tree groupings and watercourses and other significant natural features, which shall be by reference on an aerial photograph at a scale of not less than one (1)
inch equals one hundred (100) feet and the location and gross acreage of all wetlands and jurisdictional areas; and

h. The location and nature of existing land uses, historic sites and structures, buildings and existing zoning;

(3) Subdivision design.

a. The location and approximate dimensions of all lots. All lots shall be numbered. In mixed-use developments, general designations of intended use shall be included;

b. The location, nature and intended purpose of any proposed easements, reservations or dedications;

c. The location and approximate dimensions of reserved or dedicated recreational open space, including the total acreage of open space;

d. The nature, location and approximate dimensions of any buffer or other areas;

e. The name, location, width and curve radii of all proposed streets and rights-of-way;

f. The nature, location and approximate dimensions of all sidewalks, pedestrian ways and bike ways;

g. The general location and method of the potable water source;

h. The general layout of the stormwater management system, designed to specifications of the city; and

i. The approximate location of any proposed security guard houses, entry walls, entry gates, fences, perimeter walls and street medians; and

(4) All other information reasonably required by the city.

Sec. 27-153.2.22. Submission requirements for construction drawings.

All construction drawings shall be submitted to the department in the required number of copies and shall conform to specifications and requirements of the city and the requirements listed in the subdivision review technical manual. Construction drawings shall be prepared and certified for all improvements by a state-registered professional engineer. All revisions shall be prepared and submitted as required for original drawings. Construction drawings shall include the following:

(a) Legal description. A legal description of the property, including the citation and general description of any existing easements, covenants or other restrictions affecting the use and development of the property existing at the time of submission;

(b) Existing site conditions.

(1) Location, size, elevation and other appropriate descriptive information of existing facilities and features shown on the approved preliminary plat and the point of connection to proposed facilities and utilities. All water bodies shall show approximate high- and low-water elevations;

(2) Topographic contours at one-foot intervals, based on mean sea level datum. Topographic contours may be shown at the same scale as presented in the approved preliminary plat; and

(3) Flood elevation data and flood zones delineated;
(c) **Subdivision design.**

1. Proposed grading and/or spot elevations at sufficient detail to define the proposed drainage patterns;
2. Lot, block and street design showing radii of all curves and corners;
3. Profiles depicting existing and proposed elevations along centerlines of all roads and intersections;
4. Cross sections of all street intersections;
5. Plans and profiles depicting the location and typical cross sections of all required improvements;
6. Details illustrating connections to existing and proposed utility systems;
7. Details showing sidewalks, all traffic-control, striping and street signage in accordance with requirements of the city; and
8. Location of fire hydrants;

(d) **Other information submitted in graphic and/or narrative form.**

1. All stormwater calculations and descriptions, prepared by a state-registered engineer, needed to show compliance with city, state and federal requirements;
2. Type and location of any erosion and sedimentation controls which will be used during the construction process;
3. All calculations and descriptions, prepared by a state-registered engineer, used in sizing water and sewer mains, including any impact on existing systems and fire flow requirements;
4. All plans, calculations and descriptions necessary to show that the sewage disposal system is in compliance with all applicable federal, state, county and city requirements;
5. All plans, calculations and descriptions required to determine that the potable water supply system is in compliance with all applicable federal, state, county and city requirements;
6. Copies of permits or approvals from the Environmental Protection Commission and Southwest Florida Water Management District;
7. Identification of all wetland encroachments;
8. Calculations for storage lane capacity, where applicable; and
9. All additional information as required by the city; and

(e) **Graphic standards.**

1. **Sheet size.** Drawings shall be on one (1) or more sheets twenty-four (24) inches by thirty-six (36) inches in size. A three-inch margin shall be provided on the left edge and one-half-inch margin on the remaining three (3) edges of all sheets;
2. **Scale.** All plans and profiles shall be at a horizontal scale of one (1) inch equals fifty (50) feet and a vertical scale of one (1) inch equals five (5) feet;
3. **Dimensions.** All dimensions shall be feet and decimals of a foot;
4. **North arrow.** All drawings shall have a north arrow pointing to the top of the drawing zero degrees north; and
5. **Title block.** A title block shall be located in the lower right corner of the format of all sheets and shall contain the following information:
   a. Subdivision name;
   b. City, county and state;
   c. Sheet number and total number of sheets;
   d. Name, address and phone number of the responsible individual or professional; and
e. Preparation date and date of any revisions.

(Ord. No. 89-261, § 2(35-53), 10-12-89; Ord. No. 91-89, §§ 18, 19, 5-30-91; Ord. No. 96-241, § 26, 10-31-96; Ord. No. 96-241, § 26, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.2.23 Submission requirements for final plats.

All final plats shall be prepared in compliance with these procedures and other applicable laws. An original and the required number of copies shall be submitted to the department and include the information specified in the subdivision review technical manual:

(a) Application form and required processing fees. On forms provided by the city, a complete application and affidavit bearing the signatures and acknowledgement of all current property owners of record and all processing fees required by the city;

(b) Certification required on final plat. In conformance with forms established by the city, all final plats shall be prepared to include the following certifications which shall be printed on the original plat:

(1) Certificate of survey;

(2) Certificate of approval of the city council;

(3) Certificate of ownership and dedication and, when desired, separate mortgagee's joinder in and ratification of subdivision plat and all dedications and reservations thereon may be submitted as a separate instrument; and

(4) Certificate of approval of the clerk of the circuit court;

(c) Certificates, legal instruments and other documents required. In conformance with forms established by the city and in addition to the certifications required in subsection (b) and the requirements specified in section 27-153.3.4, the following shall be provided prior to final plat approval by the city council:

(1) When improvements are constructed, completed and accepted prior to final plat recordation, the following documents shall be provided:

a. Title certification;

b. Subdivision agreement;

c. Certificate of cost estimate (or actual installation cost);

d. Defect security bond;

e. Surveyor's certificate of installation of P.C.P.'s in accordance with F.S. § 177.091(8); and

f. Signed and sealed as-built drawings;

(2) When improvements are constructed, completed and accepted subsequent to final plat recordation, the following documents shall be provided:

a. Title certification;

b. Subdivision agreement;

c. Certificate of cost estimate (or actual installation cost);

d. Performance security bond; and

e. Defect security bond (after improvements are accepted for maintenance by the city); and

(3) When a subdivision is a replat of subdivided lands, the appropriate documentation shall be recorded as prescribed by the city;

(d) Provision and assurance for maintenance of common facilities.

(1) All documents and other assurances, including deed restrictions, articles of incorporation and bylaws, prepared in accordance with the laws of the state and satisfactory to the city attorney, to establish a means of common ownership and management of all common areas, facilities or improvements intended for use by some or all of

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the occupants of the subdivision, but not proposed to be provided, owned, operated or maintained at general public expense;

(2) Any subdivision project which will remain in single ownership need not create a separate legal entity to guarantee maintenance of required improvements. However, deed restrictions which provide for maintenance of the improvements must be submitted; and

(3) All documents that are required pursuant to the provisions of this section must be recorded by the city at the developer's expense subsequent to approval by the city attorney's office and before or simultaneous with the recording of the plat in the public records of Hillsborough County.

(e) Flood data. Flood zones and flood elevation data, if applicable, shall be provided;

(f) Original mylars. The applicant shall provide an original Mylar, and two (2) reproducible Mylars prior to submission to the city council. The scale on the original Mylar and the copy shall be no smaller than one (1) inch equals one hundred (100) feet. The two (2) sets of reproducible Mylars shall be at a scale of one (1) inch equals two hundred (200) feet;

(g) Final plat. In addition to required certifications, final plats shall be prepared to include the following:

(1) Graphic standards.
   a. Material. An original drawing made with black permanent drawing ink on a good grade linen tracing cloth or stable base film a minimum of .003 inches thick. Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A print or photographic copy of the original drawing shall be submitted with the original drawing;
   b. Size, margin. The size of each sheet shall be eighteen (18) inches by twenty-four (24) inches and shall be drawn with a marginal line or may be printed completely around each sheet and placed so as to leave at least a one-half-inch margin on each of three (3) sides and a three-inch margin on the left side of the plat for binding purposes;
   c. Multiple sheets. When more than one (1) sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin;
   d. Scale. The scale used shall be of sufficient size to show all detail and shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided;
   e. Subdivision name. The name of the plat shall be shown in bold legible letters of uniform size and type, including the words "section," "unit," "replat," "amended," etc., although the latter need not be in bold letters of the same size as the basic name. The name of the subdivision shall be shown on each sheet included. Such name shall not be so similar to another recorded subdivision in the city or county so as to con-
f. **North arrow.** A prominent north arrow shall be drawn on every sheet, including showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend; and

g. The plat shall include in a prominent place, the following statement:

"NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."; and

(2) **Required information.**

a. **Location.**

1. **Coordinates.** Each plat shall show the section, township and range, as applicable, or, if in a land grant, the plat will so state. If the subdivision is in an area where state plane coordinates have been established, the legal description shall refer to the coordinates;

2. **Jurisdiction.** The names of the "City of Tampa," "Hillsborough County," and "State of Florida" shall appear under the name of the plat;

3. **Property description.** Each plat shall show a description of the lands subdivided, and the description shall be the same as in the title certification. The description must be so complete that from it, without reference to the plat, the starting point and boundary can be determined;

4. **Section lines; metes and bounds; land grants.** All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and well-established corner;

5. **Contiguous properties; resubdivisions.** All contiguous properties shall be identified by subdivision title, plat book and page or, if unplatted, land shall be so designated. If the subdivision platted is a resubdivision or a part of the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat;
b. **Permanent reference monuments.** Each P.R.M. shall be shown on the plat by appropriate designation;

c. **Permanent control points.** All P.C.P.'s shall be shown on the plat by an appropriate designation. It is the land surveyor's responsibility to furnish the clerk or recording officer of the county his certificate that the P.C.P.'s have been set and the dates the P.C.P.'s were set, in accordance with a surveyor's certification form established by the county; and

d. **Design.**

1. **Streets, waterways.** Location, width and names of all streets, waterways or other rights-of-way shall be shown on the plat;

2. **Easements.** Location and dimensions of all easements shall be shown on the plat, shall be described in the notes or legend as necessary and their intended use shall be clearly stated;

3. **Lot and block numbers.** All lots shall be numbered by progressive numbers and, if numbered by blocks, each block shall be progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions;

4. **Corner radii.** Block corner radii dimensions shall be shown;

5. **Survey data.** Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less," if variable. Lot, block, street and all other dimensions, except to irregular boundaries, shall be shown to a minimum of hundredths of feet. Sufficient angles, bearings or azimuth to show direction of all lines shall be shown, and all bearings, angles or azimuth shall be shown to the nearest second of arc. All measurements shall refer to horizontal plane and in accordance with the definition of a foot or meter adopted by the United States Bureau of Standards;

6. **Curvilinear lots.** Curvilinear lots shall show the radii, arc distances and central angles or radii, chord and chord bearing or both. Radial lines will be so designated. Direction of nonradial lines shall be indicated;

7. **Street centerlines.** The centerlines of all streets shall be shown with distances, angles, bearings or azimuth, P.C.'s, P.T.'s, P.R.C.'s, P.C.C.'s, arc distance, central angles, tan-
gents, radii, chord and chord bearing or azimuth or both;

8. School, park and recreation parcels. School, park and recreation parcels, as applicable, may be so designated or the developer may provide a schedule of uses;

9. Excepted parcels. All interior excepted parcels shall be clearly indicated and labeled "not a part of this plat";

10. Dedications and reservations. The purpose and location of all areas dedicated or reserved must be clearly indicated or stated on the plat;

11. Conservation and preservation areas. Exact locations of all conservation and preservation areas, including natural wetlands, mitigated wetlands and upland preserves, shall be identified;

12. Curve details. When it is not possible to show curve detail information on the map, a tabular form may be used; and

13. Street-lighting plan. In conformance with the standards of the department of public works, shall be submitted with the application for final plat.

(h) Covenants, etc. A draft of any proposed protective covenants, property owners association articles of incorporation and bylaws; and

(i) Itemized cost estimate of improvements or bid. When posting performance security under the provisions of section 27-153.2.15, itemized cost estimates of all required improvements made by a state registered engineer or a bid from a reputable bondable contractor shall be submitted prior to final plat approval of construction drawings.

a. If the engineers cost estimate is determined to be inadequate when compared to the city's cost to install the improvements, then the city shall modify the engineers estimate to meet city cost.

b. If a developer chooses to utilize the bid from the contractor who was awarded the job and the city finds the bid amount to be inadequate when compared to the city's cost to install the improvements, then the following requirements are applicable:

1. The contractor's bonding company must have no less than a B+ rating as determined by Best Bond Book; and

2. If the contractor's total bid is insufficient when compared to the city's cost to install the improvements, then the city will require a certified letter from the contractor on the contractor's stationary stating that the contractor will install the improvements for the City of Tampa at the same bid price contracted with the developer.

3. The city will require a certified letter from the developer stating that the bid for infrastructure was awarded to a specific contractor, naming the contrac-
tor and stating the total bid price under contract for the required improvements.

(j) Application for streetlight assessment program.
(Ord. No. 89-261, § 2(35-54), 10-12-89; Ord. No. 91-89, §§ 20, 21, 5-30-91; Ord. No. 96-241, § 27, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-153.2.24. Express subdivision review.

(a) Small subdivisions. Small subdivisions are eligible for express subdivision review. Small subdivision review allows for the waiver of both the preliminary plat and construction drawing requirements; provided that all lots within the proposed subdivision are for single-family use, have approved access and existing potable water and sanitary sewer facilities.

(b) Minor subdivisions. Minor subdivisions are eligible for express subdivision review. Minor subdivision review allows for the waiver of the preliminary plat requirements in certain circumstances as set forth in subsection (c)(1).

(c) Criteria for express subdivision review.

(1) In order to waive the preliminary plat requirement, a preliminary application conference must be requested by the developer. Upon scheduling the conference, the developer shall provide the city with a survey of the proposed subdivision. The subdivision coordinator may waive the preliminary plat requirements in any of the following circumstances:

  a. All of the single-family residential lots within the proposed subdivision have approved access and existing potable water and sanitary sewer facilities;
  b. The proposed subdivision includes a maximum of two (2) lots which will be developed for commercial, industrial, or multifamily uses, and all of the lots within the subdivision have approved access and existing adequate improvements and utilities; or
  c. The proposed subdivision relates solely to roadways, provided that code requirements for construction drawings and a final plat materials are otherwise fulfilled.

(2) In order to waive the construction drawing requirement, a preliminary application conference must be requested by the developer. Upon scheduling the conference, the developer shall provide the city with a survey of the proposed subdivision. The subdivision coordinator may waive the construction drawing review requirements in any of the following circumstances:

  a. No improvements are required by these procedures or any other provision of the City Code;
  b. All required improvements will be installed by the city and the developer has paid for such improvements;
  c. All of the lots within the proposed subdivision have approved access and existing adequate improvements and utilities;
  d. The proposed subdivision includes a maximum of two (2) lots which will be developed for commercial, industrial, or multifamily uses, and all of the lots within the subdivision have approved access and existing adequate improvements and utilities; or
  e. The proposed subdivision relates solely to roadways, provided that code requirements for construction drawings and a final plat materials are otherwise fulfilled.


Sec. 27-153.2.25. Affordable housing subdivisions.

Exceptions to the requirements of these procedures may be made for subdivisions which have been certified by the city as affordable housing subdivisions and have been underwritten through
the Mayor's Challenge Fund or other bona fide housing programs administered through the community redevelopment agency as follows:

(a) Affordable housing subdivisions may be exempt from the requirements of installing a stormwater retention/detention facility located within a common area and establishing a homeowners association which addresses stormwater requirements if:

1. A subdivision is certified by the City of Tampa as affordable housing project and is so recorded on the final plat;
2. The subdivision is comprised of less than ten (10) platted lots;
3. The subdivision is not located in a stormwater management redline area;
4. The subdivision is not located in a volume sensitive basin; and
5. The subdivision would not be contributory to an identified flooding problem.

(b) Affordable housing subdivisions may also be exempt from subdivision technical requirements if the project incorporates or is an innovative design.

(c) The developer shall not be required to provide defect security upon the final acceptance of all required improvements by the city.

(d) Affordable housing subdivisions may be eligible for express subdivision review.

Sec. 27-153.2.26. Electronic data.

Developers are encouraged to provide the required subdivision documentation in an electronic data form pursuant to the criteria listed below.

(a) The following basic requirements apply in any case in which electronic data is submitted:

1. Drawing files must be submitted in AUTOCAD.dwg format or in the form of .DXF files;
2. Each electronic file must be supplied on a three and one-half (3½) inch disk;
3. Each disk must be clearly labeled with the name of the electronic file stored on the disk;
4. File compression through PKZIP is permitted provided that, if extraction by PKUNZIP is used, then the compressed files must have an extension of .ZIP; and
5. Each drawing must be made in decimal units at a scale of one equals one (1=1), and must have a line scale of forty (40).

(b) Electronic files must conform to the following layer formats:

<table>
<thead>
<tr>
<th>LAYER NAME</th>
<th>COLOR</th>
<th>LINETYPE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>7 (WHITE)</td>
<td>CONTINUOUS</td>
<td>BORDER, TITLE, NORTH ARROW</td>
</tr>
<tr>
<td>SECTL</td>
<td>1 (RED)</td>
<td>PHANTOM</td>
<td>SECTION &amp; MID-SECTION</td>
</tr>
<tr>
<td>BORTEXT</td>
<td>7 (WHITE)</td>
<td>CONTINUOUS</td>
<td>TEXT (WITHIN TITLEBOX)</td>
</tr>
<tr>
<td>ROW</td>
<td>7 (WHITE)</td>
<td>CONTINUOUS</td>
<td>RIGHT OF WAY LINES</td>
</tr>
<tr>
<td>SHORE</td>
<td>5 (BLUE)</td>
<td>CONTINUOUS</td>
<td>SHORELINE, RIVER EDGE, LAKE</td>
</tr>
<tr>
<td>LOT</td>
<td>3 (GREEN)</td>
<td>CONTINUOUS</td>
<td>LOT LINES</td>
</tr>
<tr>
<td>LOTNUM</td>
<td>4 (CYAN)</td>
<td>CONTINUOUS</td>
<td>LOT NUMBERS</td>
</tr>
<tr>
<td>SECNUM</td>
<td>1 (RED)</td>
<td>CONTINUOUS</td>
<td>ADJOINING SECTION NUMBERS</td>
</tr>
<tr>
<td>BLOCKNUM</td>
<td>7 (WHITE)</td>
<td>CONTINUOUS</td>
<td>BLOCK NUMBERS</td>
</tr>
<tr>
<td>SUBNAME</td>
<td>7 (WHITE)</td>
<td>CONTINUOUS</td>
<td>SUBDIVISION NAME</td>
</tr>
</tbody>
</table>
(c) All text must be provided in Standard Font, based upon the scale of one (1) inch equaling two hundred (200) feet (1″ = 200′), as noted below:

| Dimensions | = 15′ |
| Lot numbers | = 15′ |
| Block numbers | = 30′ |
| Street names | = 15′ |
| Easements | = 15′ |
| Dedication language | = 20′ |
| Description | = 20′ |
| Subdivision name | = 50′/100′ |
| General notes | = 15′ |

(Ord. No. 96-241, § 30, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3. Fee Authority and Types; Permits; Inspections

Sec. 27-153.3. Fees—City council to establish.

The city council shall have the authority to set fees by resolution.

(Ord. No. 89-261, § 2(35-71), 10-12-89; Ord. No. 96-241, § 32, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.1. Same—Types enumerated.

Fees may be charged for the following:

(1) Plans examination;

(2) Recording fees;

(3) Reproduction of mylars; and

(4) Resubmittal fee.

(Ord. No. 89-261, § 2(35-72), 10-12-89; Ord. No. 96-241, § 32, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.2. Land alteration prior to construction drawing approval.

(a) Upon submission of a preliminary plat and submission and approval of all necessary site clearing and drainage and earthwork permits, land alteration may commence to conduct excavation for improvements and temporary stockpiling. A land alteration plan shall be submitted and may include property outside of the preliminary plat but within the master planned project.

(b) The land alteration plan shall include the following:

(1) Legal description of the entire area to be altered;

(2) Total acreage of the entire area to be altered;

(3) Approximate location of trees or tree groupings, ponds, lakes and watercourses and other significant natural features. Locations may be by reference to aerial photo-
graphs at a scale of one (1) inch equals one hundred (100) feet, unless otherwise approved by the city;

(4) Location of temporary stockpiles and erosion control devices to be utilized on stockpiles;

(5) Approximate location and gross acreage of all wetlands and jurisdictional areas proposed and environmental protective devices to be utilized;

(6) General location of planned streets, haul roads and other public or common areas; and

(7) Drainage and earthwork plan (at a scale of one (1) inch equals two hundred (200) feet, unless otherwise approved by the city), including location and approximate dimensions of cut and fill volumes.

(c) Land alteration undertaken prior to approval of construction drawings is done at the sole risk of the developer, irrespective of permit issuance by the city. Review and approval of preliminary plats and construction drawings shall not take into consideration land alteration which commenced, under this section, prior to approval of construction drawings. The city may require that land be returned to its original state or that other remedies be effected by the developer, if land alteration conducted under this section does not conform to subsequently approved construction drawings.

(Ord. No. 89-261, § 2(35-74), 10-12-89; Ord. No. 96-241, § 33, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Cross reference—Model dwelling units and preconstruction sales offices in certain zoning districts, § 27-282.2.

Sec. 27-153.3.3. Model homes/sales centers.

Following approval of construction drawings and subject to the requirements and limitations of section 27-282.2 of the zoning chapter and all requirements listed below, building permits for model homes/sales centers may be issued.

(a) All model homes/sales centers shall be constructed and located in such manner as to comply with all requirements of this Code and all other applicable laws, including adequate water and sewer service.

(b) All homes shall be provided with adequate access to an approved and constructed street by completion of their construction and so situated to minimize pedestrian or vehicular traffic through areas of ongoing construction activity. This shall occur prior to the issuance of a certificate of occupancy.

(c) No more than fifteen (15) percent of all lots or units or a maximum of fifteen (15) units, whichever is less, in each plat may be permitted as model homes or sales centers. A subdivision proposing ten (10) units or less or lots on a plat may be permitted for one (1) model home or sales center.

(Ord. No. 89-261, § 2(35-74), 10-12-89; Ord. No. 96-241, § 33, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.4. Inspections; approval of private improvements; acceptance of public improvements.

(a) Inspections; as-built drawings; test reports. The installation of all improvements shall be subject at all times to inspection by the city. The developer shall employ a state-registered engineer to observe the work during construction to ensure compliance with approved plans. Upon completion, the engineer of record shall certify that the improvements have been installed and completed in accordance with approved construction drawings. Further, the developer shall submit to the city all required test reports, and the required number of copies of high quality, reproducible Mylar as-built drawings prepared to specifications of the city and certified by the engineer of record, showing the actual installation of all improvements.

(b) Approval of private improvements. Upon satisfactory final inspection of any private improvements, receipt of as-built drawings and required test reports, the city shall approve all such improvements. Such approval shall be evidenced by a written or stamped approval of improve-
ments executed by appropriate city departments. Maintenance of such private improvements remains the sole responsibility of the developer.

(c) Acceptance of public improvements.

(1) Upon satisfactory final inspection of any public improvements, such improvements may be approved by the city. Approval of such improvements does not imply acceptance for maintenance by the city.

(2) Upon satisfactory final inspection of any public improvements, acceptance of as-built drawings and required test reports, the city shall accept responsibility for the maintenance of such improvements, provided that such improvements are on land which the city owns or for which it has accepted an offer of dedication or easement. Such acceptance shall be evidenced by a written or stamped acceptance of improvements executed by appropriate city departments. Unless and until the city acquires such interests, maintenance of such improvements shall remain the sole responsibility of the developer.

(Ord. No. 89-261, § 2(35-75), 10-12-89; Ord. No. 96-241, § 34, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 3, 4, 5-16-2013)

Cross reference—Inspections generally, § 1-27.

Subdivision 2. Sanctions; Appeals; Boards

Subdivision 2.1. Generally

Secs. 27-154.1—27-154.1.10. Reserved.

Subdivision 2.2. Action Authorized to Mitigate Violations

Sec. 27-154.2. Stop work and emergency orders.

Upon notice from the subdivision coordinator, work on any system that is being done contrary to the provisions of these procedures or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, the owner’s agent or the person doing the work or posted at the job site and shall state the conditions under which work may be resumed. Where an emergency exists, oral notice by the subdivision coordinator shall be sufficient to require the stoppage of work.

(Ord. No. 89-261, § 2(35-91), 10-12-89; Ord. No. 96-241, § 34, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 3, 4, 5-16-2013)

Secs. 27-154.2.1—27-154.2.10. Reserved.


Subdivision 3.1. Authority to Establish/Publish Technical Standards

Sec. 27-155.1. Technical standards may be established.

The subdivision coordinator may establish technical standards setting forth: administrative guidelines governing the enforcement of these procedures; requirements not specifically addressed in these procedures but necessary to the effective pursuit of the purpose of these procedures; and any other information needed for the uniform and orderly administration of these procedures. Such standards are to be published in a technical manual, which manual shall be on file in the office of the city clerk at least seven (7) days prior to adoption thereof and shall be made available to the public for inspection and for duplication at cost.


Cross reference—Requirements not covered by Code may be required by the official, § 1-17.

Secs. 27-155.1.1—27-155.1.10. Reserved.

Subdivision 3.2. Adoption of Standards by Reference

Sec. 27-155.2. Technical standards adopted.

The technical manuals and standards set forth and adopted for sanitary sewers (wastewater) transportation, water, site clearing, tree removal and landscape, and stormwater management,
which are on file in the office of the city clerk, are herein adopted by reference and, therefore, have the force and effect of law.

(Ord. No. 89-261, § 2(35-136), 10-12-89; Ord. No. 90-23, § 1, 2-8-90; Ord. No. 96-241, § 36, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Secs. 27-155.2.1—27-155.2.10. Reserved.

Subdivision 3.3. Specific Technical Requirements

Sec. 27-155.3. General requirements.

No subdivision plat shall be approved under the provision of these procedures unless the subdivision satisfies the following standards and requirements:

(a) **Consistency with the comprehensive plan.** All proposed subdivisions shall be consistent with the comprehensive plan adopted by the city.

(b) **Conformance with applicable regulations.** All subdivisions shall be designed and constructed in conformance with all requirements of these procedures, this Code and all other federal, state and city laws and regulations applicable to the subdivision, development and the sale of land.

(c) **Flood protection.** No subdivision or part thereof shall be approved unless it conforms with all minimum requirements of Chapter 5, Section 5-111, flood damage control technical requirements, of this Code.

(d) **Floor elevations.** Subject to limitations in subsection (c) above, all building floor elevations for living space shall be a minimum of one and one-half (1 1/2) feet above the elevation of the center of the street pavement or street surface adjacent to the building, unless an exception is approved by the department of public works, and the site shall be graded to provide adequate drainage.

(Ord. No. 89-261, § 2(35-141), 10-12-89; Ord. No. 96-241, § 37, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)

Sec. 27-155.3.1. Improvements required; minimum design and construction standards.

(a) **Improvements required.** In addition to other requirements of these procedures, all subdivisions shall include certain improvements or facilities which are designed and constructed to comply with minimum standards of the city. The adequacy and availability of these public or private facilities shall be considered in reviewing such plats and shall include, but not be limited to:

(1) Streets, emergency access and other traffic circulation improvements;

(2) Sidewalks and other pedestrian circulation improvements;

(3) Street signs, lighting and pavement markings;

(4) Water;

(5) Sanitary sewer;

(6) Storm sewers and drainage system components;

(7) Environmental/conservation areas; and

(8) Survey monuments.

(b) **Minimum design and construction standards.** All subdivision improvements shall be designed and constructed to conform to or exceed the city's design and materials criteria, standards and specifications set forth in the city's technical manuals. These manuals shall be periodically updated as necessary to reflect changes and additions to the criteria, standards and specifications.

(c) **Additional improvements.** Where appropriate, the following shall be provided in accordance with the requirements of the city:

(1) Emergency services;

(2) Sanitation service;

(3) Education sites; and

(4) Recreation areas.

(Ord. No. 89-261, § 2(35-142), 10-12-89; Ord. No. 96-241, § 38, 10-31-96; Ord. No. 96-241, § 38, 10-31-96; Ord. No. 2013-67, §§ 1(Exh. A), 4, 5-16-2013)
Sec. 27-153.3.2. Private street, drainage and other improvements.

Should the developer wish to plat the subdivision with privately owned and maintained street, drainage and other improvements, the following requirements shall apply:

(a) The preliminary and final plats must indicate that both the street and drainage rights-of-way are to be privately owned and maintained. Ownership and maintenance responsibilities for these improvements must be the sole responsibility of the subdivision property owners association.

(b) All street and drainage rights-of-way within the subdivision are to be shown on the final plat as common areas dedicated to the property owners association of the subdivision for ownership and maintenance. Such dedication must include the right of ingress and egress, as well as contain a utility easement for the installation and maintenance of all utility lines serving the subdivision. If off-site drainage is to be routed through areas or easements within the subdivision, a drainage flow-through easement over such streets, areas or easements shall also be dedicated to the city to allow for emergency maintenance of drainage facilities.

(c) All minimum design, construction and material standards of these procedures and the city departments must be met. Departmental standards for public and private improvements may vary.

(d) All utilities, i.e., electricity, gas, etc., serving the subdivision must be owned and maintained by the respective utility company up to the meter or outside edge of the adjacent public right-of-way, as appropriate. All utilities must be kept within the street right-of-way lines whenever possible.

(e) All private improvements within the road and drainage rights-of-way are to be owned and maintained by the subdivision property owners association or community development district.

(f) Prior to final plat application, the developer shall have prepared a property owners association document that contains the following requirements as a minimum:

1. Membership in the association must be mandatory for all lot owners;
2. A declaration that all improvements within the road and drainage rights-of-way within the subdivision, other than those owned by a private or public utility, are to be owned, maintained, repaired and replaced by and at the expense of the lot owners, not by the city; and
3. A funding mechanism to ensure that maintenance, repair and replacement costs are available must be established. The funding mechanism must be mandatory for all lot owners and include a sinking fund provision for replacement of all private improvements including, but not limited to, private roads, sidewalks, storm sewers, water and sanitary sewer systems.

(Ord. No. 89-261, § 2(35-143), 10-12-89; Ord. No. 96-241, § 39, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.3. Streets.

(a) Access to public streets. Every subdivision and lot within a subdivision shall immediately touch, adjoin and abut an approved private street, an approved access easement or a street dedicated to the public which has been accepted for maintenance by the city.

(b) Relation to adjoining and/or proposed street system. The arrangement of streets in new subdivisions shall make provision for the continuation of existing principal streets from adjoining areas or for their proper projection where adjoining land is not subdivided. Where street extensions into adjacent undeveloped land are necessary to ensure a coordinated street system, provision for
such future streets shall be made. Where a sub-
division abuts or contains an existing or proposed
arterial street, it may be required that the follow-
ing be provided: marginal access street, screen
planting, deeper lots or other such treatment as
may be necessary for adequate protection of res-
didential properties and to afford separation of
through and local traffic. Unless specifically re-
quired by the city, all screening plantings and
buffers shall be contained on individual lots or
within privately owned easements and shall not
be the responsibility of the city for maintenance.

(c) Improvements within rights-of-way. No walls,
fences, gates, signs or other obstructions shall be
constructed or placed within the right-of-way un-
less otherwise approved by the department of
public works. Some existing trees may be allowed
to remain and others planted, if approved by the
department of public works and the department,
when in accordance with all city plans, programs
and regulations.

(d) Street names. New streets which are extensions of or in alignment with existing streets shall bear
the name of the existing street. The street names "boulevard" and "parkway" shall be reserved for special
designations of arterial streets which hold special historical or geographic importance. All others shall be
named in the following manner:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Long</th>
<th>Short*</th>
</tr>
</thead>
<tbody>
<tr>
<td>North and south</td>
<td>Streets</td>
<td>Places</td>
</tr>
<tr>
<td>East and west</td>
<td>Avenues</td>
<td>Courts</td>
</tr>
<tr>
<td>Diagonal</td>
<td>Roads</td>
<td>Ways</td>
</tr>
<tr>
<td>Curving</td>
<td>Drives</td>
<td>Lanes or circles</td>
</tr>
</tbody>
</table>

*Less than 1,000 feet.

Street names shall be approved by the depart-
ment, and in no case shall a name for a proposed
street duplicate an existing street name, irrespec-
tive of whether the street is further described as
an avenue, boulevard, driveway, place or court.
(Ord. No. 89-261, § 2(35-144), 10-12-89; Ord. No.
96-241, § 40, 10-31-96; Ord. No. 96-241, § 40,
10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-
2013)

Sec. 27-153.3.4. Sidewalks.

(a) A master sidewalk plan shall be designed
for ease of pedestrian movement throughout the
subdivision and to existing streets adjacent to the
subdivision in conformance with the standards
established by the department of public works.

(b) Sidewalk handicapped ramps, designed to
city specifications, shall be provided at all inter-
sections when possible.

(c) Sidewalks within residential or commercial
subdivisions are required improvements and do
not require performance security. The developer
shall install the sidewalks and obtain city ap-
proval before the city may issue any certificates of
occupancy for structures within the subdivision.
Sidewalks associated solely with roadways must
be bonded or constructed prior to final plat ap-
proval.
(Ord. No. 89-261, § 2(35-145), 10-12-89; Ord. No.
96-241, § 41, 10-31-96; Ord. No. 96-241, § 41,
10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-
2013)

Sec. 27-153.3.5. Streetlights.

(a) The developer shall be required, as a con-
dition of his subdivision plat approval, to provide
street lighting meeting the standards established
by the department of public works and establish
the funding mechanism.

(b) The developer shall install underground
wiring unless the area is determined by the
department of public works to be an existing
overhead wiring area. Poles must meet the spec-
fications of the department of public works and
Tampa Electric Company for lighting along public
rights-of-way. Specifications for poles along private rights-of-way must also be approved by the department of public works.

(c) The developer or an existing neighborhood or commercial area may make an up-front lump sum payment, bond the cost or request that the city or CDD levy a special assessment for the cost of streetlights.

(1) **Lump sum and bonded payment.** The lump sum payment or bond shall be due to the city during the final plat process. The lump sum payment or bond shall cover the base facility charge for twenty (20) years (the average life of the lighting system).

   a. **Streetlight formula.** The streetlight formula employed by the city to determine the lump sum payment or the amount of the bond is as follows:

   
   \[(\text{Base facility charge} + \text{pro rata share of franchise fee}) \times \text{number of locations} \times 12 \text{ months} \times 20 \text{ years}\]

   b. **Streetlights on public rights-of-way.** The following shall apply to streetlights installed on public rights-of-way:

   1. **Payment.** The developer may either
      
      i. pay the lump sum amount pursuant to the streetlight formula, or
      
      ii. post a performance bond to insure that the lump sum will be paid in the future.

   2. The developer’s streetlight cost shall include the equipment, material and installation costs (base facility charge).

   3. The city shall pay the fuel, energy and maintenance costs. The city shall contract with TECO to install the streetlights and pay the entire TECO monthly bill.

c. **Streetlights on private rights-of-way.** The following shall apply to streetlights installed on private rights-of-way:

   1. **Payment.** The developer may either
      
      i. post a performance bond using the streetlight formula as, or
      
      ii. provide the city with a copy of an executed agreement with the company which will install the streetlights. The agreement must be approved by the city attorney’s office and the department of public works.

   d. If a developer chooses to bond the streetlight cost, the bond shall not be extended if one-third (\(\frac{1}{3}\)) or more of the total number of units in the subdivision have received a certificate of occupancy.

(2) **Special assessment.** A developer or an existing neighborhood or commercial area of any subdivision may apply at the final plat submission to the city for a special assessment to be levied against the lots in the subdivision for the full amount of the streetlight costs on public rights-of-way in the subdivision including all administrative expenses associated with the special assessment on a yearly basis.

   a. **Public hearing to establish.** After public notice city council shall hold a public hearing to establish a special assessment program for the area in the application.

   b. **Levy.** The special assessment shall be levied by the city pursuant to F.S. § 197.3632, the Uniform Method for the Levy, Collection, and Enforcement of Non-ad Valorem Assessments.

   c. **Interim costs.** At the final plat submission between the date of final plat approval and the inclusion of the subdivision or area in the special
assessment program, the developer shall contract directly with TECO for the installation of the streetlights and payment of the streetlight costs until the date the special assessment is effective.

d. Assessments. The special assessments shall be divided into master improvement streetlights and local streetlights and shall be levied according to the benefit provided by the streetlights to each lot. The benefit to each lot shall be determined by the size of each lot. Lots of the same approximate size in a subdivision shall be subject to the same rate(s). City council shall determine if the lots in a subdivision are of the same approximate size; provided, however lots which are of the same approximate size shall not vary more than one thousand five hundred (1,500) square feet in size. The special assessment shall be based on the type of pole and fixture and all associated costs, including administrative costs.

(Ord. No. 89-261, § 2(35-146), 10-12-89; Ord. No. 91-89, § 22, 5-30-91; Ord. No. 96-241, § 42, 10-31-96; Ord. No. 99-177, § 1, 8-5-99; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.6. Blocks.

(a) Nonresidential block sizes. Blocks designed for other than residential use shall be of a shape and size as may be suitable for their prospective use.

(b) Residential block sizes. The width of any residential block shall be sufficient to allow two (2) tiers of lots of appropriate depth, except where lots abut directly upon an expressway, major arterial, lake, waterway or a land use other than residential. Proper buffering and/or additional lot depth of the residential lots shall be provided where lots abut major streets or nonresidential uses.

(c) Crosswalks. In blocks over one thousand two hundred (1,200) feet in length or where otherwise deemed necessary to pedestrian access to schools, local shopping centers and parks, rights-of-way for crosswalks, with a minimum width of ten (10) feet, shall be provided.

(Ord. No. 89-261, § 2(35-147), 10-12-89; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013)

Sec. 27-153.3.7. Easements.

(a) Drainage easements. Drainage easements shall be provided in accordance with the standards of the stormwater management division of the department of sanitary sewers.

(b) Utility easements. Utility easements shall be centered on rear or side lot lines where required. Easements shall be provided in accordance with city and utility company standards. Wherever utility easements are planned adjacent to the subdivision boundary, the full width necessary shall be provided within the proposed subdivision.

(c) Nonexclusive easements. Whenever possible, the city shall endeavor to allow nonexclusive easements for stormwater and utilities so that the utilities can be located in one (1) easement area.


Sec. 27-153.3.8. Lots.

(a) Double frontage. Lots having parallel double street frontage shall be avoided, except where essential to provide separation of residential development from railroad or arterial rights-of-way or nonresidential or other more intensive uses. In such cases, provision shall be made either for marginal access streets or for lots backing onto the rights-of-way. Lots backing and fronting upon rights-of-way shall have additional depth so that buffering may be provided.

(b) Lot lines. Whenever possible, lot lines shall intersect streets and each other at right angles, and in no case shall a lot have an interior angle of less than thirty (30) degrees.

(c) Lot size. All lots shall have dimensions which conform to the applicable zoning regulations of the city. All new subdivisions shall have corner lots which have a width at least ten (10) percent greater than the minimum width re-
quired in Chapter 27 of this Code. Replatting existing lots of record which can still meet building setbacks as required in Chapter 27 will not be required to meet this criteria. In cases where private water and/or sewerage systems are contemplated, lot sizes may be increased as required by the city or state regulations. All odd or leftover pieces of land shall be included within adjoining full lots.

(d) City limits and lot lines. Lots shall not be designated so as to be divided by the city’s boundary lines, except where unavoidable and upon approval of the city council.

(e) Lots with wells and/or septic tanks. If water and/or sewage disposal are to be provided by individual wells and/or septic tanks, respectively, then the final plat of the subdivision must be submitted to the appropriate state and local government agencies for their approval before approval of the final plat.

Ord. No. 89-261, § 2(35-149), 10-12-89; Ord. No. 91-89, § 24, 5-30-91; Ord. No. 96-241, § 44, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013

Sec. 27-153.3.9. Underground utilities.

Except when prohibited by the city, all utilities to be installed in the subdivision; including, but not limited to, those required for distribution lines, electric services, telephone, telegraph and CATV, shall be installed underground. Appurtenances, such as transformer boxes, pedestal-mounted terminal boxes and meter cabinets, may be placed aboveground.

Ord. No. 89-261, § 2(35-150), 10-12-89; Ord. No. 96-241, § 45, 10-31-96; Ord. No. 2013-67, § 1(Exh. A), 5-16-2013

Sec. 27-153.3.10. Permanent reference monuments and control points.

Permanent reference monuments and permanent control points shall be installed in accordance with the requirements and specifications of F.S. Ch. 177.

Ord. No. 89-261, § 2(35-151), 10-12-89

Sec. 27-153.3.11. Platting multiple unit structures.

The reconfiguring and platting of lots for multiple unit structures may be permitted. However, the total area of land to be platted will establish the entire subdivision as one (1) zoning lot. Therefore, individual lots within the zoning lot may not be separately developed unless the lot meets all applicable zoning requirements.


Secs. 27-154, 27-155. Reserved.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS AND DISTRICT REGULATIONS

DIVISION 1. GENERAL ZONING DISTRICTS

Sec. 27-156. Official schedule of district regulations.

(a) Schedule of statements of purpose and intent. The following array presents for the several districts the statements of purpose and intent applicable to each district.

(1) Single-family residential districts. Single-family districts provide for detached residential housing development on a variety of lot sizes in accordance with the Tampa Comprehensive Plan. Accessory uses, compatible related support uses for residential development and special uses are also permitted.

a. RS-150 residential single-family. This district provides areas primarily for low density single-family detached dwellings on spacious lots, wherein a property owner may obtain reasonable assurance of compatible development.

b. RS-100 residential single-family. This district provides areas primarily for low density single-family detached dwellings similar to those provided...
for in the RS-150 residential single-family district, but with smaller minimum lot size requirements.

c. RS-75 residential single-family. This district provides areas for primarily low density single-family detached dwellings similar to those provided for in the RS-150 and RS-100 residential single-family districts, but with smaller minimum lot size requirements.

d. RS-60 residential single-family. This district provides areas for primarily low density single-family detached dwellings similar to those provided for in the RS-150, RS-100 and RS-75 single-family districts, but with smaller minimum lot size requirements.

e. RS-50 residential single-family. This district provides areas for primarily low density single-family detached dwellings similar to those provided for in the RS-150, RS-100, RS-75 and RS-60 single-family districts, but with smaller minimum lot size requirements.

f. PD and PD-A planned development districts approved primarily for single-family residential uses.

(2) Multiple-family residential districts. The following multiple-family districts provide for residential development at a variety of densities in accordance with the Tampa Comprehensive Plan. Accessory uses, compatible related support uses to residential development and certain special uses are also permitted.

a. RM-12 residential multiple-family. This district provides primarily for low-medium density residential uses including single-family and two-family developments. Multiple-family development may be permitted through the special use permit procedure.

b. RM-16 residential multiple-family. This district provides primarily for low-medium density residential uses,
d. RM-24 residential multiple-family. This district provides primarily for medium density multiple-family residential development.

e. RM-35 residential multiple-family. This district provides primarily for medium-high density multiple-family residential development.

f. RM-50 residential multiple-family. This district provides primarily for high density multiple-family residential development.

g. RM-75 residential multiple-family. This district provides primarily for high density multiple-family residential development. Such high density residential structures shall be located in close proximity to regional shopping, employment and public transportation opportunities.

h. PD and PD-A planned development districts approved primarily for multiple-family residential uses.

(3) Office districts. Development of the following office and professional districts shall be in accordance with the Tampa Comprehensive Plan. They are intended to provide for a combination of office, institutional and residential uses, compatible special uses and compatible related support uses under the provisions of this chapter.

a. RO residential office. This district provides primarily for low density residential development and low-intensity office uses compatible with residential neighborhoods. The district permits conversion of residential structures or the construction of new structures for office and related use. In addition, this district may be used to provide a buffer between residential and more intensive commercial and office districts.

b. RO-1 residential office. This district provides primarily for low to low-medium density residential development and low-medium intensity office uses compatible with residential neighborhoods. This district would permit conversion of residential structures or the construction of new structures for office and related use.

c. OP office professional. This district provides primarily for institutional, professional and general office development of an intensity greater than the RO-1 residential office zoning district and less than the OP-1 office professional zoning district. This district shall be applied to land located along arterial and collector streets, as shown on the major street map.

d. OP-1 office professional. This district provides primarily for high intensity areas of institutional, professional and general office development. This district shall be applied in areas of the city where specific nodes of intense office development are appropriate. The district shall be applied to land located along arterial or collector streets, as shown on the major street map.

e. PD and PD-A planned development districts approved primarily for office uses.

(4) Commercial districts. The commercial districts provide for various retail sales, personal services, office and institutional uses, accessory uses as appropriate thereto and compatible supporting uses, as well as selected special uses, all at appropriate intensities and in locations in accordance with the Tampa Comprehensive Plan. Planned development districts (PD and PD-A), in accordance with the regulations of this chapter and in conformity with the Tampa Comprehensive Plan, are also permitted.

a. CN commercial-neighborhood. This district provides areas for limited retail and personal services in residential neighborhoods. This district shall be placed at appropriate locations to supply the daily service needs
of such neighborhoods and shall not be used to promote strip commercial development.

b. CG commercial-general. This district provides areas where a variety of retail and commercial service activities can be conducted compatible with surrounding uses and residential districts.

c. CI commercial-intensive. This district provides areas for intense commercial activity, permitting heavy commercial and service uses.

(5) Industrial districts. The industrial districts provide primarily for manufacturing, processing, assembly, warehousing and related uses at appropriate intensities and locations in accordance with the Tampa Comprehensive Plan. Performance standards are used to ensure compatibility with neighboring uses and districts. Planned development districts (PD and PD-A) are also permitted in appropriate locations in accordance with the Tampa Comprehensive Plan.

a. IG industrial-general. This district provides primarily for areas of light manufacturing, wholesaling, warehousing, assembly or product processing, heavy equipment and vehicular repairs and other light industrial uses. The industrial general district is established to provide areas for industry in locations, which are served by major transportation facilities and adequate utilities, but are not feasible nor highly desirable for heavier industrial development because of proximity to residential, recreational, commercial or related developments. The district is to permit development compatible with uses of residential property adjoining or surrounding the district, with suitable open spaces, landscaping and parking area, which emits limited noise, odors, or light which can be detected on surrounding land.

b. IH industrial-heavy. This district provides primarily for areas of intensive manufacturing and industrial uses in areas related to the Port of Tampa or other areas capable of supporting such uses. The industrial heavy district is established to provide areas for uses that can generate emissions and are not compatible with primary commercial, institutional, and residential uses.

(6) M-AP airport compatibility districts. The airport compatibility district is designed to promote the appropriate type and intensity of development of land uses on and surrounding an airport. The purpose of designating land and water areas in this district is to encourage development that is compatible with aircraft operation and to increase safety and limit population by maintaining a lower density of development and to promote and protect the utility of the airport. This district shall be applied to airport landing areas and to other surrounding areas in proximity to airport boundaries or operations. The M-AP airport compatibility district shall consist of four (4) subdistricts or sectors. The subdistricts are described as follows:

a. M-AP-1. Because these areas are most affected by aircraft traffic, the intensity of development in allowable heights of structures shall be at a level as to minimize population and eliminate hazards to aircraft operations.

b. M-AP-2. The height of structures and land use permitted in these areas are of low intensity to reduce population in proximity to the airport and its runways.

c. M-AP-3. The land uses, intensities and heights of structures are limited to those which, for safety purposes, reduce population in the path of aircraft approaching or departing on these runways.
d. M-AP-4. The land uses, intensities and heights of structures are designed to maintain the density of population for safety in areas surrounding the airport.

(7) Ybor City Historic District. The purpose of the Ybor City Historic District is to promote and preserve this historic district and its landmarks for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, sites, monuments, structures and other areas of historic interest or importance within the Ybor City area of the city; to safeguard the heritage of our city by preserving and regulating this district and its landmarks, which reflect elements of our cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of this district and the neighborhoods within it; to strengthen the city's economic base by the stimulation of the tourist industry; to establish, stabilize and improve property values; to foster economic development and manage growth. The Ybor City Historic District consists of the following nine (9) subdistricts:

a. YC-1 central commercial core. This subdistrict comprises the cultural, social, shopping and service heart of the Original Ybor City Historic District. The regulations are intended to preserve and enhance the touristic, cultural and economic functions by preserving its rich mixture of land uses, relatively modest intensity of development, low-rise structures and distinctive architecture.

b. YC-2 residential. This subdistrict comprises land devoted to residential development, including single-family and multi-family dwellings. The regulations are intended to preserve and conserve this predominately single-family and two-family housing form, and to encourage the development of vacant tracts suitable for residential uses.

c. YC-3 Hillsborough Community College. This subdistrict comprises land devoted to and designated for development as part of the Hillsborough Community College and supporting related uses.

d. YC-4 mixed use redevelopment. This subdistrict comprises mainly vacant land redesignated for neighborhood redevelopment which will support and enhance the tourists, cultural and economic functions of the Original Ybor City Historic district, providing an urban mixed use core coincident to the revitalization of the district's commercial core.

e. YC-5 general commercial. This subdistrict comprises land used and designated for retail and commercial service operations primarily to serve the residents of the immediate area.

f. YC-6 community commercial. This subdistrict comprises land devoted to general and intensive commercial uses located on the southern fringes of the historic district, and which will provide a transition into the industrial uses to the south and east.

g. YC-7 mixed use. The purpose of the YC-7 subdistrict is to allow the development of land uses that are consistent with the adopted future land use element of the Tampa Comprehensive Plan, encourage maximum land development opportunities that are well designed, provide for a balanced mixed use development, including residential, which while restricting the more intense commercial and industrial uses, contribute to the appropriate mix of land uses needed to ensure a viable economic base for the historic district.

h. YC-8 residential. The purpose of the YC-8 subdistrict is to allow the development of single family detached residential dwellings on relatively large lots in the Expanded Historic
District. The regulations are intended to preserve and conserve this predominately single-family housing form, and to encourage the development of vacant tracts suitable for residential uses.

i. **YC-9 site planned controlled.** The purpose of the YC-9 subdistrict is to allow the development of land uses that are in conformance with the adopted future land use element of the Tampa Comprehensive Plan while encouraging well-designed developments that:

1. Are characterized by unique conditions or situations which other zoning districts cannot accommodate including, but specifically not limited to unusual physical or environmental features, transportation, access, etc.; or

2. Include a mixture of appropriate land uses, which may not otherwise be permitted in other districts.

**(8) PP public parks.** This district is designed to identify and protect those publicly owned parcels used or proposed for park, recreation and open space use.

**(9) Central business district (CBD).** The purpose of the CBD district is to implement the goals of the Tampa Central Business District Land Use Policy Plan, a component of the future land use element of the 2015 comprehensive plan for the city. It is also the purpose of the central business district regulations to guide development design to establish the desired character of development for each of the twelve (12) CBD character districts identified in the CBD land use policy plan. The central business district consists of the following two (2) zoning subdistricts:

a. **CBD-1.** This zoning subdistrict is appropriate for CBD projects in areas with low- to mid-rise structures.

b. **CBD-2.** This zoning subdistrict is appropriate for CBD projects in areas with high-rise structures.

**(10) Planned development.**

a. **PD Planned Development.** The purpose of the planned development district (PD) is to allow the development of land uses that are in conformance with the adopted future land use element of the Tampa Comprehensive Plan while encouraging maximum land development opportunities and well-designed developments that:

1. Are characterized by unique conditions or situations which other zoning districts cannot accommodate including, but specifically not limited to unusual physical or environmental features, transportation, access, etc.; or

2. Include a mixture of appropriate land uses which may not otherwise be permitted in other districts.

b. **PD-A Planned Development Alternative.** The purpose of this alternative review process is to provide conceptual approval for planned development districts involving large-scale developments with a lengthy projected buildout time. The alternative review process allows flexibility within the parameters established by specific stated performance standards.

**(11) TQD Tampa Quality Development.** The TQD district is intended for limited and specialized use where the city has determined a mixed use project has unique characteristics, is of exceptional quality, is compatible with surrounding neighborhoods, is of substantial public benefit to the community, provides resources which reduce the need for public funds for low
and moderate income persons and supports central business district (CBD) uses but does not compete with them.

(12) **University-Community District (U-C).** The purpose of the University Community District shall be to provide for the appropriate development and arrangement of land uses for the University of South Florida and its associated land uses and to assure a development pattern which is compatible with university operations and to further encourage the grouping of those land uses having specific inter-relationships. The intent of the U-C District is to protect and promote the long-term stability of both the university and its accessory uses.

(13) **The Channel District.** The purpose and intent of the Channel District ("CD") is to provide for a growing mixed-use area which lies between and complements the Central Business District and the Ybor City Historic District. The CD provides for a variety of commercial, residential and industrial uses in conformance with the Tampa Comprehensive Plan and seeks to guide development design according to the desired maritime and warehouse character of development. The Channel District consists of the following three (3) zoning subdistricts:

a. **CD-1.** This zoning subdistrict is appropriate for a variety of residential and commercial projects with an urban and pedestrian development pattern.

b. **CD-2.** This zoning subdistrict is appropriate for a variety of intense commercial and industrial uses in the area between downtown, Ybor City and the Port of Tampa.

c. **CD-3.** This zoning subdistrict is appropriate for those uses or structures exceeding sixty (60) feet in height and deemed compatible with "The Channel District, A plan for the future"; and

(b) **Schedule of permitted uses by district.** Except as specifically provided in this chapter, regulations governing the use of land and structures within the various districts in the city shall be as shown in the schedule of permitted uses by district.

The M-AP districts, YC subdistricts, PD and PD-A districts, TQD district, CBD subdistricts and CD subdistricts are not shown in the following Table 4-1, Schedule of Permitted Uses by District. However, district regulations governing said districts and subdistricts are set forth in this chapter as follows:

- M-AP—Section 27-171
- YC—Article III, Division 2, Subdivision 2
- PD and PD-A—Article III, Division 3
- TQD—Article III, Division 3
- CBD—Article III, Division 2, Subdivision 3
- CD—Article III, Division 2, Subdivision 4

The use of land or structures that are not expressly listed in the schedule of permitted uses by district as permitted principal uses or permitted accessory uses are prohibited uses and shall not be established in that district.

Uses listed as permitted special uses may be established in that district only after approval of an application for a special use permit in accordance with the procedures and requirements in Article II, Division 5.
<p>| Uses                                  | RS-150 | RS-100 | RS-75 | RS-60 | RM-12 | EM-16 | EM-18 | RM-24 | RM-35 | RM-50 | RM-75 | RO  | RO-1 | OP | OP-1 | CN | CG | CI | IG | IH | PP | UC |
|--------------------------------------|--------|--------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-----|-----|----|-----|----|----|----|----|----|----|----|----|
| <strong>Use Group A</strong>                      |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |
| Bed and breakfast                    |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |
| Cemetery                             | S1     | S1     | S1    | S1    | S1    | S1    | S1    | S1    | S1    | X     | X     | X    | X    | X  | X   | X  | X  | X  | X  | X  | X  | X  |
| Congregate living facilities:        |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |
| Facilities of 6 or fewer residents² | X      | X      | X     | X     | X     | X     | X     | X     | X     | X     | X     | X   | X   |   |    |   |    |    |    |    |    |    |    |    |
| Small group care facility            | S1     | S1     | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1  | S1  |   |    |   |    |    |    |    |    |    |    |    |
| Large group care facility            |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
|                                      | S1     | S1     | S1    | S1    | S1    | S1    | S1    | S1    | X     | S1    | S1    | S1  | S1  |   |    |   |    |    |    |    |    |    |    |    |
| Dwelling, multiple-family            |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
|                                      | S1     | S1     | S1    | X     | X     | X     | X     | X     | X     | S1    | S1    | S1  | S1  | S1 | S1  | S1 | S1 | S1 | S1 | S1 | S1 | S1 |
| Dwelling, single-family, detached⁹  | X      | X      | X     | X     | X     | X     | X     | X     | X     | X     | S1    | S1    | S1  | S1  | S1 | S1  | S1 | S1 | S1 | S1 | S1 | S1 | S1 |
| Dwelling, single-family, semi-detached⁶ |       | X      | X      | X     | X     | X     | X     | X     | S1    | S1    | S1    | S1  | S1  | S1 | S1  | S1 | S1 | S1 | S1 | S1 | S1 | S1 |
| Dwelling, single-family, attached⁹  |       | X      | X      | X     | X     | X     | X     | S1    | S1    | S1    | S1    | S1  | S1  | S1 | S1  | S1 | S1 | S1 | S1 | S1 | S1 | S1 |
| Dwelling, two-family                 |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
|                                      | X      | X      | X     | X     | X     | X     | X     | X     | X     | X     | X     | S1  | S1  | S1 | S1  | S1 | S1 | S1 | S1 | S1 | S1 | S1 |
| Extended family residence            | S1     | S1     | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1  | S1  | S1 | S1  | S1 | S1 | S1 | S1 | S1 | S1 | S1 |
| Home occupation                      |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
|                                      | S1     | S1     | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1    | S1  | S1  | S1 | S1  | S1 | S1 | S1 | S1 | S1 | S1 | S1 |
| Private pleasure craft used as residence |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
|                                      | S2     | S2     | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2  | S2  | S2 | S2  | S2 | S2 | S2 | S2 | S2 | S2 | S2 |
| Professional residential facilities  |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
| Recovery Home A                      | S2     | S2     | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2  | S2  | S2 | S2  | S2 | S2 | S2 | S2 | S2 | S2 | S2 |
| Recovery Home B                      |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
|                                      | S2     | S2     | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2  | S2  | S2 | S2  | S2 | S2 | S2 | S2 | S2 | S2 | S2 |
| Residential treatment facility        |        |        |       |       |       |       |       |       |       |       |       |     |     |    |     |    |    |    |    |    |    |    |    |    |
|                                      | S2     | S2     | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2    | S2  | S2  | S2 | S2  | S2 | S2 | S2 | S2 | S2 | S2 | S2 |</p>
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*Legend: X—Permitted principal use S1—Special use—Zoning administrator review S2—Special use—City council review A—Permitted accessory use Blank—Prohibited use*

§ 27-156 TAMPA CODE

Supp. No. 82

2068
### Zoning and Land Development

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- S2—Special use—City council review
- A—Permitted accessory use
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<td></td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Warehouse, mini</td>
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<tr>
<td>Wine production, customized</td>
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</tr>
</tbody>
</table>

Notes:
1. See section 27-290 for accessory structure requirements.
2. See section 27-282.12 for buffering requirements for open storage.
3. In the RS and RM zoning districts, congregate living facilities of six (6) or fewer residents may not locate within a one-thousand-foot radius of each other.
5. See section 27-282.9 Single-family attached design standards., and section 27-282.11 Townhouse lot regulations.
6. The ability to establish a permitted use on a parcel of land is contingent on compliance with all land development regulations, including but not limited to concurrency, drainage, environmental regulations, and parking requirements.
7. See section 27-283.13(b) for special event parking regulations.
8. See section 27-283.13(a) for interim parking regulations.
9. Off-street parking is a permitted accessory use in this zoning district only in those instances when the criteria set forth in section 27-283.13(d) have been satisfied.
10. See section 27-282.17 for regulations applicable to temporary film production. Additionally, the section 271-30 buffer requirements shall not apply to this use.
11. See section 27-282.15 for specific criteria related to crematoriums as accessory uses.
12. See section 27-282.14 for supplemental regulations related to crematoriums as principal uses.
13. Temporary vendor sales may be considered for permit on parcels that are zoned or used for non-residential sales subject to section 27-132 criteria.
14. Refer to Articles II, Division 5 Special Use Permits and IX Alcoholic Beverages for applicable provisions.
15. A separate special use application process shall be required in order to make alcohol sales from this use classification, subject to the provisions in this chapter.
16. Requests for "R" classifications may process as an S1 administrative special use permit only when located within a large scale commercial development that contains 500,000 square feet or more in gross floor area (not including residential or office floor area).
17. The accessory dwelling unit use is limited to the area of the City North of Sligh Avenue, South of Waters Avenue, West of Boulevard, and East of Armenia Avenue.
18. Refer to Articles II, Division 5 Special Use Permits and IX Alcoholic Beverages for applicable provisions. Requests may process as an administrative special...
use permit (S-1) only when sales meet the specific use standards in section 27-132. If any waivers are needed, the request shall process as an (S-2).
19 Requests for Public Golf Course with alcoholic beverage sales shall adhere to the definition of “Alcoholic beverage classification: Beer, wine, liquor; Public Golf Course” contained in section 27-43.
20 Reserved.
21 Reserved.
22 Reserved.
23 Refer to section 27-282.21 for supplemental regulations related to this use.
24 Refer to section 27-282.22 for supplemental regulations related to this use.
25 Refer to section 27-282.20 for supplemental regulations related to this use.
26 Refer to section 27-164 for supplemental regulations.
27 Refer to Sec. 27-282.24 for applicable provisions.
28 Refer to Sec. 27-282.25 for applicable provisions.
29 Refer to Sec. 27-285.26 for applicable provisions.
30 Refer to Sec. 27-282.28 for applicable provisions.
(c) **Schedule of area, height, bulk and placement regulations.** Except as specifically provided in other sections of this chapter, regulations governing the minimum lot area and width, required front, side and rear yards, floor area ratio, height of structures, area of signs and related matters shall be as shown in the schedule of area, height, bulk and placement regulations.

The M-AP districts, YC subdistricts, PD and PD-A districts, CBD subdistricts, and CD subdistricts are not shown in the following Table 4-2, Schedule of Area, Height, Bulk and Placement Regulations. However, district regulations governing said districts and subdistricts are set forth in this chapter as follows:

**M-AP**—Section 27-171  
**YC**—Article III, Division 2, Subdivision 2  
**PD and PD-A**—Article III, Division 3  
**CBD**—Article III, Division 2, Subdivision 3  
**CD**—Article III, Division 2, Subdivision 4

**TABLE 4-2**  
**SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS**

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Area (sq. ft.)</th>
<th>Lot Size Width (ft.)</th>
<th>Dwelling Unit (sq. ft.)</th>
<th>Front</th>
<th>Side, 15, 16</th>
<th>Interior Lot/Corner Lot</th>
<th>Corner</th>
<th>Maximum FAR</th>
<th>Maximum Height (ft.²)</th>
</tr>
</thead>
<tbody>
<tr>
<td>RS-150</td>
<td>15,000</td>
<td>100</td>
<td>15,000</td>
<td>30</td>
<td>15</td>
<td>20/12</td>
<td>15</td>
<td>n/a</td>
<td>35</td>
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<tr>
<td>RS-100</td>
<td>10,000</td>
<td>100</td>
<td>10,000</td>
<td>25</td>
<td>7</td>
<td>20/12</td>
<td>15</td>
<td>n/a</td>
<td>35</td>
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<tr>
<td>RS-75</td>
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<td>75</td>
<td>7,500</td>
<td>25</td>
<td>7</td>
<td>20/12</td>
<td>15</td>
<td>n/a</td>
<td>35</td>
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<tr>
<td>RS-60</td>
<td>6,000</td>
<td>60</td>
<td>6,000</td>
<td>25</td>
<td>7</td>
<td>20/20</td>
<td>7</td>
<td>n/a</td>
<td>35</td>
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<tr>
<td>RS-50</td>
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<td>50</td>
<td>5,000</td>
<td>20</td>
<td>7</td>
<td>20/20</td>
<td>7</td>
<td>n/a</td>
<td>35</td>
</tr>
<tr>
<td>RM-12</td>
<td>5,000</td>
<td>50</td>
<td>3,630</td>
<td>25</td>
<td>7</td>
<td>15/15</td>
<td>7</td>
<td>n/a</td>
<td>35</td>
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<tr>
<td>RM-16</td>
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<td>50</td>
<td>2,723</td>
<td>25</td>
<td>7</td>
<td>15/15</td>
<td>7</td>
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<td>50</td>
<td>2,420</td>
<td>25</td>
<td>7</td>
<td>15/15</td>
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<tr>
<td>RM-24</td>
<td>5,000</td>
<td>50</td>
<td>1,815</td>
<td>25</td>
<td>7</td>
<td>20</td>
<td>7</td>
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<td>60²</td>
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<tr>
<td>RM-35</td>
<td>5,000</td>
<td>50</td>
<td>1,243</td>
<td>25</td>
<td>7</td>
<td>20</td>
<td>7</td>
<td>n/a</td>
<td>120³</td>
</tr>
<tr>
<td>RM-50</td>
<td>5,000</td>
<td>50</td>
<td>871</td>
<td>25</td>
<td>7</td>
<td>20</td>
<td>7</td>
<td>n/a</td>
<td>200³</td>
</tr>
<tr>
<td>RM-75</td>
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<td>50</td>
<td>580</td>
<td>25</td>
<td>7</td>
<td>20</td>
<td>7</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
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<td>7</td>
<td>20</td>
<td>15</td>
<td>0.35</td>
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<tr>
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<td>50</td>
<td>5,000</td>
<td>25</td>
<td>7</td>
<td>20</td>
<td>15</td>
<td>0.5</td>
<td>35</td>
</tr>
<tr>
<td>OP</td>
<td>10,000</td>
<td>60</td>
<td>1,815</td>
<td>25</td>
<td>10</td>
<td>20</td>
<td>25</td>
<td>1.0—1.5²</td>
<td>60²</td>
</tr>
<tr>
<td>OP-1</td>
<td>10,000</td>
<td>60</td>
<td>871</td>
<td>25</td>
<td>10</td>
<td>20</td>
<td>20</td>
<td>3.0—3.5³</td>
<td>200³</td>
</tr>
<tr>
<td>CN</td>
<td>5,000</td>
<td>60</td>
<td>2,500</td>
<td>20</td>
<td>10</td>
<td>10</td>
<td>20</td>
<td>0.35</td>
<td>35</td>
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<tr>
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<td>10,000</td>
<td>75</td>
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<td>10</td>
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<td>10</td>
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<td>100</td>
<td>n/a</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>1.0—1.5²</td>
<td>45²</td>
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<tr>
<td>IG</td>
<td>5,000</td>
<td>50</td>
<td>n/a</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>0.75</td>
<td>60</td>
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<tr>
<td>IH</td>
<td>5,000</td>
<td>50</td>
<td>n/a</td>
<td>10</td>
<td>0</td>
<td>0</td>
<td>10</td>
<td>0.75</td>
<td>n/a</td>
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<tr>
<td>U-C</td>
<td>1 acre⁴</td>
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<td>50</td>
<td>25</td>
<td>50</td>
<td>n/a</td>
<td>0.25</td>
<td>100¹¹</td>
</tr>
</tbody>
</table>

Notes:

1. Except where lesser height is specified by Hillsborough County Authority regulations.
2. For each foot of building height above thirty (30) feet, the required yards shall be increased by one (1) foot.
3. For each two (2) feet of building height over thirty (30) feet, the required front and corner yards shall be increased by one (1) foot, except that if the zoning lot is immediately adjacent to a residential zoning district, the rear and side yards shall also meet the setback noted above.

4. For each three (3) feet of building height above fifty (50) feet, the required yards shall be increased by one (1) foot.

5. For each four (4) feet of building height above thirty (30) feet, the required yards shall be increased by one (1) foot.

6. Places of assembly in the CG & CI districts may exceed the maximum permitted height provided that for every one (1) foot of height above forty-five (45) feet, all required yards shall be increased by one (1) foot.

7. The higher applies when fifty (50) percent of required off-street parking is provided within principal structure.

8. The structural edge of the vehicular entrance to the garage, carport or any vehicular storage area must be setback a minimum of eighteen (18) feet from the property line located adjacent to a street for a one-vehicle storage area and ten (10) feet for a two- or more vehicle storage area, provided that the visibility standards of section 27-283.5 are met. Alternative setbacks may be considered by the zoning administrator, or designee, for those structures that access alleys.

9. Public utility substations and structures in the U-C district shall be exempt from the minimum lot area requirements.

10. In the U-C district only, lot width shall be measured along the front property line.

11. For each foot of building height above thirty-five (35) feet, the required yards shall be increased by one (1) foot.

12. The required side yard setback in the CG district is reduced from 10 feet to 0 feet when the side property line abuts a non-residential zoning district.

13. Section 27-284, Buffers and screening may require additional setback for required buffer area.

14. The zoning administrator may approve a reduction or waiver of the required front yard or corner yard setback when the historical pattern of development on the subject block face is less than the current requirement. For properties in a National or Local Historic District or historic conservation overlay district, the zoning administrator shall consult with the appropriate historic district administrator to determine the appropriate front yard or corner yard setback for a parcel. Consideration shall be given to the existing setbacks on the blocks immediately adjacent to the subject property. At no time may the reduction or waiver exceed the average front setback of the two (2) adjacent properties. It will be the responsibility of the party requesting the waiver to provide a survey that identifies the existing setbacks on the adjacent properties. For the replacement of structures on properties located in a National or Local Historic District or historic conservation overlay district, the zoning administrator, after consultation with the appropriate historic district administrator, may approve a reduction or waiver of the required yard setbacks for a principal or accessory structure when such structures are being placed on the subject lot in conformity with the historical and precedent patterns of building setbacks for other similarly situated properties, and only when such replacement structures are being placed on the same building footprint and retain the same residential density or commercial intensity as the original structures.

15. RS-50 and RS-60 side yard setbacks may be altered without a variance for the sole purpose of off-setting the parking area when no garage or carport is provided within the front face of the structure, subject to the following requirements: (i) both side yards combined shall equal fourteen (14) feet; and, (ii) no one (1) side shall be reduced to less than five (5) feet. Additionally, any yard reduced to less than six (6) feet by this provision shall not be permitted to apply for an administrative variance.

16. Allow reduction to five-foot side yard, only when not adjacent to single-family use.

N/A. Not applicable.

(d) Minimum lot area and density factors. The following summary shows the district acronyms, the district names, the zoning lot area and density factors required by district. In order to determine density for residential use, the following formula shall be used:

<table>
<thead>
<tr>
<th>minimum lot area (sq. ft.)</th>
<th>=</th>
<th>total dwelling units</th>
</tr>
</thead>
<tbody>
<tr>
<td>density factor</td>
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<td></td>
</tr>
<tr>
<td>Residential districts</td>
<td>Minimum lot area (sq. ft.)</td>
<td>Density factors (sq. ft.)</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------------------</td>
<td>--------------------------</td>
</tr>
<tr>
<td><strong>Single-family districts</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RS-150 Residential Single-Family</td>
<td>15,000</td>
<td>1 d.u./zoning lot</td>
</tr>
<tr>
<td>RS-100 Residential Single-Family</td>
<td>10,000</td>
<td>1 d.u./zoning lot</td>
</tr>
<tr>
<td>RS-75 Residential Single-Family</td>
<td>7,500</td>
<td>1 d.u./zoning lot</td>
</tr>
<tr>
<td>RS-60 Residential Single-Family</td>
<td>6,000</td>
<td>1 d.u./zoning lot</td>
</tr>
<tr>
<td>RS-50 Residential Single-Family</td>
<td>5,000</td>
<td>1 d.u./zoning lot</td>
</tr>
<tr>
<td><strong>Multiple-family districts</strong></td>
<td></td>
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</tr>
<tr>
<td>RM-12 Residential Multiple-Family</td>
<td>5,000</td>
<td>3,630/d.u.</td>
</tr>
<tr>
<td>RM-16 Residential Multiple-Family</td>
<td>5,000</td>
<td>2,723/d.u.</td>
</tr>
<tr>
<td>RM-18 Residential Multiple-Family</td>
<td>5,000</td>
<td>2,420/d.u.</td>
</tr>
<tr>
<td>RM-24 Residential Multiple-Family</td>
<td>5,000</td>
<td>1,815/d.u.</td>
</tr>
<tr>
<td>RM-35 Residential Multiple-Family</td>
<td>5,000</td>
<td>1,243/d.u.</td>
</tr>
<tr>
<td>RM-50 Residential Multiple-Family</td>
<td>5,000</td>
<td>871/d.u.</td>
</tr>
<tr>
<td>RM-75 Residential Multiple-Family</td>
<td>5,000</td>
<td>580/d.u.</td>
</tr>
<tr>
<td><strong>Residential office districts</strong></td>
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<tr>
<td>RO Residential Office</td>
<td>5,000</td>
<td>5,000/d.u.</td>
</tr>
<tr>
<td>RO-1 Residential Office</td>
<td>5,000</td>
<td>2,723/d.u.</td>
</tr>
<tr>
<td><strong>Office districts</strong></td>
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</tr>
<tr>
<td>OP Office Professional</td>
<td>10,000</td>
<td>1,815/d.u.</td>
</tr>
<tr>
<td>OP-1 Office Professional</td>
<td>10,000</td>
<td>871/d.u.</td>
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<td><strong>Commercial districts</strong></td>
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<tr>
<td>CN Commercial-Neighborhood</td>
<td>5,000</td>
<td>2,500/d.u.</td>
</tr>
<tr>
<td>CG Commercial-General</td>
<td>10,000</td>
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<tr>
<td>CF Commercial-Intensive</td>
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<td><strong>Industrial districts</strong></td>
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<tr>
<td>IG Industrial-General</td>
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<tr>
<td>IH Industrial-Heavy</td>
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<td><strong>M-AP airport compatibility districts</strong></td>
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<td></td>
</tr>
<tr>
<td>M-AP 1</td>
<td>10,000</td>
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</tr>
<tr>
<td>M-AP 2</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>M-AP 3</td>
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<tr>
<td>M-AP 4</td>
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<tr>
<td>YC-1 Central Commercial Core</td>
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<td>YC-2 Residential</td>
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<tr>
<td>YC-3 Hillsborough Community College</td>
<td>6,650</td>
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### Residential districts

<table>
<thead>
<tr>
<th>District</th>
<th>Use</th>
<th>Minimum Lot Area (sq. ft.)</th>
<th>Density Factors (sq. ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>YC-4^2</td>
<td>Mixed Use Redevelopment</td>
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<tr>
<td>YC-5^2</td>
<td>General Commercial</td>
<td>4,700^1</td>
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<td>YC-6^2</td>
<td>Community Commercial</td>
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<td>YC-7^2</td>
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<td>YC-8^2</td>
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### Other districts

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<th>District</th>
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<tr>
<td>PD-A^2</td>
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<tr>
<td>TQD^2</td>
<td>Tampa Quality Development</td>
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<tr>
<td>CBD^2</td>
<td>Central Business District</td>
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<td>CD-1^2</td>
<td>Channel District-1</td>
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<td>580/du</td>
</tr>
<tr>
<td>CD-2^2</td>
<td>Channel District-2</td>
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<td>0</td>
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<tr>
<td>CD-3^2</td>
<td>Channel District-3</td>
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<td>580/du</td>
</tr>
</tbody>
</table>

Notes:
1. Development of single-family attached and semi-detached dwellings is permitted to have a minimum lot area of one thousand six hundred (1,600) square feet.
2. The maximum allowed density is governed by the Tampa Comprehensive Plan.

Sec. 27-157. Regulations encumbering land required to satisfy regulations.

No portion of a lot used in connection with an existing or proposed building, structure or use and necessary for compliance with the area, height and placement regulations of this chapter shall, through sale or otherwise, be used again as a part of the lot required in connection with any other building, structure or use.

Sec. 27-158. Height regulation generally.

(a) Excluded portions of structures. Except as specifically provided herein, the height limitations of this chapter shall not apply to any pent-houses or roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, chimneys or similar equipment required to operate and maintain the building (provided that such structures shall not cover more than twenty (20) percent of roof area), nor to place of religious assembly spires, steeples, belfries, cupolas, domes, monuments, widow’s walk or other accessible features, nor to water towers, skylights, flag poles, vents or similar structures and other similar architectural features which may be erected above the height limit, nor to fire or parapet walls, provided however that such walls shall not extend more than five (5) feet above the roof. Such features on fences/walls shall not extend more than one (1) foot above the maximum height, and shall have an eight-foot spacing between them.

(b) Aviation hazards. No building or other structure (regardless of exclusions set forth in subsection (a) above) shall be located in a manner or built to a height that constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards. In any area within the city, in addition to height limitations established by this chapter, limitations established by ordinance or by any ordinance amending or replacing such ordinance or by lawful federal, state or county aviation authority regulations shall apply to heights of buildings, structures or natural vegetation.

(c) Exemption for public safety equipment and towers. Communication equipment and towers owned and operated by governmental agencies
responsible for public safety (such as the city police and fire departments, county sheriff's office, and Federal Aviation Authority) shall be exempt from any height limitations found in this chapter.

Sec. 27-159. Permitted projections into required yards.

(a) *Front porch projection into the required front yard.*

(1) For residential development in the RS-50 Residential Single-Family and RM-Residential Multi-Family districts, a front porch may project into the required front yard no more than eight (8) feet provided the following conditions are met:

a. The porch is open on all sides except where it is attached to the principal structure. No permanent screening, lattice-work, banister, or other permanent, attached, visual obstruction shall be permitted except for decorative or safety purposes, not to exceed the minimum to meet building code safety code standards.

b. The zoning administrator shall encourage the construction and integration of residential front porches in the overlay districts; however, in no case shall the front porch project into a front setback block average porch as required by an established overlay district requirement or other block averaging technique.

c. A porch projecting into the required front yard shall be a maximum one-story porch. The maximum height of the eave above finish grade shall not exceed twelve (12) feet. If the finished floor of the residence is elevated for flood purposes, the porch may extend above the twelve (12) feet to remain on the same visual plane as the first floor of the residence, but must remain in proportion to said residence.

d. A porch shall be "additive" and not "incised" into the primary mass of the building. In other words, the porch needs to be a separate mass.

e. The proposed porch must be designed in keeping with the architectural style of the structure.

(2) For residential development in the RS-60 Residential Single-Family Zoning district, the zoning administrator may approve an alternative design exception to allow a front porch addition under the conditions stated in subsection (a)1. a.—f., per section 27-60 procedures for notice, provided the proposed porch is an addition to an existing building and the proposed addition of the porch is compatible with the buildings on adjacent properties in terms of size and mass.

(3) Within the RS-75, RS-100 and RS-150 Residential Single-Family Zoning districts, front porches are subject to comply with the required front building setback requirement of the underlying district.

(b) Architectural features including, but not limited, to cornices, eaves, gutters, flower boxes, bay windows, decorative molding and balconies, which are part of the structure or attached thereto, may project no more than three (3) feet into the required front, corner and rear yards. Within the side yard setback, the only architectural features permitted to encroach three (3) feet into the required setback are cornices, eaves, gutters and decorative molding. However, architectural features may not encroach into any setback reduced by a variance approval unless such encroachments were specifically approved as part of the variance request. Equipment, tanks, filters, stairways and enclosed floor space are not considered architectural features and, therefore, must meet principal structure setbacks, unless otherwise varied pursuant to other sections of this chapter.
Sec. 27-160. Special street setbacks.

(a) Regardless of any other provisions of this chapter relating to the establishment of yard or other setback lines, there shall be a setback line, as specified below, for any building or structure on property abutting any of the streets hereinafter named. No building or other structure shall be constructed or
moved nearer than the specified setback line, unless otherwise provided for in this Code. The special
street setback line shall be measured from the centerline of the existing right-of-way. Where adequate
right-of-way exists and where specific zoning district setbacks exist, then such zoning district setbacks
shall control.

(b) The planning and development department may authorize a waiver or reduction of the special
street setbacks as required below, after consultation with the traffic engineer, provided the following
regulations are met:

(1) The request for a waiver shall be in a form approved by the city and shall be signed by the
property owner.

(2) The applicant acknowledges and agrees that the waiver may be revoked at any time by the city;
upon revocation, the sign or structure shall be relocated to conform with this section or, if
relocation is not feasible, the sign or structure shall be removed at property owner's expense.

(3) Any waivers granted shall be presented to the building official prior to issuance of a permit.

(4) Any waiver granted hereunder shall not be construed as a waiver of any of the remaining setback
requirements contained in this Code.

(5) No funding has been approved for right-of-way acquisition for the street segment involved in the
request.

(6) The proposed development is designed to minimize encroachment into the special street setback.

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<th>Street</th>
<th>From</th>
<th>To</th>
<th>Setback From Centerline (feet)</th>
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Sec. 27-161. Lots, yards and measurements.

(a) Measurements of lot width and yards.

(1) Lot width. The width of a lot shall be measured at the rear of the required front yard and shall be maintained for a depth required to meet fifty (50) percent of the required minimum lot area; however, if the lot is a lot of record as of the adoption of this ordinance, then the width of the lot may be measured according to the regulations in effect at the time the lot was created. For those lots that do not meet the specific criteria set forth in the section, an application may be made for city council consideration through the rezoning process.

The intent of the minimum lot width provision is to maintain a reasonable distance between structures for the purposes of preservation of open space, adequate provision of air and light, reduction of fire dangers, limitation on density, and aesthetics. In consideration of the stated intent of said provision, a lot shall be deemed to be in violation of the minimum lot width requirement if said lot, while in technical compliance with the lot width measurement requirement, is inconsistent with or fails to achieve the aforementioned intent of the minimum lot width provision.

The following are circumstances when lot width may be in technical compliance with the lot width measurement requirement, but said lot width is inconsistent with the stated intent of the minimum lot width provision, and therefore will be deemed to be in violation of the minimum lot width provision:

a. Minimum lot width is achieved at the rear of the required front yard (width measurement point), and may also be achieved at some other point or points along the side lot line, but is not achieved along a substantial portion of the side lot line; and the lot lines or lot configuration is patently inconsistent with existing lot development in the area; or

b. A minimum amount of property is acquired or divided or separated from an adjacent lot simply to meet the minimum lot width requirement at the width measurement point, and may also be acquired or divided or separated at some other point or points along the side lot line, but is not acquired or divided or separated from an adjacent lot, along a substantial portion of the side lot line, and/or is not acquired or divided or separated to accommodate any development or structure; and the lot lines or lot configuration is patently inconsistent with existing lot development in the area; or

c. The lot lines are jogged or zig-zagged at the width measurement point, and may also be jogged or zig-zagged at some other point or points along the side lot line, but is not jogged or zig-zagged to accommodate any development or structure; and the lot lines or lot configuration is patently inconsistent with existing lot development in the area.

(2) Lot yards. Setback requirements for minimum yards shall be measured parallel to property lines and at a radius to any point.

If a nonconforming lot width or yard is created as a result of governmental acquisition of property, lot width and yards shall be measured from the property line location prior to acquisition.

(b) Measurement of yards on waterfront property. For lots with seawalls, the depth of a waterfront yard shall be measured perpendicular to the centerline of the seawall. For lots without seawalls, the waterfront yard shall be measured perpendicular to the waterside lot line or perpendicular to the mean high waterline, whichever is nearer to the principal structure on the same lot. The depth of a waterfront yard shall be determined by its location as a front, side or rear yard.
(c) **Lot area.** Lot area shall include all land within the legally described property boundaries. Lot area shall not include private or public streets or access easements; lot area may include any other utility easement, as determined by the zoning administrator. If a nonconforming lot width or yard is created as a result of governmental acquisition of property, lot width and yards shall be measured from the property line location prior to acquisition.

The intent of the minimum lot area provision is to maintain reasonable space on a lot for the purposes of preservation of open space, adequate provision of air and light, reduction of fire dangers, limitation on density, and aesthetics. In consideration of the stated intent of said provision, a lot shall be deemed to be in violation of the minimum lot area requirement if said lot, while in technical compliance with the lot area requirement, is inconsistent with or fails to achieve the aforementioned intent of the minimum lot area provision.

The following are circumstances when lot area may be in technical compliance with the lot area requirement, but said lot area is inconsistent with the stated intent of the provision, and therefore will be deemed to be in violation of the minimum lot area provision. If the zoning administrator finds (a), (b), (c), or (d) to be true, the property shall not be divided as presented:

a. Land area (property) is acquired, divided, or separated from an adjacent lot simply to meet the minimum lot area requirement for the proposed lot and one (1) or more of the lots created are oddly shaped, such as lots with a panhandle;

b. At the intersection of two (2) streets, a lot of record is divided in compliance with the minimum lot area but the lot depth is shallow and out of character with the surrounding neighborhood;

c. The lot lines or lot configuration is patently inconsistent with existing lot development in the area; or,

d. The lot lines are jogged or zig-zagged for the purpose of satisfying the minimum lot area requirement, which render the lot lines or lot configuration patently inconsistent with existing lot development in the area.

(d) **Types of lots.**

(1) **Corner lot** is a lot located at the intersection of two (2) or more streets (see Diagram 5-1).

(2) **Interior lot** is a lot abutting only one (1) street (see Diagram 5-1).

(3) **Through lot** is a lot other than a corner lot, with two (2) street frontages, where the streets are generally parallel to each other (see Diagram 5-1).

(e) **Determination of yards.**

(1) On corner lots with two (2) street frontages, the front yard shall be the shortest boundary adjacent to the street. The second lot line adjacent to a street shall be considered a corner yard as determined by the schedule of area, height, bulk and placement regulations.

(2) On corner lots with three (3) or more street frontages, there shall be two (2) front yards which are the two (2) shortest boundaries adjacent to the street and most nearly parallel to each other. The third and other street frontages shall be considered corner yards as determined by the schedule of area, height, bulk and placement regulations.

(3) Double front lots are lots with two (2) street frontages of equal length and where the abutting lot has their front yard along the common street.

(4) Through lots shall be considered to have two (2) front yards adjacent to the street and side yards perpendicular to the front yards. No rear yard shall be required for through lots. However, if adjacent properties have developed with a distinct rear yard, the zoning administrator may allow rear yard regulations to apply along one (1) of the streets.

(5) The address of a house or direction which the house faces shall have no effect on the yard regulations outlined above.
§ 27-161  TAMPA CODE

(6) On those corner lots where there is a clear established historical pattern of one (1) street having a front yard orientation that is contrary to subsections (1)—(3) above, the zoning administrator may allow development to follow that same historical pattern. The zoning administrator, in making this determination, shall consider the following:

a. The original subdivision plat design;

b. Existing structures on both the subject property and adjacent properties, with regard to their orientation toward the street(s); and

c. Whether the lot frontage involves unimproved street right-of-way.

d. The existing historical precedent with regard to curb cuts and right-of-way access to and from the lots on both the block on which the property is located and on adjacent blocks.
TYPES OF REGULAR LOTS
DIAGRAM 5-1

STREET

LEGEND
F - Front Yard
C - Corner Yard
S - Side Yard
R - Rear Yard

STREET

See Table of Height, Bulk & Placement Regulations for dimensional requirements

7/7/89
Rev. 9/10/90
MEASUREMENT OF LOT WIDTHS & YARDS

DIAGRAM 5-2

EXHIBIT B

REV. 3/1/86
Irregular Lots

Supp. No. 80

2087
Sec. 27-162. Yards between residential buildings.

(a) Yards between buildings shall be provided for single family detached, single family attached, single family semi-detached, two family and multi-family buildings, and hotels and motels.

(b) Calculation. Yard requirements for buildings or portions thereof containing dwelling or lodging units (as described in subsection (a) above) shall be based on horizontal length of walls and height. Distance between walls shall be at least the distance of the larger yard requirement (see Diagram 5-4).

(c) Definitions.

Front building yard means the yard adjacent to that wall of a building which contains the main exterior entrance to the lobby or to individual units (see Diagram 5-4).

Rear building yard means the yard adjacent to that wall of a building which is parallel to the front building wall or contains secondary exterior access.

Side building yards means all other yards that are not considered front or rear building yards.

(d) The minimum distance from walls to the building yard line shall be computed as follows:

Front and rear building yards:

\[ D = 6 + 2(H/11) + L/10 \]

Side building yards:

\[ D = 2 + H/11 + L/10 \]

Where D is depth of yard in feet, L is wall length in feet, and H is height in feet.

(e) Length of walls shall be measured as the horizontal distance from corner to corner of the building. Where walls in contiguous frontage are offset by angles or setbacks of six (6) feet or more, the length of each segment shall be measured separately. Where walls are of varying heights of one (1) story or more, each segment of varying height shall be measured separately. Length of walls of circular buildings shall be construed as the diameter of the building.

(f) Where buildings vary in height, the building yards shall be calculated based upon the portion of the building with the greatest height. Lower portions of buildings may extend into the yard required for upper portions.

Sec. 27-163. Setback requirements for construction within flood-prone areas.

No building or structure may be set, constructed, moved to or within the floodplain and drainage retention area (approximately sixty (60) acres located generally within the elevation 28.0 contour) as designated for the Curiosity Creek Drainage System and more specifically described as follows:

(1) The east one-half of Block 4 of the North Tampa Acreage in Section 13, Township 28 South, Range 18 East, of record in Plat Book 11, page 84, Public Records of Hillsborough County, Florida; containing approximately 199,850 square feet.

(2) The east one-half of Block 3 of North Tampa Acreage in Section 13, Township 28 South, Range 18 East, of record in Plat Book 11, page 84, Public Records of Hillsborough County, Florida; containing approximately 200,195 square feet.

(3) All of Lot 7 and the east one-half of Lots 3, 4, 5 and 6, all in Block 4 of W. E. Hamner's Forest Acres in Section 13, Township 28 South, Range 18 East, a subdivision of record in Plat Book 61, Page 44, Public Records of Hillsborough County, Florida; containing approximately 290,555 square feet.

(4) The west one-half of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, less and except Larue Grande Subdivision, of record in Plat Book 41, Page 66, Public Records of Hillsborough County, Florida, and the following described parcel of land:

Begin at the northwest corner of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, run easterly 520 feet, more or less,
along the northerly boundary of the west one-half of the northeast quarter of the northwest quarter of Section 13; thence southerly 340 feet, more or less; thence westerly 520 feet to the westerly boundary of the west one-half of the northeast quarter of the northwest quarter; thence northerly along the westerly boundary to the point of beginning; less existing rights-of-way;

And less a tract described as commencing at the southwest corner of the west one-half of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, Hillsborough County, Florida; run thence north 89 degrees 36 minutes 00 seconds east along the southerly boundary of the west one-half of the northeast quarter of the northwest quarter of such section a distance of 26.0 feet; thence north 00 degrees 00 minutes 00 seconds east (assumed bearing) 30.0 feet to the point of beginning; continue thence north 00 degrees 00 minutes 00 seconds east 175.00 feet to the southwest corner of Larue Grande Subdivision Unit 1, as recorded in Plat Book 41, Page 66 of the Public Records of Hillsborough County, Florida; thence north 89 degrees 36 minutes 00 seconds west 175.02 feet; thence southerly parallel to the westerly boundary 280.66 feet; thence easterly 150 feet; thence southerly 310 feet; thence easterly 180 feet; thence southerly 400 feet; thence westerly 330 feet; less existing right-of-way; containing approximately 178,500 square feet.

(6) A tract of land in the east one-half of the southeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, described as follows:
From the northwest corner of the east one-half of the southeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, run southerly along the westerly boundary of the east one-half of the southeast quarter of the northwest quarter of Section 13, a distance of 245 feet, more or less, to the point of beginning; thence easterly 100 feet; thence southerly parallel to the westerly boundary 380 feet; thence westerly 100 feet to a point on the westerly boundary; thence northerly along the westerly boundary to the point of beginning; containing approximately 38,000 square feet.

(7) The west one-half of the southeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, less existing right-of-way; containing approximately 877,800 square feet.

Sec. 27-164. RO, RO-1 and CN Districts Urban Design Criteria.
(a) Purpose. To provide districts which balance the need for nonresidential uses in infill areas while protecting the surrounding neighborhood.
and adjacent residences; and to recognize urban conditions and encourage rehabilitation of existing structures and redevelopment.

(b) Specific requirements: Urban design criteria. In keeping with the intent of this district which is, in part, to maintain neighborhood characteristics and scale, the zoning administrator shall review by and determine compliance with following urban design guidelines for the proposed development:

a. Facade: The building facade shall be consistent with the scale and architectural style of the surrounding neighborhood in terms of materials, texture and details, roof shape, orientation and proportion and rhythm of openings.

b. Signage: Freestanding signs shall be limited to ground signs not exceeding four (4) feet in height. Signage incorporated into the architectural design of the building shall not exceed the apex of the roof pitch.

c. Parking: Parking areas shall be designed to minimize negative affects on adjacent residences and surrounding neighborhood. Access shall be designed to discourage travel through the neighborhood. Parking spaces shall be located to maximize privacy and to minimize noise and lights upon adjacent residences.

(c) Previously approved RO, RO-1, and CN site plan zoning districts shall remain valid subject to section 27-138 and any substantial changes thereto require compliance with this article.

Sec. 27-171. District regulations for M-AP airport compatibility districts.

(a) The M-AP airport compatibility district shall consist of four (4) subdistricts or sectors. These subdistricts are described as follows:

M-AP-1. The airport and a subdistrict of the M-AP district that includes areas lying within the boundaries of the approach surfaces or zones to runways 9, 27, 18L, 18R, 36L and 36R at Tampa International Airport (identified by the symbol "NA" or "IA" on the officially adopted Hillsborough County Aviation Authority Zoning Map "A" and henceforth in this section referred to as "NA" or "IA") and lying within five thousand (5,000) feet of the threshold end of each above-mentioned runways. Because these areas are most affected by aircraft traffic, the intensity of development and allowable heights of structures shall be at such a level as to minimize population and eliminate hazards to aircraft operations.

M-AP-2. A subdistrict of the M-AP district that includes areas lying between the approach surfaces or zones for runways 18L and 18R and runways 36L and 36R at Tampa International Airport (identified as "IA") and within five thousand (5,000) feet of the nearest threshold end of an above-mentioned runway and those areas lying west of runway 18R-36L at Tampa International Airport to the west edge of the transitional surface of runway 18R-36L at Tampa International Airport (as shown on the officially adopted Hillsborough County Aviation Authority Zoning Map "A") beginning, at the south, at a point five thousand (5,000) feet from the threshold end of runway 36L and running to a point, at the north, five thousand (5,000) feet from the threshold end of runway 18R. The height of structures and land uses permitted in these areas are of low intensity that reduces population in proximity to the airport and its runways.
M-AP-3. A subdistrict of the M-AP district that includes lying within the boundaries of the approach surfaces or zones for runways 18L, 18R, 36L and 36R at Tampa International Airport (identified as "IA") and lying beyond five thousand (5,000) feet from the threshold end of the above-mentioned runways. The land uses, intensities and heights of structures are limited to those which, for safety purposes, reduce population in the path of aircraft approaching or departing on these runways.

M-AP-4. A subdistrict of the M-AP district that includes those areas of land not included in subdistricts M-AP-1, M-AP-2 or M-AP-3. The land uses, intensities and heights of structures are designed to maintain the density of population for safety in areas surrounding the airport.
# TABLE 4-3
SCHEDULE OF M-AP PERMITTED, ACCESSORY, AND SPECIAL USES, MAXIMUM FLOOR AREA RATIO AND MAXIMUM COVERAGE REGULATIONS BY DISTRICT

<table>
<thead>
<tr>
<th>Use Group B</th>
<th>M-AP 1</th>
<th>M-AP 2</th>
<th>M-AP 3</th>
<th>M-AP 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permitted Uses</td>
<td>Use</td>
<td>FAR Coverage (%)</td>
<td>Use</td>
<td>FAR Coverage (%)</td>
</tr>
<tr>
<td>Catering shops</td>
<td>X</td>
<td>.35</td>
<td>40%</td>
<td>X</td>
</tr>
<tr>
<td>Clinic</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Hotel/motel</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>X</td>
</tr>
<tr>
<td>School (college only)</td>
<td>Blank</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Use Group C</td>
<td>M-AP 1</td>
<td>M-AP 2</td>
<td>M-AP 3</td>
<td>M-AP 4</td>
</tr>
<tr>
<td>Permitted Uses</td>
<td>Use</td>
<td>FAR Coverage (%)</td>
<td>Use</td>
<td>FAR Coverage (%)</td>
</tr>
<tr>
<td>Adult day care</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>X</td>
</tr>
<tr>
<td>Airports</td>
<td>X</td>
<td>—</td>
<td>—</td>
<td>X</td>
</tr>
<tr>
<td>Airport-related uses</td>
<td>X</td>
<td>.5</td>
<td>60%</td>
<td>X</td>
</tr>
<tr>
<td>Other uses located on land owned by Hillsborough County Aviation Authority</td>
<td>S2</td>
<td>—</td>
<td>—</td>
<td>S2</td>
</tr>
<tr>
<td>Alcoholic beverage sales</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Convenience retail (package only)</td>
<td>S1/S2</td>
<td>.25</td>
<td>40%</td>
<td>S1/S2</td>
</tr>
<tr>
<td>Gasoline retail (package only)</td>
<td>S1/S2</td>
<td>.25</td>
<td>50%</td>
<td>S1/S2</td>
</tr>
<tr>
<td>Hotel w/100+rooms (on premises only)</td>
<td>S1/S2</td>
<td>.35</td>
<td>40%</td>
<td>—</td>
</tr>
<tr>
<td>Large venue (on premises/package)</td>
<td>S2</td>
<td>.25</td>
<td>40%</td>
<td>S2</td>
</tr>
<tr>
<td>Restaurant (on premises only)</td>
<td>S1/S2</td>
<td>.35</td>
<td>40%</td>
<td>—</td>
</tr>
<tr>
<td>Small venue (on premises/package)</td>
<td>S2</td>
<td>.25</td>
<td>40%</td>
<td>S2</td>
</tr>
<tr>
<td>Sidewalk café</td>
<td>S1</td>
<td>n/a</td>
<td>n/a</td>
<td>S1</td>
</tr>
<tr>
<td>Special restaurant (on premises only)</td>
<td>S1/S2</td>
<td>.35</td>
<td>40%</td>
<td>—</td>
</tr>
<tr>
<td>Specialty retail (package only)</td>
<td>S1/S2</td>
<td>.25</td>
<td>40%</td>
<td>S1/S2</td>
</tr>
<tr>
<td>Temporary (on premises only)</td>
<td>S1</td>
<td>n/a</td>
<td>n/a</td>
<td>—</td>
</tr>
</tbody>
</table>

*Legend:
X—Permitted principal use
S1—Special use—Zoning administrator review
S2—Special use—City council review
A—Permitted accessory use
Blank—Prohibited use
<table>
<thead>
<tr>
<th>Permitted Uses</th>
<th>M-AP 1</th>
<th>M-AP 2</th>
<th>M-AP 3</th>
<th>M-AP 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refrigerator repair</td>
<td>X .5</td>
<td>50%</td>
<td>X .5</td>
<td>50%</td>
</tr>
<tr>
<td>Bank</td>
<td>X .35</td>
<td>40%</td>
<td>X .35</td>
<td>40%</td>
</tr>
<tr>
<td>Bank, drive-in</td>
<td>X .35</td>
<td>40%</td>
<td>X .35</td>
<td>40%</td>
</tr>
<tr>
<td>Drive-in window</td>
<td>S1 —</td>
<td>—</td>
<td>S1 —</td>
<td>—</td>
</tr>
<tr>
<td>Heliport, helistop</td>
<td>— —</td>
<td>—</td>
<td>— —</td>
<td>—</td>
</tr>
<tr>
<td>Kennel, large</td>
<td>X .5</td>
<td>50%</td>
<td>X .5</td>
<td>50%</td>
</tr>
<tr>
<td>Kennel, small</td>
<td>X .35</td>
<td>50%</td>
<td>X .35</td>
<td>50%</td>
</tr>
<tr>
<td>Maintenance or storage facility</td>
<td>X 1.0</td>
<td>60%</td>
<td>X 1.5</td>
<td>60%</td>
</tr>
<tr>
<td>Manufacturing, heavy</td>
<td>X .5</td>
<td>60%</td>
<td>X 1.5</td>
<td>60%</td>
</tr>
<tr>
<td>Manufacturing, light</td>
<td>X .5</td>
<td>60%</td>
<td>X 1.5</td>
<td>60%</td>
</tr>
<tr>
<td>Marina</td>
<td>X .5</td>
<td>50%</td>
<td>X .5</td>
<td>50%</td>
</tr>
<tr>
<td>Office, business and professional</td>
<td>X .35</td>
<td>40%</td>
<td>X 1.5</td>
<td>60%</td>
</tr>
<tr>
<td>Office, medical</td>
<td>X .35</td>
<td>40%</td>
<td>X 1.5</td>
<td>60%</td>
</tr>
<tr>
<td>Parking, off-street, principal</td>
<td>S1 .5</td>
<td>—</td>
<td>S1 .5</td>
<td>—</td>
</tr>
<tr>
<td>Parking, off-street, accessory</td>
<td>A —</td>
<td>—</td>
<td>A —</td>
<td>—</td>
</tr>
<tr>
<td>Parking, temporary</td>
<td>S1 —</td>
<td>—</td>
<td>S1 —</td>
<td>—</td>
</tr>
<tr>
<td>Personal services</td>
<td>S1 .25</td>
<td>40%</td>
<td>S1 .25</td>
<td>40%</td>
</tr>
<tr>
<td>Printing, light</td>
<td>A —</td>
<td>—</td>
<td>A —</td>
<td>—</td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>X .5</td>
<td>60%</td>
<td>X .5</td>
<td>60%</td>
</tr>
<tr>
<td>Public service facility</td>
<td>X —</td>
<td>—</td>
<td>X —</td>
<td>—</td>
</tr>
<tr>
<td>Radio/TV studio</td>
<td>X .35</td>
<td>40%</td>
<td>X .35</td>
<td>40%</td>
</tr>
<tr>
<td>Radio/TV transmitter site</td>
<td>— —</td>
<td>—</td>
<td>— —</td>
<td>—</td>
</tr>
<tr>
<td>Research activity</td>
<td>X .35</td>
<td>40%</td>
<td>X 1.5</td>
<td>60%</td>
</tr>
<tr>
<td>Restaurant</td>
<td>— —</td>
<td>—</td>
<td>X .35</td>
<td>40%</td>
</tr>
<tr>
<td>Restaurant, drive-in</td>
<td>— —</td>
<td>—</td>
<td>X .35</td>
<td>40%</td>
</tr>
<tr>
<td>Retail sales, convenience goods</td>
<td>S1 .25</td>
<td>40%</td>
<td>S1 .25</td>
<td>40%</td>
</tr>
<tr>
<td>Retail sales, gasoline</td>
<td>S1 .25</td>
<td>50%</td>
<td>S1 .25</td>
<td>50%</td>
</tr>
<tr>
<td>Transportation service facility</td>
<td>— —</td>
<td>—</td>
<td>— —</td>
<td>—</td>
</tr>
<tr>
<td>Vehicle repair, major</td>
<td>X .25</td>
<td>50%</td>
<td>X .25</td>
<td>50%</td>
</tr>
<tr>
<td>Permitted Uses</td>
<td>M-AP 1 Use^1 FAR Coverage^2 (%)</td>
<td>M-AP 2 Use^1 FAR Coverage^2 (%)</td>
<td>M-AP 3 Use^1 FAR Coverage^2 (%)</td>
<td>M-AP 4 Use^1 FAR Coverage^2 (%)</td>
</tr>
<tr>
<td>-------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>Vehicle repair, minor</td>
<td>S1 .25 50%</td>
<td>S1 .25 50%</td>
<td>S1 .5 60%</td>
<td>S1 .5 60%</td>
</tr>
<tr>
<td>Vehicle sales and leasing</td>
<td>X .5 50%</td>
<td>X 1.5 60%</td>
<td>X 1.5 60%</td>
<td>X 1.5 60%</td>
</tr>
<tr>
<td>Veterinary office</td>
<td>X .35 40%</td>
<td>X .35 40%</td>
<td>X 1.5 60%</td>
<td>X 1.5 60%</td>
</tr>
<tr>
<td>Warehouse</td>
<td>X 1.0 60%</td>
<td>X 1.5 60%</td>
<td>X 1.5 75%</td>
<td>X 1.5 75%</td>
</tr>
<tr>
<td>Warehouse—Mini</td>
<td>X 1.0 60%</td>
<td>X 1.5 60%</td>
<td>X 1.5 75%</td>
<td>X 1.5 75%</td>
</tr>
<tr>
<td>Wholesale trade</td>
<td>X 1.0 60%</td>
<td>X 1.5 60%</td>
<td>X 1.5 75%</td>
<td>X 1.5 75%</td>
</tr>
</tbody>
</table>

1. Any use which emits light or smoke or which attracts birds, and is incompatible with normal airport operations or endangers public safety is prohibited notwithstanding its listing as a permitted, accessory or special use. In making the determination relating to incompatibility or endangerment, the zoning administrator may request the Hillsborough County Aviation Authority to review and comment regarding the same.

2. Coverage means maximum lot coverage of buildings.

3. Refer to Articles II, Division 5, Special Use Permits and IX Alcoholic Beverages for applicable provisions.

4. FAR and lot coverage is not applicable for the sidewalk café portion of the development. The principal use of the site shall adhere to the FAR and lot coverage percentages based on the underlying M-AP district.

5. FAR limits for alcoholic beverage sales in conjunction with another use on this table shall be limited to the maximum FAR listed for the other use.

6. Refer to Articles II, Division 5, Special Use Permits and XXII Alcoholic Beverages for applicable provisions. Requests may process as an administrative special use permit (S-1) only when sales meet the specific use standards in section 27-132. If any waivers are needed, the request shall process as an (S-2).

7. Refer to section 27-282.25 for applicable provisions.

8. Refer to section 27-282.26 for applicable provisions.
TABLE 4-4

(2) SCHEDULE OF MINIMUM LOT AREA, WIDTH, MAXIMUM HEIGHT AND REQUIRED YARDS

<table>
<thead>
<tr>
<th>District</th>
<th>Minimum Lot Area (square feet)</th>
<th>Minimum Lot Width (feet)</th>
<th>Required Yards</th>
<th>Maximum Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Front (feet)</td>
<td>Side (feet)</td>
</tr>
<tr>
<td>M-AP-1</td>
<td>10,000</td>
<td>100</td>
<td>35</td>
<td>10</td>
</tr>
<tr>
<td>M-AP-2</td>
<td>10,000</td>
<td>100</td>
<td>35</td>
<td>10</td>
</tr>
<tr>
<td>M-AP-3</td>
<td>10,000</td>
<td>100</td>
<td>35</td>
<td>10</td>
</tr>
<tr>
<td>M-AP-4</td>
<td>10,000</td>
<td>100</td>
<td>35</td>
<td>10</td>
</tr>
</tbody>
</table>

1Prior to the issuance of a permit to the owner of any structure which constitutes an obstruction as defined in Fla. Stat. § 333.01(7), the owner shall install, operate and maintain, at his sole expense, such marking and lighting, as may be determined necessary by the Hillsborough County Aviation Authority, to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall also conform to the specific standards established by the Florida Department of Transportation.

(3) Additional criteria regarding the application of regulations within the M-AP district. In addition to the criteria established in Article I, the following criteria are provided to assist in the administration of the M-AP districts:

a. The district regulations outlined in this section are intended to describe regulations for individual uses on a zoning lot. Where an applicant proposes to develop a multiple-tenant building or buildings on a zoning lot and the ultimate users of the buildings are unknown, the following rules shall apply:

1. The applicant must indicate, when applying for a zoning compliance permit, a list of probable uses that may locate on the site;

2. The development of the zoning lot will be governed by the regulations controlling the most restrictive use listed in the applicant’s request for a zoning compliance permit; and

3. Actual use or occupancy of the zoning lot when the development is completed shall comply with the data provided in the request for a zoning compliance permit.

b. Accessory uses shall be clearly incidental and subordinate to the permitted or principal use of the zoning lot or structures on the lot. Where occupational licenses are required by other laws in order to perform the accessory use function, the accessory use's incidental and subordinate relationship to the principal use must clearly be demonstrated to the zoning administrator before the accessory use is permitted. Accessory uses, including but not limited to employees' restaurants, snack bars, conference rooms, etc., shall not display signs, maintain access points external to the structure of the principal use or exhibit any characteristics that would imply or suggest that the accessory use is more than incidental or subordinate to the principal use.

c. The regulations for the M-AP districts shall be construed in a manner that does not encourage or advocate the assembly or concentration of people within the districts, particularly
within the M-AP-1 and M-AP-2 sub-districts. Therefore, within the M-AP districts, assembly halls, meeting centers, training classrooms, theaters and other similar uses that may serve as accessory uses to the principal permitted use and serve as an attraction to users from outside of the districts are prohibited. This section should not be interpreted to prohibit general conference and meeting rooms for the occupants.

d. When a zoning lot contains two (2) or more subdistrict designations with different regulations, the zoning administrator shall make all necessary determinations and interpretations to enforce the regulations in a manner consistent with the purpose and intent of the district and other regulations outlined elsewhere in this chapter. However, under no circumstances shall the permitted use or maximum development regulations differ or exceed what is permitted for that portion of the zoning lot.

(b) Exemption. Property owned or controlled by the Hillsborough County Aviation Authority and used for airports and airport-related uses shall be exempt from the provisions of this section. Uses not described under airports and airport-related uses or otherwise permitted in the M-AP may be established on land owned by the Hillsborough County Aviation Authority only after a development plan has been submitted to the Hillsborough County City-County Planning Commission for recommendation and after review and approval by the city council of the city.

Secs. 27-172—27-175. Reserved.

Subdivision 2. Ybor City (YC) Districts

Sec. 27-176. Intent.

(a) The purpose of the Ybor City Historic District is to promote and preserve this historic district and its landmarks for the educational, cultural, economic and general welfare of the public through the preservation, protection and regulation of buildings, sites, monuments, structures and other areas of historic interest or importance within the Ybor City area of the city; to safeguard the heritage of our city by preserving and regulating this district and its landmarks which reflect elements of our cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of this district and the neighborhoods within it; to strengthen the city's economic base by the stimulation of the tourist industry; to establish, stabilize and improve property values; to foster economic development and to manage growth.

(b) As a regulatory tool, the Ybor City Historic District will assist in the revitalization efforts directed toward Ybor City. These efforts are set out in the Community Redevelopment Plan for the Ybor City Community Redevelopment Area of 1988. It will establish a regulatory framework within which appropriate uses of land will be encouraged. It will allow a compatible mix of residential, commercial, light industrial and public uses, which will strengthen Ybor City’s local and regional identity. The character, architectural style and historic value of property will be protected from repairs and construction of inferior quality and appearance and from alterations that are incompatible with their preservation. These elements will be further enhanced by maintaining a high quality of design in infill construction and other new development in the area. The district regulations will require adherence to high standards of landscaping, control of signs and the maintenance of property in both public and private ownership, the intent of this article being to stabilize and strengthen the district’s rehabilitation efforts, to protect the value of the buildings therein, and to preserve this irreplaceable area of historical significance for the benefit and enjoyment of future generations.

Sec. 27-177. Historic district established.

(a) Generally. The "Ybor City Historic District" is hereby established as two (2) areas designated as the Original Ybor City Historic District and the
Expanded Ybor City Historic District. Together the area is known as the Ybor City Historic District.

(1) The Original Ybor City Historic District contains the following zoning districts:

a. **YC-1 central commercial core.** This subdistrict comprises the cultural, social, shopping and service heart of the Ybor City Historic District. The regulations are intended to preserve and enhance its touristic, cultural and economic functions by preserving its rich mixture of land uses, relatively modest intensity of development, low-rise structures and distinctive architecture.

b. **YC-2 residential.** This subdistrict comprises land devoted to residential development including single-family and multifamily dwellings. The regulations are intended to preserve and conserve this predominately single-family and two-family housing form, and to encourage the development of vacant tracts suitable for residential uses.

c. **YC-3 Hillsborough Community College.** This subdistrict comprises land devoted to and designated for development as part of the Hillsborough Community College and supporting related uses. Any property situated in the YC-3 zoning district shall comply with all provisions contained in Article III so long as said compliance by Hillsborough Community College does not conflict with applicable mandatory state building codes and regulations.

d. **YC-4 mixed use redevelopment.** This subdistrict comprises mainly vacant land designated for neighborhood redevelopment which will support and enhance the touristic, cultural and economic functions of the Ybor City district, providing an urban mixed use core coincident to the revitalization of the district’s commercial core.

In addition to residential development, mixed use developments comprising residential dwellings, supporting personal services, and retail sale of convenience goods will be encouraged. Office development will be considered, in appropriate locations, subject to compliance with each of the following performance criteria:

1. Nonresidential development must be designed to be compatible with existing or potential future residential uses;
2. Compliance with design guidelines of the Barrio Latino Commission, including the applicable criteria set forth in section 27-97 is required.

e. **YC-5 general commercial.** This subdistrict comprises land used and designated for retail and commercial service operations primarily to serve the residents of the immediate area.

f. **YC-6 community commercial.** This subdistrict comprises land devoted to general and intensive commercial uses located on the southern fringe of the historic district and which will provide a transition to the industrial uses south of the historic district.

g. **YC-7 mixed use.** The purpose of the YC-7 subdistrict is to allow the development of land uses that are consistent with the adopted future land use element of the Tampa Comprehensive Plan, encourage maximum land development opportunities that are well designed, provide for a balanced mixed use development, including residential, commercial and office uses, which contribute to the approximate mix of land uses needed to ensure a viable economic base to the historic district.

h. **YC-8 residential.** The purpose of the YC-8 district is to allow the development of single family detached resi-
dential dwellings on relatively large lots in the Expanded Historic District. The regulations are intended to preserve and conserve this predominately single-family housing form, and to encourage the development of vacant tracts suitable for residential uses.

\( \text{(b) Historic district boundaries and subdistricts shown on zoning atlas} \)

The boundaries of the district and subdistricts shall be as shown on the official zoning atlas. The Ybor City Historic District is illustrated on Map 8-1.

1. **YC-9 site planned controlled.** The purpose of the YC-9 subdistrict is to allow the development of land uses that are in conformance with the adopted future land use element of the Tampa Comprehensive Plan while encouraging well-designed developments that:

   1. Are characterized by unique conditions or situations which other zoning districts cannot accommodate including, but specifically not limited to unusual physical or environmental features, transportation, access, etc.; or

   2. Include a mixture of appropriate land uses which may not otherwise be permitted in other districts.

2. The Expanded Ybor City Historic District consists of property directly east and south of the original district which is being impacted by the development and growth occurring in the original district. It contains a high concentration of historic structures and redevelopment potential where assurance is needed that the design of new structures and renovated existing structures and use of property is compatible with the Ybor Historic District. Property may be considered for rezoning to any YC subdistrict provided the petition is consistent with section 27-21, Consistency Matrix. The purpose of the YC-8 district is to allow the development of single family detached residential dwellings on relatively large lots in the Expanded Historic District. The regulations are intended to preserve and conserve this predominately single-family housing form, and to encourage the development of vacant tracts suitable for residential uses.

   (1) The boundaries of the Original Ybor City Historic District are as follows:

   The rear property line on the North side of Columbus Drive on the north; the rear property line on the South side of Fourth Avenue on the south; the rear property line on the East side of Twenty-Second Street on the east; and the rear property line on the West side of Nebraska Avenue on the west; and, the area from the rear property line on the South side of Fourth Avenue at Eighteenth Street, South to Second Avenue, East to Nineteenth Street and North to the rear property line on the South side of Fourth Avenue.

   (2) The boundaries of the Expanded Ybor City Historic District are as follows:

   That part of Section 18 and 19, Township 29 South, Range 19 East, Hillsborough County, Florida, lying within the following described boundaries to wit:

   Beginning at the intersection of the centerline of 3rd Avenue and 15th Street; run thence Southerly along said centerline of 15th Street to its intersection with the centerline of Frank Adamo Drive (S.R. 60); thence Easterly along said centerline of Adamo Drive to the centerline of 26th Street to its intersection with the Westerly projection of the Southerly boundary of the Northerly one-half (\(\frac{1}{2}\)) of Lots 20 and 19, Block 5 of GARY-TOWN, a subdivision of record as recorded in Plat Book 2, Page 22 of the public records of Hillsborough County, Florida; thence easterly along said projection and Southerly boundary to its intersection with the Easterly boundary of said Lot 19; thence Northerly along said Easterly boundary and its Northerly projection to its intersection...
with the centerline of 7th Avenue; thence Westerly along said centerline to its intersection with the centerline of 26th Street; thence Northerly along said centerline of 26th Street to its intersection with the centerline of 8th Avenue; thence Easterly along said centerline of 8th Avenue to its intersection with the centerline of 27th Street; thence Northerly along said centerline of 27th Street to its intersection with the centerline of 9th Avenue; thence Easterly along said centerline of 9th Avenue and its Easterly projection to and along the Southerly boundary of Block 2, of said GARY-TOWN, to its intersection with the Easterly boundary of the Westerly 98 1/3 feet of said Block 2; thence Northerly along said Easterly boundary and its Northerly projection to the centerline of 10th Avenue; thence Westerly along said centerline of 10th Avenue to its intersection with the Southerly projection of the Easterly boundary of Lot 2, Block 13, of said GARY-TOWN; thence Northerly along said Southerly projection and Easterly boundary of said Lot 2 to a point on the Southerly boundary of the Northerly 1/2 of Block 1 of said GARY-TOWN, said point also being the Northeast corner of Lot 2, Block 13, of said GARY-TOWN; thence Easterly along said Southerly boundary of the Northerly 1/2 of Block 1, to its intersection with the Easterly boundary of the Westerly 123.7 feet of the Northerly 1/2 of Block 1, of said GARY-TOWN; thence Northerly along said Easterly boundary and its Northerly projection to and along the centerline of 13th Street, to its intersection with the centerline of 13th Avenue; thence Westerly along said centerline of 13th Avenue to its intersection with the Easterly boundary of the existing local Ybor City Historic District, as established per City of Tampa Ordinance 9324-A; thence Southerly along said Easterly boundary of the local Historic District, to the Southeasterly corner thereof; thence meandering Westerly, Southerly, Northerly and Easterly along the Southerly boundary of said existing Historic District, to its intersection with the Northerly projection of the Westerly boundary of Lot 10, Block 38 of LESLEY'S SUBDIVISION, a subdivision of record as recorded in Plat Book 1, Page 8 of the public records of Hillsborough County, Florida; thence Southerly along said projection and Westerly boundary of Lot 10 and its Southerly projection thereof to its intersection with the centerline of 3rd Avenue; thence Easterly along said centerline to its intersection with the centerline of 15th Street, said intersection being the Point of Beginning.

(c) Official schedule of permitted and permissible special uses within the Original Ybor City Historic District. Except as otherwise specifically provided in this chapter, regulations governing the use of land, water and structures within the Ybor City Historic District shall be as shown in Table 8-1, Schedule of Permitted Uses and Permissible Special Uses within the Original Ybor City Historic District.

Use of land or structures that are not expressly listed in this schedule as permitted principal uses, permitted accessory uses or permissible special uses are prohibited uses and shall not be established in the district.

Uses listed as permissible special uses may be established in the district only after approval of an application for a special use permit in accordance with the procedures and requirements in Article II, Division 5.

(d) Official schedule of area, height, bulk and placement regulations. Except as otherwise specifically provided in this Code, regulations governing the minimum lot size, minimum lot width, required setbacks, maximum height and density shall be as shown in Table 8-2, Schedule of Dimensional Regulations.

(e) Lot of record established. Any lot of record, as defined by this code, existing as of January 1, 2004 and located within the boundaries of the Ybor City Historic District, shall be deemed to be conforming and may be used for permitted principal and accessory uses and special uses in the district in which located. Such lots may be used,
provided that all other provisions of this chapter, except the requirements for minimum lot size and minimum lot width, are met.
### TABLE 8-1

**SCHEDULE OF PERMITTED, ACCESSORY, AND SPECIAL USES BY DISTRICT**

*Legend:*

- X = Permitted principal use
- S1 = Special use—Zoning administrator review
- S2 = Special use—City council review
- A = Permitted accessory use
- Blank = Prohibited use

<table>
<thead>
<tr>
<th>USES</th>
<th>YC-1</th>
<th>YC-2</th>
<th>YC-3</th>
<th>YC-4</th>
<th>YC-5</th>
<th>YC-6</th>
<th>YC-7</th>
<th>YC-8</th>
<th>YC-9</th>
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<td>Adaptive reuse</td>
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<td>Congregate living facilities:</td>
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<td>Facilities of 6 or fewer residents</td>
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<td>Group care facility, small</td>
<td>S2</td>
<td>S2</td>
<td>S1</td>
<td>X</td>
<td>S2</td>
<td>X</td>
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<td></td>
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<tr>
<td>Group care facility, large</td>
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<td>S2</td>
<td>S1</td>
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<tr>
<td>Day care and nursery facility</td>
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<td>S1</td>
<td>X</td>
<td>S1</td>
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<td>S1</td>
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<td>Dwelling, single-family attached</td>
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<td>Dwelling, single-family detached</td>
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<td><strong>GROUP B</strong></td>
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<td>Clinic</td>
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</tbody>
</table>
**Legend:**
- **X** = Permitted principal use
- **S1** = Special use—Zoning administrator review
- **S2** = Special use—City council review
- **A** = Permitted accessory use
- **Blank** = Prohibited use

<table>
<thead>
<tr>
<th>USES</th>
<th>YC-1</th>
<th>YC-2</th>
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<td>S1</td>
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<td>Home occupational</td>
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<td>School, vocational</td>
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**GROUP C**

<table>
<thead>
<tr>
<th>Alcoholic beverage sales</th>
<th>S2¹⁰</th>
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<th>S2¹⁰</th>
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<tr>
<td>Bar or lounge</td>
<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰,¹²</td>
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<td>Bowling alley-12+lanes (on premises only)</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹²,¹⁴</td>
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<td>Convenience retail (package only)</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
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<td>Gasoline retail (package only)</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹²,¹⁴</td>
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<td>Hotel w/100+rooms (on premises only)</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
<td>S1/ S2¹⁴</td>
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<td>Large venue (on premises/package)</td>
<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰,¹²</td>
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<td>Restaurant (on premises only)</td>
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<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰</td>
<td>S2¹⁰,¹²</td>
</tr>
</tbody>
</table>
*Legend:
X = Permitted principal use
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S2 = Special use—City council review
A = Permitted accessory use
Blank = Prohibited use

<table>
<thead>
<tr>
<th>USES</th>
<th>YC-1</th>
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<th>YC-4</th>
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<th>YC-7</th>
<th>YC-8</th>
<th>YC-9</th>
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<td>Shopper's goods retail (package only)</td>
<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
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<td>Small venue (on premises/package)</td>
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<td>S2(^{10})</td>
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<td>S2(^{10})</td>
<td>S2(^{10,12})</td>
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<td>Sidewalk café</td>
<td>S1(^{10})</td>
<td>S1(^{10})</td>
<td>S1(^{10})</td>
<td>S1(^{10})</td>
<td>S1(^{10})</td>
<td>S1(^{10})</td>
<td>S1(^{10})</td>
<td>S1(^{10,12})</td>
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<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{12,14})</td>
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<td>S1/ S2(^{14})</td>
<td>S1/ S2(^{14})</td>
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<td>Drive-in window</td>
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<td>Parking, temporary</td>
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</table>
**Legend:**
X = Permitted principal use  
S1 = Special use—Zoning administrator review  
S2 = Special use—City council review  
A = Permitted accessory use  
Blank = Prohibited use  

<table>
<thead>
<tr>
<th>USES</th>
<th>YC-1</th>
<th>YC-2</th>
<th>YC-3</th>
<th>YC-4</th>
<th>YC-5</th>
<th>YC-6</th>
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<td>Public service facility</td>
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<td>X</td>
<td>S2</td>
<td>S2</td>
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<td>Radio and TV studio</td>
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<td>Recreational facility, commercial</td>
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<tr>
<td>Recreational facility, private</td>
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<td>X</td>
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<td>Retail sales, specialty goods</td>
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Supp. No. 82
**Legend:**  
X = Permitted principal use  
S1 = Special use—Zoning administrator review  
S2 = Special use—City council review  
A = Permitted accessory use  
Blank = Prohibited use

<table>
<thead>
<tr>
<th>USES</th>
<th>YC-1</th>
<th>YC-2</th>
<th>YC-3</th>
<th>YC-4</th>
<th>YC-5</th>
<th>YC-6</th>
<th>YC-7</th>
<th>YC-8</th>
<th>YC-9</th>
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<td>Vendor, Ybor City (private property)</td>
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<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
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</tbody>
</table>

**Note:**  
1. Congregate living facilities of six (6) or fewer residents may not locate within a one-thousand-foot radius of each other.  
2. A special event parking lot may be operated in the YC-1, YC-3, YC-4, YC-5, YC-6 and YC-7 districts during the occurrence of an official public event as defined in section 25-56(c), City of Tampa Code.  
3. See section 27-283.13(b) for special event parking regulations.  
4. No portion of an off-street parking area shall be located within fifty (50) feet of the right-of-way on 7th Avenue between Nuccio Parkway and the eastern boundary of the Ybor City Historic District.  
5. See section 27-282.17 for regulations applicable to temporary film production. Additionally, the section 27-284 buffer requirements shall not apply to this use.  
6. The ability to establish a permitted use or special use on a parcel of land is contingent on compliance with the Tampa Comprehensive Plan and with Land Development regulations, including but not limited to the Future Land Use designation of the property and environmental regulations.  
8. YC-9 is a site plan controlled zoning district and the uses permitted are identified on the approved site plan adopted by ordinances.  
9. Residential uses are prohibited on property designated an industrial land use category according to the Tampa Comprehensive Plan.  
10. Refer to Articles II, Division 5, Special Use Permits and IX Alcoholic Beverages for applicable provisions.  
11. Refer to section 27-282.24 for applicable provisions.  
12. A development may process this request for this use concurrently, as a separate application, with a request for a site plan controlled rezoning process and the application will be subject to review.
based on both the site plan rezoning criteria and the special use criteria in this chapter, as well as all other applicable development codes; however, the use shall not be permitted in the YC-9 if the use is prohibited in the underlying zoning district.

13 Refer to section 27-282.20 regulations for specified uses.

14 Refer to Articles II, Division 5, Special Use Permits and IX Alcoholic Beverages for applicable provisions. Requests may process as an administrative special use permit (S-1) only when sales meet the specific use standards in section 27-132. If any waivers are needed, the request shall process as an (S-2).

15 Refer to section 27-282.25 for applicable provisions.

16 Refer to section 27-282.28 for applicable provisions.

### TABLE 8-2

**SCHEDULE OF DIMENSIONAL REGULATIONS**

<table>
<thead>
<tr>
<th>District</th>
<th>Lot Size</th>
<th>Required Yards</th>
<th>Max. Density</th>
<th>Max. Height</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>Width (ft.)</td>
<td>Area (sq. ft.)</td>
<td>Front (ft.)</td>
<td>Side (ft.)</td>
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<td>YC-1 (Core)</td>
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<td>1,900</td>
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<tr>
<td></td>
<td>YC-2 (Res. Neigh.)</td>
<td>25</td>
<td>2,500$^2$</td>
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<td></td>
<td>YC-3 (HCC)</td>
<td>70</td>
<td>6,650</td>
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<tr>
<td></td>
<td>YC-4 (Mixed Use Redev.)</td>
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<td>1,600</td>
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<td>YC-5 (General Commercial)</td>
<td>50$^3$</td>
<td>4,700$^{2,5}$</td>
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<td>YC-6 (Comm. Commercial)</td>
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<td></td>
<td>YC-7 (Mixed Use)</td>
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<td></td>
<td>YC-8 (Residential)</td>
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<td>4,356</td>
<td>10</td>
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<td></td>
<td>YC-9 (Site Planned Controlled)</td>
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<td>SP</td>
<td>SP</td>
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</tbody>
</table>

SP = as per city council approved site plan

N.A. = not applicable

1 See section 27-284 for screening and buffering requirements.

2 The Max. F.A.R. applies to all uses, except single-family and multi-family dwellings. In addition to the maximum F.A.R.s set forth in this table, floor area ratios shall not exceed those prescribed in the Tampa Comprehensive Plan. The maximum allowable density is governed by the Tampa Comprehensive Plan in conjunction with the minimum lot size of the applicable zoning district. Bonus densities established in the comprehensive plan may be considered subject to site plan review.

3 The overall density of the zoning lot shall not exceed the density prescribed by the Tampa Comprehensive Plan.

4 Antennas, as an accessory use, may exceed the maximum permitted height, up to a maximum combined building and antenna height of one hundred (100) feet, provided that for every one (1) foot of height above forty-five (45) feet, all yards, as they relate to such use, shall be increased by one (1) foot.
Development of single-family attached and semi-detached dwellings is permitted to have a minimum lot size of seventeen (17) feet [in] width and one thousand six hundred (1,600) square feet in area.

The zoning administrator may approve a waiver of the required front, side and rear yard setback when the historical pattern of development on the subject block is less than the current requirement. The zoning administrator shall consult with the historic district administrator to determine the appropriate yard setback for a parcel. Consideration shall be given to the existing setbacks on the blocks immediately adjacent to the subject property. At no time may the waiver exceed the average front setback of the two (2) adjacent properties. It will be the responsibility of the party requesting the waiver to provide a survey that identifies the existing setbacks on the adjacent properties.

Residential uses are prohibited on property designated an industrial land use category according to the Tampa Comprehensive Plan.


Sec. 27-178. Alternative parking requirements.

(a) Enhanced lighting required. Any public or private parking lot or garage located within the Ybor City Historic District at which a fee is charged for the parking of vehicles must provide lighting that meets standards established by the City of Tampa Transportation Division.

Special event parking lots operating in conformance with section 27-283.13(b) shall be exempt from the lighting but not the personnel requirements contained herein. All off-street parking lots and garages shall be required to comply with the following lighting requirements:


<table>
<thead>
<tr>
<th>Recommended Illumination</th>
<th>Horizontal</th>
<th>Vertical</th>
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</thead>
<tbody>
<tr>
<td>Public Space</td>
<td>1—5 fc</td>
<td>.5—8 fc 5’ above ground</td>
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<tr>
<td>Parking Facilities</td>
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<tr>
<td>Open parking</td>
<td>Minimum 3 fc on pavement</td>
<td>.3 fc at 5’ above ground</td>
</tr>
<tr>
<td>Covered</td>
<td>Minimum 6 fc on pavement</td>
<td>.6 fc at 5’ above ground</td>
</tr>
<tr>
<td>Sidewalk &amp; grounds</td>
<td>Minimum 6 fc on pavement</td>
<td>.6 fc at 5’ above ground</td>
</tr>
</tbody>
</table>

2. The determination as to whether a lot or garage is legally established and in conformance with City of Tampa Code shall be made by the zoning administrator. All nonconforming lots or garages in existence on the effective date of this ordinance must immediately meet all standards contained within this subsection.

(b) Number of off-street parking spaces. Any building within the YC-2, YC-4, YC-5, YC-6, YC-7, YC-8 and YC-9 in the Original Ybor City Historic District that is erected, expanded, increased in floor area or seating capacity, or, changes its use shall meet the applicable parking requirements as set forth in Table 8-3, Table of Required Parking Spaces. All other applicable regulations of Article VI, Division 3 shall be met, except as provided in this section.

(c) Personnel requirements. Any public or private parking lot or garage located within the Ybor City Historic District at which a fee is charged for the parking of vehicles must meet the following personnel requirements:

1. Provide at least one (1) employee on duty who shall remain on the premises of the lot or garage on Thursday, Friday and Saturday between the hours of 10:00 p.m.
and 4:00 a.m. or until such time as all vehicles are removed from the lot or garage, whichever is earlier:

(2) The business owner or principal operator may have one (1) employee for two (2) lots if they are adjoining lots which are owned and operated by the same business owner or principal operator that allow clear visibility for safety. A plan must be submitted that demonstrates clear visibility for safety; and

(3) The employee must physically be on the lot any other evenings if a city special event permit is in force in the Ybor City Historic District.

(d) [Criteria.] Off-street parking is not required in subdistricts YC-1 and YC-3 of the Original Ybor City Historic Districts. However, if off-street parking is provided, it must meet the design regulations, and all other applicable regulations set forth in Article VI, Division 3 of this chapter, except as provided in this section.

(e) Surface parking lot standards. Permit applications for surface parking lots shall be reviewed for certificate of appropriateness by the Barrio staff administrator and shall meet the following standards:

(1) Layout. Those standards and requirements regarding parking aisle layout, traffic lanes, and ingress/egress to the surrounding roadway network as set forth in Article VI, Division 3, City of Tampa Code shall be met, except for the parking space(s) as required by the American Disabilities Act, all other spaces may meet compact parking standards.

(2) Driveway. Any driveway access (apron) located in the public right-of-way shall be paved per Transportation Technical Manual standards to preserve the edge of the roadway and protect it from erosion or damage.

(3) Space delineation. Parking spaces must be delineated with bumper stops or other transportation division approved methods.

(4) Surface. The parking surface must be level and suitable for the quantity and frequency of traffic expected to use it. At minimum the parking spaces may be turf or hard rock. Turf areas shall be mowed to a maximum height of eight (8) inches. Irrigation systems are to maintain a ninety-eight (98) percent operational status and be controlled by an automatic timer with a rain shutoff mechanism. The city may approve a manual irrigation plan that provides for establishment of the plant material and provides for a continued maintenance plan. All drive aisles must be surfaced with asphalt or portland cement binder pavement or an equivalent improvement so as to provide a durable and dustless surface, as provided in Article VI, Division 3 of this chapter.

(5) Landscaping. As an alternative to the requirements for landscaping the vehicular use areas as established in section 27-285, parking lots within the Ybor Historic District shall meet the following minimum standards:

a. For zoning lot area seven thousand five hundred (7,500) square feet or less there shall be no required interior or perimeter landscape area for the vehicular use area. In lieu of landscaping, a fence, minimum three (3) feet high (Diagram 8-1 A or B) and maximum four (4) feet high (Diagram 8-1 C), shall be constructed along property line(s) along street right-of-way consistent with Diagram 8-1. No gate shall be installed that causes vehicles to block the right-of-way. All fencing is subject to section 27-283.5, Visibility at intersections.

b. For zoning lot area over seven thousand five hundred (7,500) square feet the landscape buffer width between the vehicular use area and the street right-of-way requirements is reduced from eight (8) feet to five (5) feet. The planting requirements within the five (5) feet shall follow the standards in
sections 27-285 and 27-285.1. No interior landscaping on the vehicular use area shall be required.

c. All landscaping shall be maintained to CPTED standard which requires that trees adjacent to surface parking areas shall be trimmed to maintain a six-foot clear height, hedges and bushes should be trimmed to maintain a maximum of two (2) feet in height.

(6) Irrigation. As an alternative to the permanent irrigation system required in section 27-285.1, the city may approve a manual irrigation plan that provides for
establishment of the plant material and provides for a continued maintenance plan. Plants, including turf parking area, must be maintained in healthy condition. Failure to maintain the required vegetation shall be a violation of this section and require replanting consistent with these standards.

(7) **Buffers and screening.** Standards are as follows:

a. For zoning lot area seven thousand five hundred (7,500) square feet or less, property adjacent to a Group Use A or B, per Table 8-1, the required buffer shall include a six (6) feet high solid fence consistent with "Diagram 8-1 D" placed along the common property line, not to extend beyond the front building wall of the adjacent Group Use A or B use, and five (5) feet wide landscape area which meets the requirement of section 27-284(2)a.

b. For zoning lot area over seven thousand five hundred (7,500) square feet, property adjacent to a Group Use A or B, per Table 8-1, the required buffer shall include a six (6) feet high solid fence consistent with "Diagram 8-1 D" placed along the common property line, not to extend beyond the front building wall of the adjacent Group Use A or B use, and fifteen (15) feet wide landscape area which meets the requirement of section 27-284(2)b.

c. **Alternative buffers and screening.** In lieu of compliance with the above buffer and screening requirements, a developer may submit to the zoning administrator for his approval a detailed plan and specifications for buffering and screening equivalent to or exceeding that provided by the above requirements.

(8) **Sign.** For parking lots where a fee/payment is collected, a sign (minimum eighteen (18) inches × twenty-four (24) inches) shall be posted on private property at each entrance stating the cost of parking, name of the parking lot contact person, contact information (telephone number and address), and physical address of the parking lot. No sign may exceed six (6) square feet in area. The sign shall meet the minimum design standards as shown in Diagram 8-2.

(9) **Wreckers.** All parking lot operators shall utilize the services of wreckers who have obtained a certificate of eligibility from the Hillsborough County Public Transportation Commission for any nonconsensual towing from the lot.

(f) **Alternative design.** Alternative design concepts may be considered and approved by the Barrio Latino Commission through the regular certificate of appropriate process as provided in section 27-97, only if consistent with the stated intent in section 27-98, Review criteria.

(g) Within the Ybor Historic District, all legally established paved parking lots that do not meet the standard of subsection (d) or (e) above shall be subject to the provisions of Article VII Nonconformities. All legally established unpaved parking lots shall be brought into compliance with this section with six (6) months of the effective date of this ordinance. The determination as to whether a lot or garage is legally established and in conformance with City of Tampa Code shall be made by the zoning administrator.
Diagram 8-1. Proposed Fence Standards for Ybor City Historic District.

(A)

(B)

(C)

(D)

- YBOR CITY Logo
- Background (White)
- Required Lettering (Black)
- Removable Letters for Pricing
- Lettering Required on All Signs
- Maximum 3" Height
- Optional Lettering Line on Signs
- Maximum 3" Height
- Address of Property
- Area for Owner or Operator Information, Phone Number, and Name Only
- Pay Box Optional
- Must Be Mounted on Cross Beam
- 4" x 4" Square Tubular Steel
- Or PT Wood Painted to Match Color Scheme
- Pay Box Directions Mounted Below Pay Box
- Post to Be Secured at Ground Level
- No Free Parking Anytime
- Pay in Advance / 24 Hours
- 806 E. 5th Ave.
TABLE 8-3

TABLE OF REQUIRED PARKING SPACES

<table>
<thead>
<tr>
<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adaptive reuse</td>
<td>—</td>
</tr>
<tr>
<td>Adult family home</td>
<td>1</td>
</tr>
<tr>
<td>Appliance and equipment repair</td>
<td>3</td>
</tr>
<tr>
<td>Bank</td>
<td>3</td>
</tr>
<tr>
<td>Bar and lounge</td>
<td>3</td>
</tr>
<tr>
<td>Catering shop</td>
<td>3</td>
</tr>
<tr>
<td>Cigar factory</td>
<td>3</td>
</tr>
<tr>
<td>Clinic</td>
<td>2</td>
</tr>
<tr>
<td>Club</td>
<td>3</td>
</tr>
<tr>
<td>College</td>
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Congregate living facilities:

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<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
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<td>Emergency shelter</td>
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<tr>
<td>Foster care home</td>
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</tr>
<tr>
<td>Day care and nursery facility</td>
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</tr>
<tr>
<td>+1 vehicle operated by the facility</td>
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</tr>
<tr>
<td>Day care and nursery facility limited to 5 children</td>
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</tr>
<tr>
<td>+1 vehicle operated by the facility</td>
<td></td>
</tr>
<tr>
<td>Dwelling, multiple-family</td>
<td>1</td>
</tr>
<tr>
<td>Dwelling, single-family</td>
<td>1</td>
</tr>
<tr>
<td>Funeral parlor</td>
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<tr>
<td>Hospital and associated uses</td>
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<tr>
<td>Hotel and motel</td>
<td>1</td>
</tr>
<tr>
<td>Light manufacturing</td>
<td>1</td>
</tr>
<tr>
<td>Microbrewery</td>
<td>3</td>
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<tr>
<td>Nursing, convalescent and extended care facility</td>
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</tr>
<tr>
<td>Office, business and professional</td>
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<td>Office, medical</td>
<td>2</td>
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<td>Personal services</td>
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<td>Pharmacy</td>
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<td>Place of religious assembly</td>
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<td>Printing, light</td>
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<tr>
<td>Printing, publishing</td>
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<tr>
<td>Public cultural facility</td>
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<td>Public service facility</td>
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<td>Public use facility</td>
<td>2</td>
</tr>
<tr>
<td>Radio and TV studio</td>
<td>1</td>
</tr>
<tr>
<td>Recreational facility, commercial</td>
<td>3</td>
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<tr>
<td>Recreational facility, private</td>
<td>3</td>
</tr>
<tr>
<td>Research activity</td>
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</tbody>
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Secs. 27-179—27-180. Reserved.

Subdivision 3. Central Business District (CBD) Districts

Sec. 27-181. Purpose and intent.

(a) The purpose and intent of establishing the central business district (CBD), CBD zoning districts and regulations is to implement the following goals of the Tampa Central Business District Land Use Policy Plan, a component of the Future Land Use Element of the current Comprehensive Plan for the City of Tampa, hereinafter referred to as the "CBD land use policy plan":

(1) To promote design excellence in the CBD and to create a visual appeal between the natural environment and the physical development that will take place;

(2) To provide the highest quality amenities to create an exceptionally appealing pedestrian environment;

(3) To create active and attractive pedestrian connections along Franklin Street, the waterfront and throughout the CBD, giving highest priority to the movement and comfort of the pedestrian;

(4) To promote the CBD as the entertainment and cultural center of the state's west coast, recognized by its fine museums, galleries, theaters, restaurants, performing halls, nightclubs, public art and other amenities;

(5) To provide land for public use to help integrate the various areas of the CBD and to provide a variety of active and passive opportunities for workers, residents and visitors to the downtown;

(6) To preserve and, where possible, enhance the water-oriented character of the waterfront so as to create a festive and lively working, living and entertainment establishment;

(7) To guide public and private land use and development into a highly compact and integrated urban center that encourages maximum social and economic benefit to the citizens of the city and the region;

(8) Develop land use policies that will promote Franklin Street as the center of retail for downtown;
(9) Improve the appearance and condition of the Franklin Street Mall;

(10) Improve the knowledge and understanding of downtown's local and regional markets and increase downtown's retail role in the region.

(b) It is also the purpose of this article to guide development design to establish the desired character of development for each of the twelve (12) CBD character districts identified in the CBD land use policy plan and described and shown on the map below:

(1) Franklin Street district. The focus of the highest activity and development intensity in the CBD. This district will contain compact mixed-use development.

(2) Retail district. A concentration of the highest activity and development intensities, with retail uses/activities required on the ground floor facing Franklin Street. The intent is to create a highly active pedestrian retail shopping mall.

(3) North Franklin Street district. The purpose of this district is to encourage the development of small offices and evening-oriented entertainment/restaurant uses.

(4) Gateway district. As a major entrance into downtown, special attention is directed to the treatment of the gateway district to protect important views, establishment of new views, and creating a quality downtown image.

(5) Cultural arts district. The purpose of the cultural arts district is to unify the cultural arts uses/activities that are presently in the area and provide for future supportive uses that will attract people from throughout the region.

(6) Riverfront district. The riverfront district provides the opportunity to create a public space that can be used as a people-oriented place for movement and enjoyment of the waterfront. Open space, pedestrian activities and access to and along the waterfront are characteristics of development in this district.

(7) Garrison Channel district. The Garrison Channel district should successfully develop as a strong visitor-oriented activity center in response to the development of the convention center, the cruise ship terminal and Harbour Island.

(8) Waterfront overlay district. This district establishes guidelines for areas that are common to all waterfront districts, such as public access to and along the river; the preservation of view corridors, the prohibition of freestanding garages and required public open space as part of all development.

(9) East office district. A district expected to attract office, mixed-use, service and support uses with development intensities lower than those found in the Franklin Street district.

(10) Government center district. The intent of the government center district is to establish a unique identity for this area as the region's center of government through the treatment of sidewalk paving, landscaping, lighting fixtures and signs.

(11) Development district north. A district generally characterized by its underutilization. As a result, a great deal of flexibility can be exercised as to the character of future development. Future development could include office development, transportation-related activities, service, housing and business uses.

(12) Redevelopment district south. This area contains a variety of industrial and manufacturing uses. Although no distinct development character is designated for this area, its future could be substantially influenced by development initiatives in the Garrison Channel and Ybor Channel areas.

(Ord. No. 89-136, § 1(43A-310), 6-8-89; Ord. No. 96-105, § 1, 5-23-96)
Sec. 27-182. District and subdistricts established; procedures for rezoning.

(a) Established; boundaries. The central business district (CBD) is hereby established as a separate district with subdistricts therein. The boundaries of the CBD are as follows:

An area within downtown Tampa which is generally located south of Interstate 275, west of the CSX Railroad and Nebraska Avenue, north of Garrison Channel, and east of the Hillsborough River, and more particularly described as follows:

An area bounded on the west by the Hillsborough River; on the north beginning at the Hillsborough River and extending east along the south boundary of Interstate 275 to Scott Street to the western boundary of Central Park Village Housing Project; thence easterly along the southern boundary of the Central Park Village Housing Project to the easterly boundary of Nebraska Avenue; thence southeasterly to the southwest corner of Twiggs Street and Meridian Avenue; thence southerly along the west boundary of Meridian Avenue to the north right-of-way boundary of Platt Street; thence westerly along the north boundary of Platt Street, a distance approximately two hundred fifty (250) feet to the west boundary of the CSX Railroad right-of-way; thence southerly along the CSX Railroad right-of-way to Garrison Channel; and bounded on the south by Garrison Channel to the Hillsborough River.

(b) Subdistricts established. The following CBD zoning subdistricts shall be the only zoning districts permitted within the CBD:

(1) CBD-1. This zoning subdistrict is appropriate for CBD projects and areas with low- to mid-rise structures. (maximum building height as permitted in Table 18-2) However, through the approval of an S-1 Permit, high-rise structures (buildings taller than maximum height set forth in Table 18-2) may be allowed, subject to provisions set forth in this article, section 27-282.23, and Article II, Division 5.

(2) CBD-2. This zoning subdistrict is appropriate for CBD projects and areas with high-rise structures.

(c) Procedures for rezoning to CBD subdistricts.

(1) A property owner requesting a rezoning to CBD-1 shall be governed by the parcel rezoning procedures set forth in Article II, Div. 7 of this chapter.

(2) A property owner requesting a rezoning to CBD-2 shall be governed by the parcel rezoning procedures set forth in Article II, Div. 7 of this chapter, the site-plan review procedures set forth in section 27-138 and the provisions of sections 27-185 and 27-186, design approval and regulations.

Sec. 27-183. Official schedule of permitted principal, accessory and special uses.

(a) Except as otherwise specifically provided in this chapter, the use of land, water and structures within the central business district shall only be permitted in accord with Table 18-1, Schedule of Permitted Principal, Accessory and Special Uses. All other uses of land, water and structures in the CBD which are not expressly listed in Table 18-1 are prohibited uses and shall not be established in the CBD.

(b) Uses listed in Table 18-1 as special uses may be established in the CBD only after approval of an application for a special use permit in accordance with the procedures and requirements in Article II, Division 5 of this chapter.
### TABLE 18-1

**SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES**

*Legend:*
- X = Permitted principal use
- S1 = Special use—Zoning administrator review
- S2 = Special use—City council review
- A = Permitted accessory use
- Blank = Prohibited use

<table>
<thead>
<tr>
<th>Use Group A</th>
<th>CBD-1</th>
<th>CBD-2</th>
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<tbody>
<tr>
<td>Adaptive reuse</td>
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<tr>
<td>Congregate living facility:</td>
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<tr>
<td>Large group care facility</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Correctional facility</td>
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<td></td>
</tr>
<tr>
<td>Dwelling, multiple-family</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Home occupation</td>
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<td>S1</td>
</tr>
<tr>
<td>Private pleasure craft</td>
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<td>S2</td>
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<table>
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<tr>
<td>Accessory use to a permitted principal Group B use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Clinic</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Club</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>College</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community garden, private</td>
<td>S1</td>
<td>S1</td>
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<tr>
<td>Day care and nursery</td>
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<td>X</td>
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<tr>
<td>Hospital and associated uses</td>
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<td>Hotels and motels</td>
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<td>Place of religious assembly</td>
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<td>Schools: business, vocational and trade</td>
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<table>
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<tr>
<th>Use Group C</th>
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<tr>
<td>Alcoholic beverage sales</td>
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<tr>
<td>Bar and lounge</td>
<td>S1/S2/S2'</td>
<td>S1/S2/S2'</td>
</tr>
<tr>
<td>Convenience retail (package only)</td>
<td>S1/S2/S2'</td>
<td>S1/S2/S2'</td>
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<tr>
<td>Gasoline retail (package only)</td>
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<td>Hotel w/100+ rooms (on premises only)</td>
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<td>Large venue (on premises/package)</td>
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<td>Restaurant (on premises only)</td>
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<td>Shopper's goods retail (package only)</td>
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<td>Small venue (on premises/package)</td>
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<td>Specialty retail (on premises only)</td>
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<td>S1/S2/S2'</td>
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**Legend:**
X = Permitted principal use  
S1 = Special use—Zoning administrator review  
S2 = Special use—City council review  
A = Permitted accessory use  
Blank = Prohibited use

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<th>Use</th>
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<td>Air-condition storage</td>
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<td>Bank, drive-in</td>
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<tr>
<td>Catering shop</td>
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<tr>
<td>Dry cleaning plant, small</td>
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<tr>
<td>Heliport/helistop</td>
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<td>Kennel, small</td>
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<td>Radio/TV studio</td>
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<td>Recreation facility:</td>
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<td>Private or commercial</td>
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<td>Research activity</td>
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<td>Shopper’s and commercial goods and gasoline</td>
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<td>Vehicle repair, minor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary office</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**Notes:**

1. Off-street surface parking i.e. freestanding parking structure and/or surface parking lots, are not permitted in the Waterfront Overlay District or the Franklin Street Retail District (refer to section 27-186, Development Design Regulations).

2. See Section 27-282.17 for regulations applicable to Temporary Film Production. Additionally, the Section 27-284 buffer requirements shall not apply to this use.
Refer to Articles II, Division 5, Special Use Permits and IX Alcoholic Beverages for applicable provisions.

A separate special use application process shall be required in order to make alcohol sales from this use classification, subject to the provisions in this chapter.

Refer to Articles II, Division 5, Special Use Permits and IX Alcoholic Beverages for applicable provisions. Requests may process as an administrative special use permit (S-1) only when sales meet the specific use standards in section 27-132. If any waivers are needed, the request shall process as an (S-2), per applicable requirements of sections 27-128—27-132.

Use of Transfer of Development Rights may be considered in any district, with the exception of the Cultural Arts District and Riverfront District, and shall be processed as an S-1.

Refer to section 27-282.25 for applicable provisions.

(Ord. No. 2013-73, § 7, 6-6-2013)

Sec. 27-184. Official schedule of dimensional regulations.

Except as otherwise specifically provided in this Code, the minimum lot size and width, minimum required setbacks, maximum height and maximum density shall be as shown in Table 18-2, Schedule of Dimensional Regulations.

TABLE 18-2

<table>
<thead>
<tr>
<th>District</th>
<th>Lot Size Area/Width</th>
<th>Required Yards Front/Side/Rear</th>
<th>Height</th>
<th>FAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBD-1</td>
<td>N/A</td>
<td>N/A/¹</td>
<td>S-1⁹/120 ft³</td>
<td>N/A</td>
</tr>
<tr>
<td>CBD-2</td>
<td>SP/SP⁴</td>
<td>SP/SP/SP¹,2</td>
<td>S-1⁹/SP²,3,4</td>
<td>SP⁴</td>
</tr>
</tbody>
</table>

Notes:

SP = as per city council approved site plan
N/A = not applicable

¹Property located within the waterfront overlay district shall have a building/structure setback of twenty-three feet from the water’s edge, as measured from the waterside face of the bulkhead.

²Structures shall be compatible with any significant natural, historic or architectural resources in proximity to the project. Examples of ways to achieve compatibility include design features such as height-to-setback ratios or stepped or graduated building faces.

³All buildings with a height in excess of one hundred (100) feet shall be equipped with a fire control system approved by the city fire department.

⁴Property zoned CBD-2 with or without a zoning site plan approved by the city council may be developed provided it meets the dimensional regulations of CBD-1.

⁵Developments in either CBD district that propose redevelopment of an entire city block (excluding waterfront developments) under one (1) unified plan shall provide a minimum five-foot average building setback on all sides. The purpose of the averaged setback is to accommodate widened, pedestrian-oriented sidewalks and more functional public open space. The area created by the required building setback may be counted towards the public open space requirement as required and defined by this article.
Sec. 27-185. Development design approval and procedures.

(a) Design approval; when required; submission of application.

(1) Required. Any property owner or agent thereof proposing to erect a building or structure in the central business district, including erection of surface parking lots, for which building permit applications are submitted after the effective date of the ordinance from which this article was derived shall obtain design approval for the building or structure by complying with the provisions of this section and the CBD development design regulations. Any building or structure within the central business district which undergoes major renovation and which has been designated as a landmark or included in a designated historic district under section 27-114 of this chapter shall be governed by the provisions of sections 27-111 through 27-118, and the provisions of this article shall apply only to the extent that they do not conflict with sections 27-111 through 27-118.

Notwithstanding the applicability of the foregoing paragraph, any property owner or agent proposing solely to erect a fence structure on unimproved property in the central business district, shall not be required to obtain design approval by complying with the CBD development design regulations, rather, erection solely of the fence structure shall be governed by the provisions of section 27-186(h), Fence regulations. Erection of all other fence structures shall be subject to the foregoing paragraph as well as section 27-186(h), Fence regulations.

(2) Submission of application.

a. CBD-1. For parcels zoned CBD-1, an application for design approval shall be submitted to the urban design manager or designee at the same time as an application for commercial site plan review as required by Chapter 5 of this Code.

b. CBD-2. For parcels zoned CBD-2 or the subject of a CBD-2 rezoning petition, an application for design approval shall be submitted to the urban design manager or designee at the same time as a petition for city council rezoning site plan approval is submitted to the land development coordination office; provided, however, for proposed structures of one hundred twenty (120) feet or less, an application for design approval shall be submitted to the urban design manager or designee at the same time as an application for commercial site plan review as required by Chapter 5 of this Code.

(b) Review procedure.

(1) Pre-application conference. Any property owner or agent thereof required to obtain design approval shall schedule a pre-application conference with the urban design manager and the public art manager prior to submission of an application for design approval. In order to assist in discussing the basic scope of the project, the property owner shall submit a sketch plan containing the following:

a. General development design details;

b. Whether public art is to be placed on-site, off-site or whether a fee-in-lieu is to be paid;

c. The physical description of the public open space, location, size and access;

d. A description of the intended public use or character of the public open space;
e. A description of the type of landscaping, paving, street furniture and activity elements to be incorporated into the public open space;

f. If required, riverwalk design.

The urban design manager shall review the CBD development design regulations with the applicant and determine in checklist form which standards, guidelines and
regulations will be applicable to the project. If public art is required as part of the proposed development, the urban design manager shall refer the applicant to the public art manager for review of the proposed public art.

(2) Submission requirements. All applications for design approval shall contain the following items:

a. A general information cover letter stating the property owner's name and address, the applicant's name and address, the names and addresses of any authorized agents and the street address and legal description of the subject property;

b. A general location map indicating the location of the proposed site relative to the downtown area (map size optional);

c. A context map indicating the location of the proposed site and the location of all building and street rights-of-way within three hundred (300) feet of the proposed site perimeter. The context map shall also contain the following information regarding surrounding buildings:

1. Visual survey of land uses with brief title of type business at ground floor;
2. Nearby buildings which are of significant architectural or historical significance;
3. Solid-void space relationships, i.e., open space, parking lots in relationship to building areas;
4. Number of stories of each building and approximate building height;
5. Photographs of each side of the city block on which the proposed site is located and photographs of all adjacent sites or structures facing the proposed site; photographs shall be standard three-and-one-half-inch by four-and-one-half-inch color prints displayed and labeled, mounting all photographs to paper or cardboard.

d. A detailed site plan and street level floor plan containing the following information:

1. North arrow and scale;
2. Property line boundaries and dimensions;
3. Adjacent street rights-of-way with number of traffic lanes denoted and direction of traffic flow;
4. Vehicle and pedestrian circulation, including ingress, egress, loading, unloading and parking;
5. Typical floor plan with major use categories as necessary to describe all levels of building;
6. Street-level floor plan designating all grade changes and indicating the various uses of spaces;
7. If required, riverwalk floor plan illustrating pedestrian access and movement.

e. Building design plans containing drawings of the building or structure including the following:

1. Exterior elevations in color (using any color medium such as markers or colored pencils, etc.) of all sides of the project at a scale no smaller than 1/16" = 1'0" (include any existing structures abutting the proposed project on the same street wall).
2. Sections of the structure as necessary to adequately describe shapes and the relationship of spaces (scale no smaller than 1/16" = 1'0", except if such scale is not practical due to the magnitude of the project, a scale agreed to by the city may be acceptable);
3. Color character sketches depicting exterior highlights or the flavor of the project are encouraged;

4. Exterior perspective in color at the pedestrian level (this drawing may be a sketch perspective rendered in sufficient detail using any color medium such as markers or colored pencil, etc.);

5. Designation of building materials, finishes and colors (outline specifications only);

6. Designation of all handicap ramps, including areas where the sidewalk intersects driveways and garages.

f. A streetscape plan indicating the streetscape and landscape plan proposed containing the following information:

1. North arrow and scale of not less than 1″ = 30′ (if such scale is not practical due to the magnitude of the project, a scale agreed to by the city may be acceptable);

2. Sidewalk width, paving materials (surface and base), paving patterns and system, curbing materials;

3. Location and dimension of proposed driveways, handicap ramps, ingress and egress points and curbs;

4. Existing vegetation to be saved (identified by name, quantity and size) and method of protection during construction;

5. Proposed planting areas, plants proposed, including type plant or tree (botanical or common name), number of plants or trees, height and spread, spacing and caliper or gallon size;

6. Tree grates;

7. Tree lighting and utility lines;

8. Irrigation system;

9. If required, riverwalk streetscape and landscape plan including the location, dimension, description and type of seating, planters, tables, fountains, public art and other street furniture to be included.

g. A public art plan containing the following information shall be submitted (when required) to the public art manager:

1. A detailed site plan indicating the proposed location of the public art;

2. The percent cost of the public art, including proof thereof, figured by the following formula:

   \[ P = \left( \frac{AC}{PC} \right) \times 100 \]

   Where:

   \[ P \] = Percent public art cost

   \[ AC \] = Cost of public art

   \[ PC \] = Total cost of project as identified on building permits job value

3. A representation of the proposed artwork. The representation may include an illustration, character sketch, model, photograph or other means of visually conveying the proposed public artwork, in accordance with the definition of "public art" contained in Chapter 4 of the City of Tampa Code of Ordinances. If, for any reason, the public art manager is unable to approve the proposed public art based on the public art definition as noted above, the representation shall be referred to the public arts committee. The public arts committee shall make a determination as to compliance with the definition of
public art. The public art committee shall not review the artistic expression or merit of the representation. The public arts committee shall transmit its review findings in writing within sixty (60) days to the public art manager and urban design manager. The property owner shall pay a fee, to be established by resolution, for the review conducted or commissioned by the public arts committee.

h. A public open space plan containing the following information:

1. A detailed site plan of the public open space showing:
   i. The dimensions of the public open space (see section 27-186(e)(2)a. for design options);
   ii. Computation of percent open space;
   iii. A landscape plan; and
   iv. The location, dimension, description and type of seating, planters, tables, fountains, public art and other street furniture to be included in the public open space.

2. A pedestrian-level perspective sketch, in color, of the proposed public open space.

(3) Review of design approval application.

a. Review. The Natural Resources Coordinator shall review applications for design approval for compliance with the provisions of this article. The Natural Resources Coordinator shall also review applications for compliance with the provisions of the public open space and streetscape regulations.

(c) Approval, denial and appeals. Design approval and denial shall be conducted as follows:

1. **CBD-1 and nonzoning site plan projects.** When property is zoned CBD-1 or is zoned CBD-2 and does not require city council zoning site plan approval in order to build and design approval is required for a project, review for design approval shall be conducted concurrent with commercial site plan review required by Chapter 5 of this Code. Approval or denial shall be reported to the applicant in writing. If denied, the reasons for denial shall also be reported to the applicant in writing. The applicant shall be given a reasonable opportunity to address the reasons for denial and resubmit the application. If an application is denied after resubmittal, the applicant may appeal the denial to the city council, who shall make the final determination as to whether the application complies with the provisions of this section. All appeals shall be filed within fourteen (14) days of the date of final denial. No formal notice requirements shall be required for the appeal to the city council.

(2) **CBD-2 projects.** When CBD-2 zoning site plan approval is required or requested for a project, review for design approval shall be conducted simultaneously with the CBD-2 zoning site plan review. Review time frames, communications of approval and/or denial and resubmittals shall be in accordance with the procedures for the CBD-2 rezoning site plan review process.

The Natural Resources Coordinator, in coordination with the urban forester or designee, may approve alternate locations for required streetscapes provided the streetscape plan for the proposed alternate location meets or exceeds the required streetscape in the required location.

(d) **Final review of materials, finishes and colors.** Prior to application for a building permit, the applicant shall submit to the urban design manager or designee, final designations of ranges of building materials, finishes and colors. The urban design manager or designee shall review the final designations within thirty (30) days. Approvals, denials and appeals shall be in accord with the provisions of subsection (c)(1) above.
(e) **Review and issuance of building permits, construction, inspections and certificate of occupancy release.** Upon approval of an application for CBD development design and prior to issuance of any building permit for any property subject to the requirements of this article, the urban design manager or designee shall review the permit application to ensure it is consistent with design approval. No building permit shall be issued for property subject to the requirements of this article unless consistent with design approval. Construction on property subject to the requirements of this article shall only take place consistent with design approval. The urban design manager or designee shall be permitted on site to conduct periodic inspections to ensure construction is consistent with the approved application. Furthermore, the developer shall be required to submit design and construction documents to the urban design manager or designee for review and approval at the following stages of completion: thirty (30) percent, sixty (60) percent, and ninety (90) percent of the overall project.

Upon passage of final inspection, the city shall release all holds on the certificate of occupancy; provided, further, the installation of the public art on site shall be completed before a certificate of occupancy is granted. However, the city may allow additional time, up to a period of one (1) year, for the installation and completion of the artwork on site. Upon granting of an extension, a performance bond or letter of credit in an amount equal to the cost of the artwork to be installed on site shall be posted to ensure completion and installation. A second extension of up to a period of one (1) additional year may be allowed under certain exceptional circumstances. Exception status is awarded on the basis of an approved timeline for installation of on-site artwork. Additional extensions may only be granted by city council approval.

**Sec. 27-186. Development design regulations.**

(a) **Compliance.** Compliance with the design regulations in this section shall be required in order to obtain design approval. The regulations shall be administered in accordance with the provisions of the CBD land use policy plan.

(b) **Urban design guidelines.**

(1) **Purpose and intent.** The urban design guidelines provide a basis for review of design characteristics between proposed buildings and the relationship toward pedestrian activities so as to encourage development that would substantially create a sense of interest and promote a physically attractive and functionally integrated downtown environment.

The urban guidelines shall be applied in reviewing each project site as well as the architectural design of each new structure only as it relates to ground floor design of the structure. These guidelines shall not be used to regulate a project’s artistic expression of architecture. Furthermore, these guidelines shall not be used to inhibit variety in architectural style or to promote homogeneity of architectural style. Compatibility with pedestrian access and interaction shall also be a key objective of these guidelines. The review should not be subjective and should provide the developer with significant flexibility of design.

(2) **Requirements.** The design of any building or structure erected in the central business district or any building or structure within the central business district that undergoes major renovation shall be designed in accordance with the design guidelines set forth in the “Tampa Central Business District Urban Design Guidelines,” June 1989 edition, which guidelines are on file in the office of the city clerk and are herein adopted by reference.

(c) **Streetscape design standards.**

(1) **Purpose and intent.** The streetscape design standards are established to provide design criteria which require a certain level of quality; enhance street level design to attract pedestrian use; develop a system of pedestrian-oriented streets and walkways; improve pedestrian and transit links among key activity centers and districts; emphasize, protect and enhance entrances and edges of the central busi-
ness district; accentuate the identity of central business district subdistricts; promote continuity between public and private developments; provide for protection of air quality through mitigating effects of trees and provide shade and enhance the appearance of the central business district.

(2) **Requirements.** All new construction shall meet the minimum standards for streetscape design set forth in the "City of Tampa Streetscape Standards for Downtown Development" (See Exhibit 1, attached hereto). Projects which incorporate the city's minimum streetscape design standard shall be maintained by the city. However, a property owner may, at his/her option, incorporate a higher streetscape standard than the city's minimum standard, but will then be required to execute a maintenance agreement and covenant with the city in which the property owner must agree to maintain and repair all elements of the higher quality streetscape, as set forth in section 27-186(c)(3) below. The minimum streetscape shall include the following items:

a. **Trees.** Trees shall be planted in the streetscape. The type of tree, number of trees, size of tree and spacing of trees shall comply with the standards set forth in the "City of Tampa Streetscape Standards for Downtown Development."
   
   1. Tree grates shall be installed around each tree. The type and design of the tree grate and installation of the tree grate shall comply with the standards set forth in the "City of Tampa Streetscape Standards for Downtown Development."
   
   2. Tree irrigation systems are required for new construction only. Irrigation systems shall be installed underground to service all trees and other landscape materials, and the irrigation system shall be in operable condi-

3. Inspection of trees planted pursuant to this subsection shall occur six (6) months after planting to ensure all trees are in healthy condition. Trees found to be in a declining condition shall be replaced within thirty (30) days of notice thereof. If replacement is necessary, there shall be a reinspection six (6) months after replacement and the provisions of this subsection shall apply to the reinspection.

b. **Paving.** Paving shall be installed in the streetscape. The type of paving, design and paving materials shall comply with the standards set forth in the "City of Tampa Streetscape Standards for Downtown Development."

c. **Flower containers.** To add color and soften sidewalk paving with plants, flower containers containing blooming annuals or perennials shall be located and maintained along street curbs where appropriate.

(3) **Streetscape maintenance covenant.** At the time of issuance of a certificate of occupancy, all property owners constructing streetscapes at a higher standard than the city's minimum streetscape standard shall be required to execute a maintenance agreement and covenant, in a form acceptable to the city attorney, in which the property owner agrees to maintain and repair all elements of the streetscape. The covenant shall be recorded in the public records of the county and shall be binding on all successors in interest.
Public art requirements.

Purpose and intent. The purpose of the public art requirements is to (i) increase the presence of art in public open spaces in the central business district, (ii) ensure that art can be enjoyed by the general public, and (iii) support the promotion of the downtown as the cultural center of the region. The intent of the development regulations and review framework set forth herein is to provide the mechanism for implementing the above-referenced goals by directing the public art requirements in each area or character district of the central business district.

Requirements. Public art shall be provided in all CBD districts for new construction only as follows:

a. Each new development shall be assessed .75 percent of the project cost, with a maximum contribution of two hundred thousand dollars ($200,000.00), for ground floor or on-site publicly accessible art.

b. A property owner may pay a fee-in-lieu as set forth in section 27-186(d)(5) below.

Placement of public art. The placement of all public art as required by this subsection shall meet the following provisions:

a. A minimum of seventy-five (75) percent of the total public art requirement shall be placed in places that are clearly visible from the public sidewalk or public space. The property owner or agent thereof may elect to provide the entire public art requirement in these areas. The final location of the art piece shall be reviewed and determined through the CBD development design review.

b. At the option of the property owner or agent therefore, up to a maximum of twenty-five (25) percent of the total public art requirement may be placed indoors in publicly accessible lobby areas.

Off-site provision of public art. Any property owner or agent thereof required to provide public art as set forth in this section may provide the required amount of public art off-site on another parcel located in the central business district, provided the following conditions are met:

a. The property owner or agent thereof shall submit a request to provide the required public art off-site with the application for design approval.

b. The placement of the proposed off-site public art shall meet the requirements of subsection (d)(3) above.

In-lieu payment for public art. Any property owner or agent thereof required to provide public art as set forth in this subsection may pay a fee-in-lieu as set forth in this subsection and shall pay the fee in lieu of the required amount of public art upon issuance of a certificate of occupancy. The property owner or agent thereof may provide a fee for the total public art requirement, assessed at .5 percent of the project cost, up to two hundred thousand dollars ($200,000.00) or a portion thereof that is not met through the provisions of subsections (d)(3) or (4) above.

Public art fund. A public art fund shall be created and shall consist of all in-lieu payments for public art requirements for the central business district. The public art fund shall be used solely for the selection, acquisition, installation, maintenance and insurance of public art to be displayed on public property in the central business district.

Ownership, maintenance of public art and maintenance covenant. All public art pieces shall be owned and maintained by the owner of the property on which the public art pieces are located. At the time of issuance of a certificate of occupancy all property owners installing public art on site shall be required to execute a maintenance agreement and covenant, in a form acceptable to the city attorney, in
which the property owner agrees to main-
tain and repair all elements of the public art. The covenant shall be recorded in the
public records of the county and shall be
binding on all successors in interest.

(e) Public open space requirements.

(1) Purpose and intent. The purpose of the
public open space requirement is to: (i) Expand downtown's inventory of useable and accessible public spaces concurrent with new development, (ii) promote the open, water-oriented character of the downtown riverfront by providing public open space as part of development projects, and (iii) support the attainment of the desired character of development for each of the CBD character districts as identified in the CBD land use policy plan. The intent of the general design standards, development regulations and review framework set forth herein is to provide the mechanism for implementing the above-referenced goals by defining the public open space requirements in each area or character district of the central business district.

(2) Requirements. Public open space shall be provided as follows:

a. Property owners conducting new development in all CBD districts, except the waterfront overlay district, shall provide public open space in accordance with one (1) of the following options for the subject development (the use of permeable, ADA compliant material for hardscape is required, e.g. permeable concrete, pavers, etc.). Those developments/redevelopments that contain 20,000 square feet or less of land area and 50,000 SF or less of gross floor area shall be exempt from this provision:

1. Required public open space shall equal no less than twelve (12) percent of the total site area, if all public open space is located on one (1) corner of the parcel (see Figure 1 below):

   Figure 1

2. Required public open space shall equal no less than twelve (12) percent of the total site area, if all public open space is located in one (1) aggregate area of the parcel (see Figure 2 below):

   Figure 2

3. Required public open space shall equal no less than twelve (12) percent of the total site area, if all public open space is located in one (1) aggregate area of the parcel along a major street (see Figure 3 below):
4. Required public open space shall equal no less than fifteen (15) percent of the total site area, if public open space is divided and distributed throughout the parcel or is being designed solely to provide wider sidewalks (see Figure 4 below):

![Figure 3](image1)

**Figure 3**

Required public open space shall equal no less than fifteen (15) percent of the total site area, if public open space is divided and distributed throughout the parcel or is being designed solely to provide wider sidewalks (see Figure 4 below):

![Figure 4](image2)

**Figure 4**

b. A property owner at his/her option may pay a fee-in-lieu to be placed in a public open space trust fund to purchase public open space in the CBD.

The MAI appraisal or MAI letter update appraisal submitted for purposes of calculation of the fee-in-lieu shall be conducted during the period approximately six (6) months prior to the date of application for design approval. Payment of a fee in lieu of providing on-site public open space shall be made upon issuance of the certificate of occupancy.

c. Waterfront overlay district. The following provisions shall apply to all property located in the waterfront overlay district:

1. All new development shall devote thirty-five (35) percent of the total site, provided the remaining area of the site can accommodate a twenty-thousand-square-foot buildable area. The required public open space shall be calculated as follows:

\[
\text{Open space required} = \text{Total site area} \times 0.35
\]

2. If the provisions of subsection (e)(2)c.1. above cannot be met, then the following shall apply:
   Sites larger than twenty thousand (20,000) square feet but unable to provide the entire thirty-five (35) percent open space requirement on site shall:
   i. Provide that portion of the site which is left after compensating for the twenty-thousand-square-foot buildable area for open space. The required open space shall be calculated as follows:

   \[
   \text{Open space required} = \text{Total site area} - 20,000 \text{ sq. ft.}
   \]

   and

   ii. Pay a fee equal to the appraised value of the remaining portion of the open space requirement not located on site.

3. If the provisions of subsection (e)(2)c.2. above cannot be met, then the following shall apply:
   Sites less than twenty thousand (20,000) square feet shall
pay a fee in lieu of the on-site open space or portion thereof. The fee shall be equal to the appraised value of that portion of the open space that is not provided on site. The fee-in-lieu determination shall be calculated as follows:

\[
\text{Fee} = (\text{Total public open space required} - \text{Total on-site provided} \times \text{MAI appraisal of the land (a negative value for fee indicates the property owner provided more public space than required and, therefore, no fee would be assessed.)})
\]

The MAI appraisal or the MAI letter update appraisal submitted for purposes of calculation of the fee-in-lieu shall be conducted during the period approximately six (6) months prior to the date of application for design approval. Payment of a fee-in-lieu of providing on-site public open space shall be made upon issuance of the certificate of occupancy.

4. A property owner in the waterfront overlay district may also apply, through the CBD-2 site plan controlled rezoning process, for a variation from the public open space and fee-in-lieu requirements referenced herein. However, under no circumstance may city council reduce the required amount of public open space to be provided to an amount less than ten (10) percent.

(3) **Provisions of public access/view corridors.** All owners of property located in the waterfront overlay district and having a designated public access/view corridor, as set forth in the map below, shall provide public access/view at or near the desired location and alignment. The final alignment and dimensions of the public access/view corridors shall be reviewed and determined under the provisions of the design approval.
(4) Types of open space.
   a. Types of open space permitted. The following types of space shall be counted towards meeting the total public open space requirements set forth in subsection (e)(2) above:
      1. Any space which is open to the sky, with no coverings or obstructions;
      2. Any covered exterior space, including but not limited to spaces covered by awnings or canopies, so long as the covering is designed for weather protection or aesthetic design;
      3. The on-land building setback for the riverwalk;
      4. Any at-grade provisions of public access/view corridors or extensions of the street grid to create view corridors.
   b. Types of open space not permitted. The following types of space shall not be counted towards meeting the total public open space requirements set forth in subsection (e)(2) above:
      1. Any exterior space which is covered by the building structure itself;
      2. An interior space, such as atriums and courtyards;
      3. Surface parking lots;
      4. Loading zones or service areas which are not integrated with pedestrian entrances or areas.

(5) Public open space design regulations. The following regulations shall apply to all public open space required herein:
   a. All open spaces shall contain a public open space that is designed to accommodate one (1) or more specific public uses as defined in this chapter, except when the size and configuration of the open space cannot accommodate a public use. Variations of this provision shall be reviewed and determined through the CBD development design review process. In such cases when a public use cannot be accommodated, the open space shall be landscaped.
   b. The property owner or agent thereof shall clearly indicate the specific public use, as defined in this chapter, that the public open space is designed to accommodate at the time of application.
   c. All public open spaces shall contain one (1) or more activity elements, as defined in this chapter, to support the stated public uses of the space. People-oriented uses, such as restaurants, retail, entertainment and cultural arts activities, are encouraged adjacent to the public spaces.
   d. All public open spaces shall contain seating. The following design criteria shall be met:
      1. Seating may include low walls, benches or moveable chairs or fixed seating.
      2. At least one (1) lineal foot of seating or two (2) moveable chairs or a combination thereof shall be provided for each forty (40) square feet of public open space.
      3. At least forty (40) percent of the public open space shall be shaded by trees at noon on the summer solstice.
   e. All public open spaces shall be at grade and visible from the street and sidewalks.
   f. All new development located in the waterfront overlay district shall orient a minimum of ninety (90) percent of the on-site public open space, exclusive of the riverwalk setback, to create a public access/view corridor to the water’s edge. The final alignment and dimensions of the public access/view corridors shall be reviewed and determined under the provisions of design approval.
(6) **Freestanding parking structures; public open space requirements.** Any freestanding structure, public or private, located in the central business district in which the principal use is for the provision of parking shall devote five (5) percent of the site for public open space. Any freestanding parking structure which is accessory to a principal use shall be reviewed in combination with the principal use for determination of compliance with public open space requirements. All public open spaces for freestanding parking structures shall undergo design review to ensure adequate landscaping to support an attractive pedestrian-oriented appearance.

(7) **Public open space trust funds; use of funds.** There shall be created two (2) separate public open space trust funds to include the Inland District Public Open Space Trust Fund and the Waterfront District Public Open Space Trust Fund. Each fund shall consist of all in-lieu payments collected for the public open space requirement from the respective district. Funds shall be used exclusively for selection, acquisition, design, construction, maintenance and security of public open spaces within the respective district.

(8) **Ownership, security and maintenance covenant.** All public open space shall remain in the ownership of the property owner, and the property owner shall be responsible for all maintenance and security of the public open space. At the time of issuance of a certificate of occupancy, all property owners constructing public open space on site shall be required to execute a maintenance agreement and covenant, in a form acceptable to the city attorney, in which the property owner agrees to maintain and repair all elements of the public open space. The covenant shall be recorded in the public records of the county and shall be binding on all successors in interest.

(f) **Waterfront design regulations.**

(1) **Purpose and intent.** The purpose of the downtown waterfront overlay district is to: (i) Promote the city's downtown waterfront as a community resource, (ii) provide for the orderly development and re-development of the waterfront, (iii) ensure high quality design, (iv) ensure public access to and along the water's edge, and (v) create a pedestrian-oriented environment along the waterfront.

(2) **Requirements.** The following requirements shall apply to all property located in the waterfront overlay district:

a. **Waterfront building setback; when required.** Any property owner or agent thereof proposing to erect a building or structure on any site in the waterfront overlay district shall provide a twenty-three-foot-wide building setback from the water's edge, as measured from the waterside face of the bulkhead.

b. **Riverwalk; when required.** Any property owner proposing to construct a riverwalk in the waterfront district or any property owner or agent thereof proposing to erect a building or structure on any site in the waterfront overlay district shall construct a riverwalk in accord with the following provisions:

1. **General design requirements.**
   i. The riverwalk shall be constructed within the boundaries of the twenty-three-foot-wide waterfront building setback area where it has been provided.
   ii. Within the waterfront building setback area, a minimum of seventeen (17) feet shall be paved (includes two (2) feet for bulkhead wall) with the remaining space to be used for landscaping (trees, shrubs, ground cover, etc., flower bowls/planting beds, seating, signage, etc.) ap-
propriate to each project (paving plan and landscape plan to be approved by the city). This does not preclude construction of boardwalks, overlooks, etc., in addition to the riverwalk.

iii. The elevation along the riverwalk shall be held to specifications to ensure handicapped requirements are met.

iv. Continuity of the riverwalk across ownership parcels shall be maintained to facilitate public access use and enjoyment.

v. The design of the riverwalk shall be integrated with all intersecting streetscape designs.

2. Riverwalk design standards. The riverwalk design standards are established to provide a design framework which requires a certain level of quality, enhances the water's edge to attract pedestrian use, and provides a continuity of pedestrian scale and rhythm between ownership parcels. Any property owner or agent thereof proposing to construct a riverwalk shall comply with the provisions of this subsection and the design standards set forth in the "Riverwalk Design Standards," June 1989 edition, which standards are on file in the office of the city clerk and are herein adopted by reference.

3. Maintenance provisions and covenant. At the time of issuance of a certificate of occupancy all property owners constructing a riverwalk shall be required to execute a maintenance agreement and covenant in which the property owner agrees to maintain and repair all elements of the riverwalk. The covenant shall be recorded in the public records of the county and shall be binding on all successors in interest.

4. Encroachments. No construction, improvements, structures, decorations, signs, furniture, awnings and displays will be undertaken or placed into or over the riverwalk without the written approval of the property owner and the city or a riverwalk management association.

5. Emergency vehicle access. A minimum clearance of twelve (12) feet in width shall be maintained on the riverwalk pedestrian circulation area (sidewalk) at all times. If fire protection systems are not provided (fire sprinkler systems within the building, standpipes on the waterside of buildings, approved on-site fire hydrants, etc.), a minimum clear width for emergency vehicles shall be increased to twenty (20) feet. The design and construction of the expanded zone for emergency vehicles shall be integrated with the riverwalk.

(3) Waterfront building setback and riverwalk variations. Variations of the riverwalk or waterfront building setback requirements may be negotiated and approved through the CBD development design review process, or may be approved by the city council through the CBD-2 site plan controlled rezoning process, subject to the following:

a. Applicable situations. A property would be eligible for variations of the requirements of this article if:

1. The site is less than twenty thousand (20,000) square feet in size; or
2. The site, due to size and configuration, cannot provide the on-land riverwalk or waterfront building setback and a twenty-thousand-square-foot buildable area.

b. Variations permitted. A property owner that meets the provisions of subsection (f)(3)a. above may receive the following variations through the review process:

1. The property owner may be permitted to locate the riverwalk or a portion thereof over the water.

2. The property owner may be permitted to vary the width of the waterfront building setback and the riverwalk.

3. The property owner may be permitted to construct the riverwalk under the structural portion of a building (i.e., building overhangs and arcades).

c. Any property owner in the waterfront overlay district may also apply to the city council for a variation from the waterfront building setback requirement and/or the on-land riverfront location requirement set forth herein. Application for such a variation shall be submitted, and may be approved by city council, through the CBD-2 site plan controlled rezoning process.

d. Applicability of other provisions. To the extent that a variation is permitted under the provisions of this subsection, a property owner shall continue to comply with all provisions of the public open space requirements, as well as all remaining provisions of this section.

(4) Off-street parking and loading requirements. All new construction and major renovations of waterfront parcels located within the boundaries of the waterfront overlay district, as defined by this chapter, shall meet the following requirements:

a. Parking provisions:

1. No structure shall have parking access on the waterside of the project.

2. Surface parking lots on waterfront parcels shall be prohibited; however, temporary waterfront surface parking lots, as defined in section 27-43, may be permitted as provided in Table 18-1.

3. The number of on-site parking spaces shall not exceed the minimum parking spaces required by this Code.

4. Freestanding parking structures are prohibited, public or private.

5. Parking structures as an accessory use may be permitted in the waterfront overlay district providing the following conditions are met:

i. The design of the parking structure and/or the design of the façades of parking structures which are incorporated in the building footprint or which extend from the principal building component shall be architecturally integrated.

ii. The design of the parking structure conceals vehicles from grade-level views.

iii. The design of the parking structure utilizes landscaping elements or design features to soften the appearance of the exterior façade.

b. Off-street loading provisions.

1. Service and loading areas and related access drives shall be
located to minimize their visibility from public streets, pedestrian areas and adjacent riverwalk.

2. All service and loading areas shall be effectively screened from pedestrian view.

3. The city may approve service and loading areas and related access drives which do not comply with subsections (f)(4)b.1. and (f)(4)b.2. above if no feasible alternative exists.

(5) Building design, general.

a. Building entrance. There shall be a public entrance included on the riverwalk or the on-site public space.

b. Roofscape. All rooftop mechanical equipment shall be screened from view through the use of architectural enclosures designed as an integral part of the building architecture. To present an attractive roofscape, special consideration shall be given to the design treatment of all roof components, including terraces, or portions of the building.

(g) Design and use regulations: Franklin Street District; all other streets.

(1) Purpose and intent. The purpose of the Franklin Street district regulations is to require all new development facing Franklin to: (i) Help create a highly active pedestrian-friendly corridor; (ii) ensure new buildings are designed to be compatible with human scale and minimize the loss of light and air; and (iii) promote the desired character of development as identified in the CBD land use policy plan. Furthermore, it is the intent that all other streets in the CBD are activated with pedestrian-oriented/ground level uses, such as: residential, office, commercial, and art displays, to create vibrant streets in the downtown core.

(2) Design requirements (Franklin Street). The following requirements shall apply to the ground level component of all development in the Franklin Street district:

a. Space/use requirements; new development. Any property owner or agent thereof proposing to erect a building or structure on any site in the Franklin Street retail district shall comply with the following provisions:

1. A major entry and all uses along the Franklin Street frontage shall be oriented to Franklin Street.

2. All uses along the Franklin Street frontage shall contribute to the active pedestrian character of the corridor and shall include retail, personal services, and public facilities.

3. A minimum depth of twenty (20) feet, as measured from the building line along the entire Franklin Street frontage, shall be provided for these uses.

4. Uses which do not contribute to the active pedestrian character of the corridor shall not be permitted. Such uses would include, but are not limited to mechanical, storage and other building support functions, parking access and service ramps, internally oriented office functions without accessible public lobby space, and any other uses that would result in blank walls fronting Franklin Street.

b. Space/use requirements; existing development. All ground-level space located within an existing structure and facing Franklin Street shall hereinafter conform to the retail space/use requirements set forth in subsection (g)(2)a. above; provided, however, the following provisions shall apply to existing uses:

1. Uses which do not meet the requirements above shall be con-
sidered a nonconforming use. The following provisions apply to all nonconforming uses.

i. Any nonconforming use that is in operation at the effective date of the ordinance from which this article was derived may continue operation, subject to the provisions of Article VII, Nonconformities.

ii. At such time when a nonconforming use operating at that location ceases operation for one hundred eighty (180) consecutive days, as determined the city, the space shall be used thereafter for retail uses as provided herein.

(3) Design requirements (Franklin Street Retail District). Any property owner or agent thereof proposing to erect any building or structure on any site in the Franklin Street retail district shall comply with the following regulations in addition to all other requirements:

a. All spaces fronting on Franklin Street shall locate a major entrance onto Franklin Street.

b. All spaces fronting on Franklin Street (and where feasible in major renovations) shall be visible from Franklin Street by devoting not less than fifty (50) percent of the ground level façade plane to transparent material.

c. The design of all new structures shall maintain at least eighty (80) percent of the building line at the property line.

d. All structures shall contain awnings or canopies. Such elements shall be placed at the upper portion of the ground floor storefront along the entire façade of the building facing Franklin Street with consideration for the height of awnings or canopies of adjacent development.

e. All parking shall comply with the following:
   1. Surface parking, except for curbside parking which may be provided by the City at the curb line, is prohibited along Franklin Street. Surface parking (located outside of the public right-of-way) is prohibited adjacent to and along Franklin Street. Any surface or structured parking located in proximity to Franklin Street shall be setback a minimum of twenty (20) feet from the property line along Franklin Street.
   2. Ground floor parking which fronts on Franklin Street in parking garages is prohibited along Franklin Street.
   3. Parking structures on properties which front on Franklin Street must contain active pedestrian oriented uses, as described above, for a minimum depth of twenty (20) feet along the entire Franklin Street frontage.

(4) Requirements and design regulations for new development on all other streets (space / use requirements). The following requirements shall apply to the ground level component of development along all other streets, in all other districts:

a. All uses maintaining street frontage shall contribute to the active pedestrian character of the corridor and shall include residential, art displays, commercial, or office uses.

b. All structures shall contain awnings or canopies, placed at the upper portion and for the entire length of the ground floor façade of an art display, office, or commercial use. The height of awnings or canopies of adjacent development shall guide placement of new awnings or canopies, where feasible and design appropriate.
c. Features such as mechanical, storage and other building support functions, ground floor structural parking, parking access, service ramps, and any other features that may result in expansive blank walls, shall be designed as follows:

1. Minimize appearance of such features;
2. Enhance the pedestrian experience or public realm associated with the block face of the development;
3. Incorporate architectural screening at ground level consistent with the "Tampa Central Business District Urban Design Guidelines" and designed to conceal those features;
4. Provide sufficient passive ventilation to minimize the need for noisy mechanical ventilation and fire suppression systems, where feasible.

(5) **Vacant buildings; aesthetic regulations.**
The following regulations shall apply to all vacant retail space and are in addition to all other requirements:

a. All windows of a vacant structure shall provide a window display or window covering that is aesthetically compatible with the structure.

b. Windows that are "boarded-up" shall not be considered a window covering.

c. Upon receipt of a notice of noncompliance with this section, the property owner shall have thirty (30) days in which to provide the window display or covering.

d. Failure to provide the window display within the thirty-day period shall constitute a violation of this chapter and shall be punishable in accordance with Article X hereof.

(h) **Fence regulations.**
(1) **Applicability.** The requirements set forth herein shall apply to all fences built in Tampa's Central Business District. The requirements are based on the location of each fence installation in one of the following three (3) zones. These are minimum standards, and if the applicant desires the quality of the fencing material may be upgraded, subject to city planning division design approval.

The three (3) zones include the following character districts:

**Zone 1:** Cultural Arts District, Riverfront District, Franklin Street District, Retail District, and North Franklin Street Districts.

**Zone 2:** Gateway District, Government Center District, East Office District, a portion of Franklin Street District to the south and Garrison Channel District.

**Zone 3:** Development District North and Redevelopment District South.
(2) **Requirements.**

<table>
<thead>
<tr>
<th>Zone 1</th>
<th>Maximum Height</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>1a. Improved property</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Unimproved property</td>
<td>4 feet</td>
<td>Ornamental fence</td>
</tr>
<tr>
<td>Screened fencing</td>
<td>Not allowed</td>
<td>Not allowed</td>
</tr>
<tr>
<td>Unscreened fencing</td>
<td>4 feet</td>
<td>Ornamental fence</td>
</tr>
<tr>
<td>1b. Improved and unimproved property</td>
<td>4 feet</td>
<td>Ornamental fence</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zone 2</th>
<th>Maximum Height</th>
<th>Material</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improved property</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Screened fencing</td>
<td>4—6 feet</td>
<td>Ornamental fence</td>
</tr>
<tr>
<td>Unscreened fencing</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Unimproved property</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Screened fencing</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Unscreened fencing</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Zone 3</td>
<td>Maximum Height</td>
<td>Material</td>
</tr>
<tr>
<td>Improved property</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Screened fencing</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Unscreened fencing</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Unimproved</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Screened fencing</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
<tr>
<td>Unscreened fencing</td>
<td>4 feet</td>
<td>Black Vinyl Chain Link</td>
</tr>
</tbody>
</table>

1 Screened Fencing: Zone 1 shall consist of a five-foot wide (minimum) landscaped buffer between the property line and the fence. The landscape buffer shall consist of trees planted thirty (30) feet on center, shrubs at three (3) feet on center and ground cover at one foot on center. (The land development coordination shall designate plant material.)

2 All other zones shall consist of a three-foot wide (minimum) shrub hedge between the property line and the fence. Shrubs placed three (3) feet on center and approved by the planning division.

3 The zoning administrator may grant an alternative method of compliance with the required screening if there are site constraints existing on the property making it impractical to meet the above stated requirements or if there are visibility and safety concerns at intersections, per Section 27-283.5.

4 Ornamental fencing: Must utilize an acceptable ornamental fence manufacturer listed on the "City Approved List of Ornamental Fence Manufacturers" which list is on file in the office of the city clerk and is herein adopted by reference, or approved equals. The land development coordination division shall review all fences for design appropriateness.

5 Tampa City Council must approve fences which exceed six (6) feet in height.

NOTE: All chain link fences shall be black vinyl and have a top rail.

Sec. 27-187. Parking requirements.

(a) **Off-street parking requirements.** Any building within the central business district that is erected, expanded, increased in floor area or seating capacity or changes its use shall meet the applicable parking requirements as set forth in Table 18-3, Table of Required Parking Spaces. All other applicable regulations of Article VI, Division 3 hereof shall be complied with.
(b) Specific to structural off-street parking within the CBD, standard parking spaces shall maintain a minimum measurement of eight (8) feet wide by eighteen (18) feet long with a twenty-four-foot drive aisle (back-out). Furthermore, within said parking structures, tandem stalls may be utilized for residential uses only.

(c) Compact spaces may be utilized for up to one hundred (100) percent of the required parking.

(d) Parking stalls for motorcycles (as defined in Chapter 25) may be provided for up to ten (10) percent of the required off-street parking, in lieu of required standard or compact vehicle parking stalls. Said stalls shall maintain a minimum measurement of five (5) feet wide by eight (8) feet long.

(e) The zoning administrator may consider off-site parking as an alternative, subject to section 27-283.6.

### TABLE 18-3

**TABLE OF REQUIRED PARKING SPACES**

<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces</th>
<th>Per unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air conditioned storage</td>
<td>1.0 space</td>
<td>per 100 storage units</td>
</tr>
<tr>
<td>Auditoriums, theaters or other places of assembly</td>
<td>1</td>
<td>5 persons or seats</td>
</tr>
<tr>
<td>Business or commercial buildings</td>
<td>1</td>
<td>500 sq. ft. (GFA)</td>
</tr>
<tr>
<td>Clubs or lodges</td>
<td>1</td>
<td>10 seats or persons</td>
</tr>
<tr>
<td>Dwelling structures</td>
<td>1</td>
<td>dwelling unit</td>
</tr>
<tr>
<td>Hospitals, sanitariums</td>
<td>1</td>
<td>6 patient beds</td>
</tr>
<tr>
<td>Hotels</td>
<td>1</td>
<td>3 bedrooms</td>
</tr>
<tr>
<td>Libraries, museums</td>
<td>parking area</td>
<td>equal to 50% of floor area open to public</td>
</tr>
<tr>
<td>Medical or dental clinics</td>
<td>3</td>
<td>per each doctor or dentist</td>
</tr>
<tr>
<td>Motels</td>
<td>1</td>
<td>sleeping unit</td>
</tr>
<tr>
<td>Nursing or convalescent homes</td>
<td>1</td>
<td>per each 4 patients</td>
</tr>
<tr>
<td>Office and professional buildings</td>
<td>1</td>
<td>1,000 sq. ft. (GFA)</td>
</tr>
<tr>
<td>Place of religious assembly</td>
<td>1</td>
<td>8 persons or seats</td>
</tr>
<tr>
<td>Restaurants or other eating places</td>
<td>0</td>
<td>seat</td>
</tr>
<tr>
<td>Rooming, boarding houses</td>
<td>1</td>
<td>4 beds</td>
</tr>
<tr>
<td>Schools and public buildings</td>
<td>1</td>
<td>10 seats</td>
</tr>
<tr>
<td>Commercial recreation area</td>
<td>1</td>
<td>1,500 sq. ft. of land area</td>
</tr>
<tr>
<td></td>
<td>plus 1</td>
<td>500 sq. ft. of structure</td>
</tr>
</tbody>
</table>

(f) Off-street surface parking zones and surface parking lot design standards.

(1) All off-street surface parking lots within the CBD shall comply with the applicable requirements of this section by parking zone, and as further described in the CBD Parking Zone Map (inset below), Tables 18-4a through 18-4d, and Diagrams 18-1 through 18-6, and the City of Tampa Code.

(2) Furthermore, the use of tandem parking spaces may be allowed, so long as the surface parking lot has a live attendant(s) onsite, to perform activities such as monitoring the parking lot and maneuvering vehicles in a safe and orderly fashion. Said attendant(s) shall be onsite at all times when the surface parking spaces are used in a tandem formation.
(3) Any existing, legally established, permanent surface parking lot (paved with concrete or asphalt) shall not be required to comply with the following requirements, until such time a change of use, major renovation, or new construction of the surface parking lot occurs.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Core - Primary/Non-Primary Pedestrian Corridors</th>
<th>North/South - Primary Pedestrian Corridors</th>
<th>North/South - Non-Primary Pedestrian Corridors</th>
</tr>
</thead>
</table>
| Required Landscaping[1] | $\text{Landscape buffer:}$
3′W with landscape islands for tree planting, spaced at min 48′ o.c. interval (min. landscape island dimension 8′ × 8′)

$\text{Planting materials:}$

i. Trees: min. 4″ caliper and placed at 48′ o.c. (planted within landscape island)

ii. Shrubs: min. 3-gal (24 HT × 18″ spread) and placed at 3′ o.c.

iii. Groundcover: min. 1-gal and placed @ 15″ o.c.

<table>
<thead>
<tr>
<th>Parking Districts</th>
<th>Perimeter streets</th>
</tr>
</thead>
</table>
| $\text{Landscape buffer:}$
3′W w/landscape islands for tree planting, spaced at min 48′ o.c. interval (minimum landscape island dimension 8′ × 8′) & $\text{Planting materials:}$

i. Trees: min. 3″ caliper and placed at 48′ o.c. (planted within landscape island)

ii. Shrubs: min. 3-gal (24″ ht × 18″ spread) and placed at 3′ o.c.

iii. Groundcover: min. 1-gal and placed @ 15″ o.c. |

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Perimeter streets</th>
</tr>
</thead>
</table>
| $\text{Landscape buffer[2]:}$

i. Option 1: min. 18″ width; planting area for tree, spaced at min 48′ o.c. interval (minimum planting area dimension 8′ × 8′); installation of fence (see fence requirements below), planted w/vine at 10′ o.c.

ii. Option 2: min. 3′ width; planting area for tree planting spaced at min 48′ o.c. interval (minimum planting area dimension 8′ × 8′) & $\text{Planting materials:}$

Trees shall be min 3″ caliper, placed at 48′ on center (planted within landscape island) |

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Interior</th>
<th>Irrigation</th>
<th>Tree Preservation</th>
</tr>
</thead>
<tbody>
<tr>
<td>$\text{Interior}$</td>
<td>N/A</td>
<td>Pursuant to section 27-285.1</td>
<td>Pursuant to Chapter 13</td>
</tr>
<tr>
<td>$\text{Irrigation}$</td>
<td>N/A</td>
<td>Pursuant to section 27-285.1</td>
<td>Pursuant to Chapter 13</td>
</tr>
<tr>
<td>$\text{Tree Preservation}$</td>
<td>N/A</td>
<td>Pursuant to section 27-285.1</td>
<td>Pursuant to Chapter 13</td>
</tr>
<tr>
<td>Fences</td>
<td>Throughout CBD</td>
<td>Pursuant to section 27-186(h)</td>
<td>Pursuant to section 27-186(h)</td>
</tr>
</tbody>
</table>
Table 18-4b: Off-Street Surface Parking Design Standards

<table>
<thead>
<tr>
<th>Key</th>
<th>Parking Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Core - Primary/Non-Primary Pedestrian Corridors</td>
</tr>
<tr>
<td><strong>Requirement</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Parking, parking lot &amp; space surface</strong></td>
<td></td>
</tr>
<tr>
<td>Drive aisles</td>
<td>Per sec. 27-283.12(k) or accepted engineering standard</td>
</tr>
</tbody>
</table>
| Parking stalls       | - Shall be delineated; wheel stops or bollards shall be used in cases where parking stalls cannot be marked or painted  
                       | - May remain unpaved, so long as installed materials remain dustless and durable | - All parking stalls along the outside perimeter only shall be delineated with wheel stops or bollards | - All parking stalls along the outside perimeter only shall be delineated with wheel stops or bollards |
| ADA stalls, accessibility | Per Florida Accessibility Code, as revised                                      | Per Florida Accessibility Code, as revised                                      | Per Florida Accessibility Code, as revised                                      |
| **Paving, parking lot & space surface (continued)** |                                                                                   |                                                                                   |                                                                                   |
| Pedestrian access   | - Paved with ADA accessible material  
                       | - Must provide connection from parking area to all adjacent public sidewalks  
                       | - Placed on a diagonal through perimeter landscaped area on each corner of the lot and connecting to the public sidewalk | Pedestrian connection (paved with ADA accessible material) from parking area to public sidewalks with spacing at no less than 100 LF | Pedestrian connection (paved with ADA accessible material) from parking area to public sidewalks with spacing at no less than 100 LF |
Table 18-4c: Off-Street Surface Parking Design Standards

<table>
<thead>
<tr>
<th>Key</th>
<th>Parking Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Core - Primary/Non-Primary Pedestrian Corridors</td>
</tr>
<tr>
<td>Requirement</td>
<td>HT: Height</td>
</tr>
<tr>
<td>Signage[3]</td>
<td>0', however visibility standards must be met pursuant to section 27-283.5</td>
</tr>
<tr>
<td>Minimum setback</td>
<td>0', however visibility standards must be met pursuant to section 27-283.5</td>
</tr>
<tr>
<td>Maximum height</td>
<td>10'</td>
</tr>
<tr>
<td>Maximum copy area</td>
<td>24 SF per street face</td>
</tr>
</tbody>
</table>

- If fee is collected/paid, the cost of parking shall be stated within sign copy area; lettering to be a minimum 6" in height
- Name and contact information (phone number and address) for contact person shall be stated within the copy area; lettering to be a minimum 3" in height
- Physical address of the parking lot shall be stated within the sign copy area; lettering to be a minimum 3" in height
- If fee is collected/paid, the cost of parking shall be stated within sign copy area; lettering to be a minimum 6" in height
- Name and contact information (phone number and address) for contact person shall be stated within the copy area; lettering to be a minimum 3" in height
- Physical address of the parking lot shall be stated within the sign copy area; lettering to be a minimum 3" in height
- If fee is collected/paid, the cost of parking shall be stated within sign copy area; lettering to be a minimum 6" in height
- Name and contact information (phone number and address) for contact person shall be stated within the copy area; lettering to be a minimum 3" in height
- Physical address of the parking lot shall be stated within the sign copy area; lettering to be a minimum 3" in height
### Table 18-4d: Off-Street Surface Parking Design Standards

<table>
<thead>
<tr>
<th>Key</th>
<th>HT: Height</th>
<th>W: Width</th>
<th>o.c.: On Center</th>
<th>N/A: not applicable</th>
<th>min.: Minimum</th>
<th>max.: Maximum</th>
<th>LF: linear feet</th>
</tr>
</thead>
</table>

#### Requirement

<table>
<thead>
<tr>
<th>Parking Districts</th>
<th>Core - Primary/Non-Primary Pedestrian Corridors</th>
<th>North/South - Primary Pedestrian Corridors</th>
<th>North/South - Non-Primary Pedestrian Corridors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lighting[4]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Horizontal</td>
<td>minimum 3 fc on pavement</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Vertical</td>
<td>.3 fc at 5’ above ground</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Notes for Tables 18-4a through 18-4d:

1. All tree and landscape planting, protection, and removal shall adhere to the City of Tampa Tree and Landscape Technical Manual.

2. Trees may be planted within public right-of-way immediately adjacent to the subject property in-lieu of on-site plantings, due to physical constraints of the land, subject to City of Tampa tree planting technical standards and execution of a streetscape maintenance agreement according to section 27-186(c)3.

3. Sign copy shall be legible and neat in appearance and shall not be handwritten or handmarked.

4. Where on-site lighting is not required but is provided, said lighting must be maintained in a manner to provide a safe parking and pedestrian environment, in accordance with the lighting standards above.
Diagram 18-3

CORE ZONE PARKING LOT CORNER DETAIL

PLAN VIEW - M.U.S.
Diagram 18-4

CORE ZONE PARKING SECTION
N.T.S.
Diagram 18-5

NORTH / SOUTH ZONE
NON-PRIMARY PEDESTRIAN CORRIDOR
PARKING SECTION

N.T.S.
(g) **In-lieu payment.** New developments, renovations, rehabilitations or building improvements in the CBD which do not meet the parking requirements established above may comply with the parking requirements through an in-lieu payment to the department of public works, parking division. All funds collected through the in-lieu payment process shall be utilized for the express purpose of parking capital improvement projects.

(1) **In-lieu payment procedure.** An application to comply with parking requirements through payment of an in-lieu fee may be obtained from the land development coordination office. All in-lieu parking applications shall be filed with said office in accordance with the following procedures:

a. The application shall be typewritten and sworn to by the applicant or his attorney or agent, hereinafter referred to as applicant, and shall include the mailing address of the applicant.

b. It shall contain the legal description of the land involved, including the street address, if any; the name of all owners, mortgage holders, lienors and lessees; and zoning classification applied to the land.

c. It shall state the proposed on-site and off-site parking spaces and the number of spaces required by this Code.
d. It shall state existing building use and the proposed building use.
e. It shall contain the square footage of the building and the land.
f. It shall contain a site plan.
g. Three (3) copies of the application shall be filed with the land development coordination office.
h. Upon acceptance, review and certification of the application as to completeness, the zoning administrator or designee shall distribute two (2) copies of the application to the department of public works for review and comment.
i. The zoning administrator or designee shall notify the applicant of any in-lieu payments, special conditions or information that is required.
j. Upon receipt of the in-lieu payment from the applicant, the zoning administrator or designee shall issue parking space credit to the applicant.
k. All in-lieu payments shall be deposited to the department of public works, parking division, parking revenue fund.

(2) Calculation of in-lieu parking payment.

a. The in-lieu factor for the requested land use shall be established by resolution of the city council.

b. The in-lieu payment for renovation, rehabilitation or building improvements shall be calculated in accordance with the following criteria:

1. For renovation, rehabilitation or building improvement with no building use change and/or expansion of the existing structure less than or equal to one thousand (1,000) square feet or ten (10) percent of the building structure, whichever is less, no additional parking shall be required. This exemption shall be used only once per building.

2. For all other renovation, rehabilitation or building improvement, the in-lieu parking payment space credit shall be calculated in accordance with the following formula:

\[
\text{In-lieu parking payment} = \left( \frac{\text{Total spaces required to meet code requirements}}{\text{On-site spaces meeting code requirements}} - \text{Approved off-site spaces within 500 ft. of development} - \text{Prior parking space credit} \right) \times \left( \frac{\text{Construction cost per space}}{\text{In-lieu factor}} \right)
\]

A maximum of fifty (50) parking spaces may be provided by in-lieu payment.
c. The in-lieu payment for new construction shall be calculated in accordance with the following formula:

\[
\text{In-lieu parking payment} = \left[ \frac{\text{Total spaces required to meet code requirements}}{\text{On-site spaces meeting code requirements}} - \text{Prior parking space credit} \right] \times \left[ \text{Construction cost per space} \right] \times \left[ \text{In-lieu factor} \right]
\]

A maximum of fifty (50) parking spaces may be provided by in-lieu parking payment.

d. For new construction, renovation, rehabilitation or building improvement which requires greater than fifty (50) parking spaces to be provided by an in-lieu payment, the city council shall assess the in-lieu fee and parking space credit by resolution based upon the recommendation of the director of the department of public works. The in-lieu fee shall be based on the developer's fair share of:

1. Land acquisition cost;
2. Construction cost; and
3. Other relevant factors.

(3) Calculation of parking space credit. Parking space credit for renovation and new construction shall be issued to the applicant in accordance with the following calculations:

\[
\text{Parking space credits} = \frac{\text{In-lieu payment}}{\text{Const. cost per space}}
\]

(4) Parking space credit conditions and rights.

a. Parking space credit may be transferred only with the property that is legally desired on the parking space credit form.

b. Parking space credit may be transferred when the use of the property is changed.

c. Parking space credit may not be transferred to meet the parking requirements of buildings or structures on other property.

d. It is the developer's responsibility to maintain a copy of the parking space credit and to provide the copy with the permit application whenever a new renovation, rehabilitation, building improvement or new construction is planned for the site.

e. No money shall be refunded by the city for parking space credit.

(h) Permanent reservation. Area reserved for off-street parking or loading in accordance with the requirements of this section shall not be reduced in area or changed to any other use, unless the permitted use which it serves is discontinued or modified with sufficient parking being provided.

(i) CBD parking variance procedure. Where an applicant desires not to comply with the foregoing CBD parking requirements, the applicant shall seek a variance from this criteria in accordance with section 27-127(b)(2), procedures for approval of S-2 special use permits; provided, however, that the requirement of a study and report by the Hillsborough County City-County Planning Commission and the newspaper publication requirement shall not be required.
Sec. 27-188. Surface parking regulations.

All central business district sites used for surface parking shall comply with the tree, site clearing and landscaping regulations set forth in Chapter 13 and Chapter 27 of this Code.

Sec. 27-189. Amortization schedule for adult uses; blood donor centers and temporary help agencies; waterfront principal use surface parking lots.

(a) Pursuant to section 27-183 and Table 18-1 of this article, adult uses are prohibited uses in the central business district. However, adult uses, including adult bookstores, adult theatres or special cabarets which are legally established and operating at locations in the CBD upon the effective date of the ordinance from which this article was derived, may continue to operate at their existing locations until July 6, 1994. Thereafter, no adult uses shall be permitted to operate in the CBD.

(b) Pursuant to section 27-183 and Table 18-1 of this article, blood donor centers and temporary help agencies are prohibited uses in the CBD. However, such uses which are legally established and operating at locations in the CBD upon the effective date of the ordinance adopting this subsection (February 22, 1990) may continue to operate at their existing locations until February 8, 1995. Thereafter, no blood donor centers or temporary help agencies shall be permitted to operate in the CBD.

(c) Pursuant to section 27-183 and section 27-186(f)(4)a.2., principal use surface parking lots on waterfront parcels are prohibited in the Central Business District. However, principal use surface parking lots in waterfront parcels which are legally established and operating at locations in the Central Business District upon the effective date of this ordinance, may continue to operate at their existing locations until November 4, 1997. Thereafter, no principal use surface parking lot on waterfront parcels shall be permitted to operate in the Central Business District.

Sec. 27-190. Supplemental regulations.

All property located and all activities conducted in the central business district shall also be subject to the provisions of the following ordinances and resolutions, where applicable:


2. Ordinances No. 88-139 and No. 88-306: Franklin Street Mall and Café Seating Regulations.


Subdivision 4. Channel District (CD) Districts

Sec. 27-196. Purpose and intent.

The purpose and intent of the Channel District ("CD" or "District") is to provide for a growing mixed-use area which lies between and complements the Central Business District and the Ybor City Historic District. The CD provides for protection of existing uses and a variety of residential, commercial, and industrial uses consistent with the Tampa Comprehensive Plan. The CD also seeks to guide development design according to the desired palette as identified in the "Channel District Community Redevelopment Area Strategic Action Plan." While these regulations allow for the potential for mixed-use development in the Channel District, it is the intent of this article to provide existing industrial, maritime, and commercial uses (specifically related to Port Authority activities) with the opportunity to continue, expand, prosper, and grow.

Per the strategic action plan, the district is evolving dramatically to also include increased
tourism, higher density residential, and more intense mixed-use projects. This constant evolution of uses makes the Channel District a unique redevelopment opportunity in the eastern side of downtown peninsula, given its proximity and geographical connection to the Central Business District. The District is on a direct path to becoming a destination with an urban, mixed-use, transit-related neighborhood reflecting the smart-planning concept of locating residences near job centers. Creation of inviting urban spaces through innovative, superior design will add to the economic and social success of the neighborhood.

Geographic location and the historic dependence upon port related activity have influenced the district's development pattern. Even today the district reflects the diverse activities emerging at the port and its evolution as a tourist destination. The Channel District is facing dramatic change as its future development pattern emerges at the onset of the 21st Century as part of Tampa's emerging downtown neighborhoods.

Sec. 27-197. District and subdistricts established: procedures for rezoning.

(a) District established; boundaries. The Channel District is hereby established as a separate district with subdistricts therein. The boundaries of the District are as follows:

An area within downtown Tampa which is generally located, North of Garrison Channel, South of Tampa South Crosstown Expressway, East of Meridian Avenue, and West of Ybor Channel, and being more particularly described as follows: An area bounded on the North by the Tampa South Crosstown Expressway; on the North beginning at the Tampa South Crosstown Expressway and extending South along the Centerline of Ybor Channel to a point on a line, said point lying on a line which bears North 43 deg. 31 min. West, bisecting the intersection of the Northwesterly Harbour Line of the Ybor Turning Basin and the Westerly Harbour Line of Ybor Channel; thence North 43 deg. 31 min. West, along said line to 13th Street; thence South and Southwesterly along 13th Street to and along Platt Street, to Meridian Avenue; and bounded on the West by Meridian Avenue to the Tampa South Cross-town Expressway.

Any owner of property immediately abutting the boundaries of the Channel District as herein described, and zoned PD or PD-A on the date of adoption of this Article III, Division 2, Subdivision 4, The Channel District, may petition the city to expand the PD or PD-A into the Channel District boundaries, provided such expansion does not enlarge or intensify the existing development rights under the PD or PD-A as it existed on the date of adoption of Article III, Division 2, Subdivision 4. If such petition is approved by the city, the above-referenced boundaries of the Channel District will be modified to exclude the expanded PD or PD-A property.

(b) Subdistrict established. The following CD zoning subdistricts shall be the only zoning districts permitted within the CD (previously approved CD-3 site plans shall remain valid subject to section 27-138(6) and (7) and any substantial changes thereto require compliance with this article):

(1) CD-1. This zoning subdistrict is appropriate for a variety of residential, commercial, and industrial uses with an urban and pedestrian development pattern.

(2) CD-2. This zoning subdistrict is appropriate for those uses and/or structures exceeding those dimensional and intensity criteria set forth in the CD-1 subdistrict.

(c) Procedures for rezoning to CD subdistricts.

(1) A property owner requesting a rezoning to CD-1 shall be governed by the parcel rezoning procedures set forth in Article II, Div. 7 of this chapter.

(2) A property owner requesting a rezoning to CD-2 or an amendment to a CD-2 (or previously adopted CD-3) zoned property shall be governed by the parcel rezoning procedures, the site plan controlled rezoning review procedures, and the provisions of this article, all as set forth in this chapter. A property owner requesting a CD-2 rezoning shall be required to submit an application for preliminary design ap-
proval at the time of submission of the rezoning application and final design approval at the time of submission of the commercial site plan application.

Sec. 27-198. Official schedule of permitted principal, accessory and special uses.

(a) Except as otherwise specifically provided in this chapter, the use of land, water and structures within the Channel District (CD) shall only be permitted in accordance with Table 19-1, Schedule of Permitted Principal, Accessory and Special Uses. All other uses of land, water and structures in the CD which are not expressly listed in Table 19-1 are prohibited uses and shall not be established in the CD.

(b) Uses listed in Table 19-1 as special uses may be established in the CD only after approval of an application of a special use permit in accordance with the procedures and requirements in Article II, Division 5 of this chapter.

Table 19-1
SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AN SPECIAL USES

<table>
<thead>
<tr>
<th>LEGEND:</th>
<th>CD-1</th>
<th>CD-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>X—Permitted principal use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S1—Special use, zoning administrator review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S2—Special use, city council review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A—Permitted accessory use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Blank—Prohibited use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Uses</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Group A

<table>
<thead>
<tr>
<th>Uses</th>
<th>CD-1</th>
<th>CD-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Congregate living facility</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Dwelling, multiple family</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dwelling, single-family detached</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dwelling, single-family semi-detached</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dwelling, single-family attached</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Dwelling, two-family</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Extended family residence</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Home occupation</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Professional residential facilities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recovery home A</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>Recovery home B</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>Residential treatment facility</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>Life care treatment facility</td>
<td>S2</td>
<td>S2</td>
</tr>
</tbody>
</table>

Group B

<table>
<thead>
<tr>
<th>Uses</th>
<th>CD-1</th>
<th>CD-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory use to a permitted principal or special Group B use</td>
<td>A</td>
<td>A</td>
</tr>
<tr>
<td>Place of religious assembly</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Clinic</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Club</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>College</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Community garden, private</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Day care and nursery facility</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Day care and nursery facility (number limited to five (5) children)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Fraternity or sorority</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hospital and associated uses</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Hotel and motel</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>
### LEGEND:

- **X**—Permitted principal use
- **S1**—Special use, zoning administrator review
- **S2**—Special use, city council review
- **A**—Permitted accessory use
- **Blank**—Prohibited use

<table>
<thead>
<tr>
<th>CD-1</th>
<th>CD-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A</td>
<td>X</td>
</tr>
</tbody>
</table>

**Group C**

Accessory use to a permitted principal or special Group C use

<table>
<thead>
<tr>
<th>Alcoholic beverage sales</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bar and lounge</td>
</tr>
<tr>
<td>Convenience retail (package only)</td>
</tr>
<tr>
<td>Gasoline retail (package only)</td>
</tr>
<tr>
<td>Hotel w/100+rooms (on premises only)</td>
</tr>
<tr>
<td>Large venue (on premises/package)</td>
</tr>
<tr>
<td>Restaurant (on premises only)</td>
</tr>
<tr>
<td>Shopper's goods retail (package only)</td>
</tr>
<tr>
<td>Small venue (on premises/package)</td>
</tr>
<tr>
<td>Sidewalk café</td>
</tr>
<tr>
<td>Special restaurant (on premises only)</td>
</tr>
<tr>
<td>Specialty retail (package only)</td>
</tr>
<tr>
<td>Temporary (on premises only)</td>
</tr>
<tr>
<td>Bank</td>
</tr>
<tr>
<td>Catering shop</td>
</tr>
<tr>
<td>Cigar factory</td>
</tr>
<tr>
<td>Commercial communication tower</td>
</tr>
<tr>
<td>Drycleaning plant, small</td>
</tr>
<tr>
<td>Hazardous materials (port-related activities only)</td>
</tr>
<tr>
<td>Heliport, helistop</td>
</tr>
<tr>
<td>Interim parking</td>
</tr>
<tr>
<td>Kennel, large (limited to fifteen (15) animals)</td>
</tr>
<tr>
<td>Laboratory, dental and mental</td>
</tr>
<tr>
<td>Maintenance or storage facility (port-related activities only)</td>
</tr>
<tr>
<td>Manufacturing, heavy (port-related activities only)</td>
</tr>
<tr>
<td>Manufacturing, light</td>
</tr>
<tr>
<td>Marina</td>
</tr>
<tr>
<td>Microbrewery</td>
</tr>
<tr>
<td>Nursing (care facility), convalescent and extended care facility</td>
</tr>
<tr>
<td>Office, business, and professional</td>
</tr>
<tr>
<td>Office, medical</td>
</tr>
<tr>
<td>Parking, off street</td>
</tr>
<tr>
<td>Principal use</td>
</tr>
<tr>
<td>Accessory use</td>
</tr>
<tr>
<td>Commercial use</td>
</tr>
</tbody>
</table>
LEGEND:
X—Permitted principal use
S1—Special use, zoning administrator review
S2—Special use, city council review
A—Permitted accessory use
Blank—Prohibited use

<table>
<thead>
<tr>
<th>Use</th>
<th>CD-1</th>
<th>CD-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking, temporary</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Personal services</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Printing, light</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Printing and publishing</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public service facility</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public use facility</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Radio/television studio</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recreation facility, commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indoor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Outdoor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recreational facility, private</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Research activity</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Restaurant</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail bakery</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail sales, convenience goods</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail sales, gasoline</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail sales, lawn and garden shop</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail sales, shopper's goods</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Retail sales, specialty goods</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Reupholstery</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Special event parking</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Storage open (port-related activities only)</td>
<td>A₂</td>
<td>A₂</td>
</tr>
<tr>
<td>Storefront/residential office</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Storefront/residential commercial</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Temporary film production</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Transportation service facility (port-related activities only)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Utility transmission site</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>Vehicle repair, major (port-related activities only)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Vehicle repair, minor</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Vehicle sales and leasing (port-related activities only)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Vermin control and related services</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Veterinary office</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Warehouse and wholesale trade (port-related activities only)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Warehouse, mini (port-related activities only)</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Water transport</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Notes:

¹Except as noted in Footnote #6 below, or as may be required in a CD-2 rezoning site plan, uses in the Channel District are exempt from the buffering requirements of section 27-284, with the exception of buffer standards as they apply to solid waste facilities.
The ability to establish a permitted use on a parcel of land is contingent on compliance with all land development regulations, including but not limited to concurrency, drainage, environment regulations, and parking requirements.

Uses in CD-2 shall be consistent with the Tampa Comprehensive Plan.

See section 27-282.8 for applicable residential design standards.

See section 27-290 for accessory parking requirements.

See section 27-282.12 for buffering requirements for open storage.

See section 27-283.13(b) for special event parking regulations.

See section 27-283.13(a) for interim parking requirements.

See section 27-282.17 for regulations applicable to temporary film production. Additionally, the Article II, Division 5 buffer requirements shall not apply to this use.

Refer to Articles II, Division 5 Special Use Permits and IX Alcoholic Beverages for applicable provisions.

Refer to Articles II, Division 5 Special Use Permits and IX Alcoholic Beverages for applicable provisions. Requests may process as an administrative special use permit (S-1) only when sales meet the specific use standards in section 27-132. If any waivers are needed, the request shall process as an (S-2).

Refer to section 27-204(c) for specific performance standards.

Refer to section 27-282.26 for applicable provisions.

(Ord. No. 2013-73, § 8, 6-6-2013)

Sec. 27-199. Official schedule of dimensional regulations.

Except as otherwise specifically provided in this chapter, the minimum lot size and width, minimum required yards, mandatory yards, maximum height, and maximum density and F.A.R. shall be as shown in Table 19-2, Schedule of Dimensional Regulations.

Table 19-2
SCHEDULE OF DIMENSIONAL REGULATIONS

<table>
<thead>
<tr>
<th>Yard Dimensional Ranges:</th>
<th>CD-1</th>
<th>CD-2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mandatory Front Yard⁴,⁵</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>11th Street:</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>12th Street:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Channelside Drive:</td>
<td>10—15 feet</td>
<td>10—15 feet</td>
</tr>
<tr>
<td>Kennedy Boulevard:</td>
<td>5—10 feet</td>
<td>5—10 feet</td>
</tr>
<tr>
<td>Minimum Side Yard</td>
<td>0 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Minimum Rear Yard</td>
<td>0 feet</td>
<td>0 feet</td>
</tr>
<tr>
<td>Mandatory Corner Yard²,⁵</td>
<td>0 feet</td>
<td>10 feet</td>
</tr>
<tr>
<td>11th Street:</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>12th Street:</td>
<td>5 feet</td>
<td>5 feet</td>
</tr>
<tr>
<td>Channelside Drive:</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Kennedy Boulevard:</td>
<td>5—10 feet</td>
<td>5—10 feet</td>
</tr>
<tr>
<td>Maximum Height (ft.)</td>
<td>60</td>
<td>175⁷</td>
</tr>
<tr>
<td>Maximum F.A.R.</td>
<td>3.5</td>
<td>3.5⁴</td>
</tr>
<tr>
<td>Maximum density</td>
<td>Per Comprehensive Plan</td>
<td>Per Comprehensive Plan</td>
</tr>
</tbody>
</table>
Notes:

1. Front yards set at zero (0) feet for all other streets.
2. Corner yards set at zero (0) feet for all other streets.
3. Building height may be considered above one hundred seventy-five (175) feet up to the maximum height as prescribed by the HCAA/FAA and as approved by city council. For each ten (10) feet of building height above sixty (60) feet, the required yards shall be increased by a minimum of one (1) foot.
4. Bonus FAR considered above 3.5, pursuant to requirements of section 27-206, and as approved by city council.
5. Arcades may be set at zero (0) feet for any yard adjacent to a public street.

Sec. 27-200. Parking requirements.

The regulations set forth in Article VI, Division 3 shall apply in the Channel District except as modified herein.

(a) Off-street parking requirements. Any building in the CD that is erected, expanded, increased in floor area or seating capacity, or changes its use, or in which a new use is established, shall meet the applicable parking requirements as set forth in Table 19-3, Table of Required Parking Spaces.

<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bank</td>
<td>3</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Bar and Lounge</td>
<td>0.2 or 28.0</td>
<td>Per seat or 1,000 SF of assembly area</td>
</tr>
<tr>
<td>Catering shop</td>
<td>3</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Clinic</td>
<td>3</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Cigar factory</td>
<td>3</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>College</td>
<td>0.5</td>
<td>Per student</td>
</tr>
<tr>
<td>Use</td>
<td>Spaces</td>
<td>Per Unit</td>
</tr>
<tr>
<td>-------------------------------------------------------</td>
<td>--------</td>
<td>----------------------------------------------</td>
</tr>
<tr>
<td>Congregate living facility:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult family home</td>
<td>1</td>
<td>Per dwelling unit</td>
</tr>
<tr>
<td>Group care facility</td>
<td>1</td>
<td>Per dwelling unit</td>
</tr>
<tr>
<td>Emergency shelter/home</td>
<td>1</td>
<td>Per dwelling unit</td>
</tr>
<tr>
<td>Foster care home</td>
<td>1</td>
<td>Per dwelling unit</td>
</tr>
<tr>
<td>Day care and nursery facility</td>
<td>0.5</td>
<td>Per employee plus 1 per facility vehicle</td>
</tr>
<tr>
<td>Dwelling, multi-family and/or efficiency</td>
<td>1</td>
<td>Per unit</td>
</tr>
<tr>
<td>Dwelling, single-family</td>
<td>1</td>
<td>Per unit</td>
</tr>
<tr>
<td>Hospital and associated uses</td>
<td>1</td>
<td>Per bed</td>
</tr>
<tr>
<td>Hotel/motel</td>
<td>1</td>
<td>Per room</td>
</tr>
<tr>
<td>Maintenance or storage facility</td>
<td>0.6</td>
<td>Per employee on largest shift</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>0.6</td>
<td>Per employee on largest shift</td>
</tr>
<tr>
<td>Marina</td>
<td>2.0</td>
<td>Per slip or berth</td>
</tr>
<tr>
<td>Marina sales and repair</td>
<td>1.0</td>
<td>Per employee plus 2.0 per 1,000 SF</td>
</tr>
<tr>
<td>Nursing, convalescent and extended care facility</td>
<td>0.3</td>
<td>Per bed</td>
</tr>
<tr>
<td>Office, business and professional</td>
<td>1</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Office, medical and veterinary</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Performing art studio</td>
<td>3.6</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Personal services</td>
<td>4</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Pharmacy</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Place of assembly (e.g. theater)</td>
<td>0.2 or 28.0</td>
<td>Per seat or 1,000 SF of assembly area</td>
</tr>
<tr>
<td>Place of religious assembly</td>
<td>0.2</td>
<td>Per seat</td>
</tr>
<tr>
<td>Printing, light</td>
<td>1</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Printing, publishing</td>
<td>1</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Public cultural facility</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Public service facility</td>
<td>1</td>
<td>Per employee</td>
</tr>
<tr>
<td>Public use facility</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Radio and TV studio</td>
<td>1</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Recreational facility, commercial</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Recreational facility, private</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Research activity</td>
<td>1</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Restaurant</td>
<td>0</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Retail sales, all types</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>School (primary and secondary)</td>
<td>1</td>
<td>Per classroom</td>
</tr>
<tr>
<td>School (business, trade, vocational)</td>
<td>0.5</td>
<td>Per student plus 1 per staff member</td>
</tr>
<tr>
<td>Service station</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Transportation service facility</td>
<td>3</td>
<td>1,000 SF</td>
</tr>
<tr>
<td>Vehicle repair</td>
<td>2</td>
<td>1,000 SF</td>
</tr>
</tbody>
</table>
(b) **Alternative compliance.** Except for single-family detached, semidetached, and two-family dwellings, half of the required number of off-street parking spaces shall be surfaced with asphaltic or Portland cement binder pavement or an equivalent improvement so as to provide a durable and dustless surface. In making a determination as to the suitability of an equivalent improvement, the city traffic engineer shall find that such improvement:

1. Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it; and
2. Provides a surface that will accept permanent delineation of parking spaces, aisles, accessways and maneuvering areas; and
3. Provides a surface that will not contribute to erosion or sedimentation, either on-site or off-site; and
4. Provides a surface that meets the design standards of the department of public works.

The balance of the required parking spaces may be a hard rock surface which must be provided with bumper stops or other department of public works approved methods of delineating parking spaces.

(c) **In-lieu parking payments.** Within the Channel District, development subject to compliance with subsection (a) above shall comply with the off-street parking requirements utilizing one of the following methods:

1. Making payments (same rate as established in the Central Business District) which shall be contributed to a parking fund specially set aside to provide parking for the Channel District; or
2. Providing on-site parking spaces; or
3. Any combination of items (c)(1) and (c)(2) above which together will meet the requirements of subsection (a).

The amount of the payment shall be established by resolution of the city council; no building permits shall be issued until the complete payment has been received by the city.

(d) **Variance and waiver procedure.** Variances to the number of required parking spaces may be granted by the zoning administrator pursuant to the standards set forth in section 27-283.10. City council may vary or waive the number of required parking spaces if a variance or waiver is denied by the zoning administrator; additionally city council may vary or waive the in-lieu payment. City council hearings to consider variances or waivers of the number of required parking spaces or the in-lieu payment shall be held in accordance with the procedures set forth in section 27-127(b)(2), S-2 Special use permits.

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Sec. 27-201. **Public art requirements.**

(a) **Purpose and intent.** The purpose of the public art requirements is to increase the presence of art in public open spaces in the Channel District, ensure that art can be enjoyed by the general public, and to support the promotion of the Channel District as a cultural, urban neighborhood. The intent of the development regulations and review framework set forth herein is to provide the mechanism for implementing the above-referenced goals.

(b) **Requirements.** Public art shall be provided in all CD districts for new construction only as follows:

1. Each new development shall be assessed .75 percent of the project cost, with a maximum contribution of two hundred thousand dollars ($200,000.00), for place-
ment of ground floor or on-site publicly accessible art (in accordance with (c) below.)

(2) A property owner may pay a fee-in-lieu as set forth in section 27-201(e) below.

(c) Placement of public art. The placement of all public art as required by this subsection shall meet the following provisions:

(1) A minimum of seventy-five (75) percent of the total public art requirement shall be placed in places that are clearly visible from the public sidewalk or public space. The property owner or agent thereof may elect to provide the entire public art requirement in these areas. The final location of the art piece shall be reviewed and determined through the CD development design review.

(2) At the option of the property owner, up to a maximum of twenty-five (25) percent of the total public art requirement may be placed indoors in publicly accessible and clearly visible lobby areas.

(d) Off-site provision of public art. Any property owner or agent thereof required to provide public art as set forth in this section may provide the required amount of public art off site on another parcel located in the central business district, provided the following conditions are met:

(1) The property owner or agent thereof shall submit a request to provide the required public art off site with the application for design approval.

(2) The placement of the proposed off-site public art shall meet the requirements of subsection (d)(3) above.

(e) In-lieu payment for public art. Any property owner or agent thereof required to provide public art as set forth in this subsection may pay a fee-in-lieu as set forth in this subsection and shall pay the fee in lieu of the required amount of public art upon issuance of a certificate of occupancy. The property owner or agent thereof may provide a fee for the total public art requirement, assessed at .5 percent of the project cost, up to two hundred thousand dollars ($200,000.00) or a portion thereof that is not met through the provisions of (b) above.

(f) Public art fund. A public art fund shall be created and shall consist of all in-lieu payments for public art requirements for the Channel District. The public art fund shall be used solely for the selection, acquisition, installation, maintenance and insurance of public art to be displayed on public property in this district.

(g) Ownership, maintenance of public art and maintenance covenant. All public art pieces shall be owned and maintained by the owner of the property on which the public art pieces are located. At the time of issuance of a certificate of occupancy all property owners installing public art on site shall be required to execute a maintenance agreement and covenant, in a form acceptable to the city attorney, in which the property owner agrees to maintain and repair all elements of the public art. The covenant shall be recorded in the public records of the county and shall be binding on all successors in interest.

Sec. 27-202. Development design approval and procedures.

(a) Design approval; when required; submission of application.

(1) Design approval required. Any property owner or agent thereof proposing to erect a building or structure or conduct major renovations on any building or structure in the Channel District, for which a rezoning application or building permit application is submitted as of the effective date of this article, shall obtain design approval for said building or structure by complying with the provisions of this article.

(2) Submission of application. An application for design approval shall be submitted to the urban design manager at the same time as an application for commercial site plan review as required by Chapter 5 of this Code, unless design approval was already obtained at time of a rezoning to CD-2.
(b) Review procedure.

(1) Pre-application conference. Any property owner or agent thereof required to obtain design approval shall schedule a pre-application conference with the urban design manager prior to the submission of an application for design approval. For those developments seeking consideration of any bonus criteria through the site plan rezoning process, a pre-application conference shall also be scheduled with the zoning administrator for evaluation of those proposed items. The pre-application meeting will serve as an initial exchange of information in order for the applicant to receive a better understanding of the city's standards and requirements for the Channel District and at the same time, the city obtains information related to the applicant's proposed use(s) and location.

(2) Submission requirements. All applications for design approval shall contain, at a minimum, the following items (as determined by the zoning administrator and urban design manager):

a. Scaled site plan showing all improvements, existing conditions, and dimensions of the site and building as well as adjacent streets.

b. Scaled landscape plan, which may be incorporated into site plan, showing preliminary plant material (existing and proposed) with specific information as to location, species, and sizes.

c. Typical floor plan with major use categories as necessary to describe all levels of building.

d. Exterior building elevations of all sides with general material designations.

e. Sketches of signs, locations, and their dimensions.

f. General exterior color description, including signs.

g. Exterior perspective (character sketch) in color at the pedestrian level (at least two (2) prominent sides). This drawing may be a sketch perspective rendered in sufficient detail using any color medium such as markers or colored pencil, etc.

h. Streetscape plan detailing all required public realm features, such as street furnishings, lighting, art, plantings, etc.

(3) Review of design approval application. The urban design manager shall review applications for design approval to ensure the visual and aesthetic intent of this article is met. For those developments seeking consideration of any bonus criteria through the site plan rezoning process, the zoning administrator shall be responsible for evaluation of those proposed items.

c) Approval, denial, and appeals.

(1) Approval/denial. When design approval is required for a project, review for design approval shall be conducted concurrently with commercial site plan review required by Chapter 5 of the City of Tampa Code. Approval or denial (official determination) shall be reported to the applicant in writing, clearly outlining the basis for the decision including related code sections, within thirty (30) working days of the submittal date.

(2) Appeals. Applicants that have received an official determination of 'denial' may appeal to the city council, who may grant waivers to the design provisions of this article, through the CD-2 site plan rezoning process as described in this article and Article III, Division 3.

Sec. 27-203. Designation of corridors.

(a) Designation of gateways. Iconic elements and public art help to provide neighborhood identity at gateway locations throughout the Channel District. Where appropriate, provide gateway monuments through local artists design competitions.
Gateways shall occur in several key locations in the Channel District. See Figures 19-1(a) and (b) for a map of gateway locations.

(1) **Major gateways**—Significant entries into the District shall contain major identity elements and enhancement.

a. Intersection of Twiggs Street and Meridian Avenue.

b. Intersection of Channelside Drive and Meridian Avenue.

c. Intersection of Cumberland Street and Channelside Drive.

d. Any location along Channelside Drive between Twiggs Street and Lee Roy Selmon Crosstown Expressway.

(2) **Secondary gateways**—Areas where smaller pedestrian scale identity elements shall occur.

a. Intersection of Kennedy Boulevard and Meridian Avenue.

b. Intersection of Jackson Street and Meridian Avenue.

c. Intersection of Whiting Street and Meridian Avenue.

(3) **Standard streetscape design for the district** shall adhere to the applicable design palette, as depicted in Figures 19-2 through 19-9. For those developments that propose streetscape improvements above the minimum standard to achieve bonus FAR/intensity, the proposed design must exceed those depicted herein.
Figure 19-I(a)
(b) Streetscape design and layout.

(1) Channelside Drive. This key corridor provides significant community identity and vitality through the adjacent publicly owned facilities and transportation systems. Channelside Drive is an urban four-lane road with one hundred (100) feet right-of-way. North of Kennedy Boulevard, it is a state regulated facility. In that location, placement and maintenance of design enhancements must comply with FDOT design standards. Improvements to the corridor are needed to increase pedestrian activity, extend active land uses along the east side of the right-of-way, and support increased transit use. Enhanced pedestrian access to Streetcar stations shall be provided. A minimum four-foot buffer zone along the curb including a combination of cobblestone pavers and landscape area shall be provided on both sides of the right-of-way. A minimum fifteen-foot sidewalk is required on the south or east side of the right-of-way. See Figures 19-2 and 19-3 for streetscape concept and cross-section concept.
(2) *Kennedy Boulevard/SR 60:* This corridor provides direct connection between the Central Business District and Ybor City. It is depicted as an urban five-lane road. As a state regulated facility, placement and maintenance of design enhancements must comply with FDOT design standards. Safe pedestrian crossings are required to ensure that the corridor does not create physical barriers for pedestrians within the District. A minimum four-foot buffer zone along the curb including a combination of cobblestone pavers and landscape area shall be provided on both sides of the right-of-way. See Figures 19-4 and 19-5 for streetscape concept and cross-section concept.
(3) **Twiggs Street:** This corridor provides a direct connection between the Central Business District, the Channel District, and Channelside Drive. Additionally, it provides access to the Lee Roy Selmon Crosstown Expressway. Twiggs Street in the District is an urban four-lane road with eighty (80) feet right-of-way. On-street parking shall be provided on the north side of the right-of-way. A ten-foot wide City urban trail shall be provided on the south side of the right-of-way. A minimum four-foot buffer zone along the curb including a combination of cobblestone pavers and landscape area shall be provided on both sides of the right-of-way. See Figures 19-6 and 19-7 for streetscape concept and cross-section concept.
(4) *Interior Streets:* The remaining interior street corridors provide interconnections throughout the District. North-south streets are depicted as a typical two-lane urban cross section, with on-street parking on both sides of the right-of-way. East-west streets are two-lane urban cross-section with a continuous left turn lane and on-street parking on one side of the street. Pedestrian crosswalks and mid-block crossings are proposed to provide safe and convenient pedestrian movements. See Figures 19-8 and 19-9 for streetscape concept and cross-section concept.
(Ord. No. 2007-190, § 9A, 9-6-07; Ord. No. 2008-183, § 6, 10-16-08)
Sec. 27-204. Development site and building design standards.

(a) Compliance. Compliance with the standards included herein shall be required in order to obtain design approval.

(b) General site and building design standards.

(1) All developments shall provide residential, office, neighborhood serving commercial uses, including general retail, restaurant, and/or personal services, and said uses shall be located on the ground floor and may extend to the second floor and above for a specific user. Furthermore, the location of said uses within the ground floor assists in the creation of pedestrian interaction and connectivity to the public right-of-way.

(2) Developments shall provide shade and weather protection for pedestrians along public rights-of-way. This may be accomplished through the use and incorporation of awnings, canopies, arcades, etc. The intent of this standard is to provide weather protection for pedestrian traversing the sidewalk adjacent to the structure. In the rare instance that a surface parking lot is placed at grade and adjacent to a public sidewalk, the proposed streetscape trees shall be increased in caliper and canopy spread, so as to fully shade said public sidewalk.

(3) Developments shall provide outdoor building light fixtures, which complement the architecture, at all points of ingress/egress from the structure. The light level shall be a minimum of one (1) foot candle.

(4) [Reserved.]

(5) Telephones, vending machines, or any facility dispensing merchandise shall be confined to a space built into the building or buildings, or designed as a separate structure compatible with the main building or the theme of development.

(6) Parking shall be located on the street (if approved by department of public works), or within, on the side, or in the rear of the buildings (oriented away from public rights-of-way. However, in regard to the property between 13th Street and the Ybor Channel, for water transport and other water dependent uses, parking also may be located in the front of buildings.

(7) Vehicle access and circulation for new development shall not impede pedestrian circulation. This may be accomplished by limiting the frequency and placement of curb cuts, by allowing adjacent property owners to share the same entrance and exit driveway to parking, and/or by utilizing a variation on materials to delineate pedestrian areas.

(8) Utilities shall be placed underground.

(9) The design of new buildings or structures and major renovations, specifically the design of building façades, shall demonstrate due respect and consideration for their context within the District; however, developments are not mandated to resemble one another or to utilize the same architectural style as that of an adjacent structure, in order to be compatible. Compatibility can be achieved through the proper consideration of scale, proportion, site planning, landscaping, materials, etc.

(10) Building surfaces, walls, and roofs shall, however, consider complimenting each other in regard to materials, texture, color, etc. In most cases, mixing façade materials is acceptable but there may be extreme situations where mixing materials such as brick and stone are uncomplimentary and therefore not recommended.

(c) Performance standards for mini-warehouse in Channel District.

(1) The use is limited to the upper floors of buildings;

(2) The use must be part of a mixed use project with at least two (2) uses, one (1) of which must be residential;

(3) The use may not exceed forty (40) percent of the total square footage of the project;
(4) The use must be integrated within the structural system of the building;

(5) The use is allowed in Zoning Districts CD-1, CD-2 and CD-3;

(6) The rental of mini-warehouse units shall not be limited to the residents of the building housing the use; and,

(7) The storage of hazardous materials other than materials common in household use and in retail and commercial businesses such as ordinary detergents and other cleaning materials, cosmetics, paints and adhesives, automotive fluids in small quantities, and other such materials, shall be prohibited.

d) General on site landscaping standards.

(1) Provide landscaping with color where a new building or structure or major renovation encompasses the entire site, by introducing color and plantings with flowers (window boxes or flowering vines).

(2) Landscape designs shall be integrated into the overall design concept. Landscaping schemes shall consider the design of the structure, adjacent structures, the surrounding areas and the streets.

(3) A variation in color shall be reflected in the landscape design by use of flowers, flowering plants, or different types of landscaping which result in colorful and complementary schemes.

(4) Landscaping shall be used to screen objectionable areas located on ground level such as trash and garbage service areas, and outside mechanical equipment (i.e., air conditioning condensers), unless screened through an alternative architectural/structural design.

e) General sign standards. The following sign standards shall apply to new buildings or structures and major renovations in the CD and shall be in addition to the sign regulations set forth in Article VI, Division 6; where inconsistent, the more restrictive shall apply.

(1) No signs are to abut at the corner of a building. A minimum clearance of ten (10) feet shall be required between such signs. A minimum clearance of four (4) feet shall be maintained between signs on the same façade.

(2) All signage shall be placed on or attached to the building façade, canopy, awning, or marquee. Exceptions to this would include small directional, entrance or exit signs where warranted.

(3) Awning signs may be located at a tenant's main entry under an awning and is intended for pedestrian communication. The sign must be at a right angle (perpendicular) to the exterior wall. Each tenant is allowed one (1) non-illuminated sign only. The tenant name may be placed on the both faces of the sign. The maximum dimensions for the sign are as follows: four (4) feet long, one (1) foot high and six (6) inches thick. The maximum height for the lettering shall be six (6) inches. The bottom of the sign must be a minimum of seven (7) feet above the sidewalk.

(f) Waterfront access.

(1) All new buildings or structures and major renovations located in an area bounded by the Crosstown Expressway, 13th/Platt Streets (Channelside Drive), Beneficial Boulevard, and the Ybor/Garrison Channels shall provide public access points to, and along, the water's edge. Where feasible, independent waterfront overlook areas for pedestrians may be developed at dead-ends of existing rights-of-way at the water's edge, or along dock areas which may have intermittent use and allow public access when the property owner's scheduling permits.

(2) Where feasible, public access along the water's edge shall be incorporated into the designs of all new buildings or structures and major renovations located adjacent to the Channel District waterfront.

(g) Encroachments. Encroachments into the public right-of-way for awnings, awning signs or architectural features may be authorized administratively through the commercial site plan review process.
A separate encroachment application for awnings or architectural features will not be required provided the projections comply with the following criteria:

1. Such features shall be at least eight (8) feet above grade and have a maximum projection into the right-of-way of six (6) feet.
2. Building columns are prohibited from projecting into the right-of-way.
3. Encroachments shall leave street corners free of obstruction to allow for safe traffic movement and proper placement of utilities.
4. Proper lighting underneath overhangs shall be provided and maintained by the property owner.
5. A hold harmless agreement must be signed by the owner and submitted to, and approved by, the city attorney's office prior to issuance of building permits.

Sec. 27-205. Public open space design concepts; community-scale, neighborhood-scale, pocket-scale.

(a) Per the "Channel District Community Redevelopment Area Strategic Action Plan," it was determined that the district was in need of a minimum of one (1) community-scale space (two-acre minimum), four (4) neighborhood-scale spaces (0.5 acre minimum), and eight (8) pocket-scale spaces (0.10 acre minimum), see Figures 19-11 through 19-14.
Figure 19-10

A. Waterfront Sub Area
B. North Sub Area
C. Central Sub Area
D. South Sub Area

1-Community-scale
1-Neighborhood-scale
2-Pocket-scale

1-Neighborhood-scale
2-Pocket-scale

1-Neighborhood-scale
2-Pocket-scale

1-Neighborhood-scale
2-Pocket-scale
(b) For those developments that propose public open space amenities to obtain bonus FAR, in accordance to this section, the minimum standards and design concepts shall apply:

(1) Community-scale space shall be a minimum of two (2) acres and shall follow the general design concept of Figure 19-11:

![Figure 19-11](image)

(2) Neighborhood-scale space shall be a minimum of one-half (0.5) acres and shall follow the general design concept of Figure 19-12:
(3) Pocket-scale space shall be a minimum of one-tenth (0.10) acre and shall follow the general design concept of Figure 19-13:
Sec. 27-206. Channel District bonus methodology and calculation; list of bonus amenities.

(a) [Generally.] The purpose and intent of this section is to ensure that new development in the Channel District will be accompanied by those amenities that enhance the urban quality of life and that balance or compensate in the form of bonus floor area to achieve the desired density/intensity in this area. This section establishes a method and calculation to be considered for bonus floor area, including a list of bonus amenities for development within the Channel District. This section, however, does not mandate the award of the bonus to the applicant. In order to receive consideration for granting of any bonus in floor area ratio (FAR), a property owner and/or developer must adhere to the bonus methodology and calculation, including the process and procedures as set forth in this section. The property owner and/or developer shall select items from the “Channel District Bonus Amenities” list, as set forth herein, for consideration of bonus floor area ratio.

(b) Compliance. All developments that seek density/intensity bonuses within the Channel District shall adhere to the regulations set forth in this section. Developments that have been granted bonuses by city council, per the provisions of this section, shall not be granted any further administrative increase in floor area, unit count, or building height through section 27-138 substantial change.

(c) Review procedure. The developer/property owner(s) shall submit his/her bonus cost incentive estimates to the zoning administrator for review.
and evaluation during the rezoning process. The zoning administrator shall determine compliance with the provisions set forth in this section and report findings to city council for consideration. Subsequent to a bonus FAR and rezoning approval and prior to the issuance of the first permit for vertical construction for the project, the developer/property owner(s) shall submit certified materials and construction cost estimates to the zoning administrator for review of compliance with the bonus-related rezoning conditions. If the zoning administrator finds that the approved bonus calculations are not being met (amenities and/or dollars are deficient), the petitioner shall disburse the remaining dollar amount to an available city funding source for public infrastructure and/or parks and recreation improvements within the Channel District. The petitioner shall notify the zoning administrator, by notarized letter with copy of receipt(s), of all disbursements made to the city.

(d) Channel District bonus amenities. The following list represents those bonus amenities identified as applicable to the City of Tampa CBD Periphery, per the Future Land Use Element of the Tampa Comprehensive Plan and identified in the "Channel District Community Redevelopment Area Strategic Action Plan":

(1) Affordable housing (subject to section 27-140 requirements).

(2) Public open space (scaled appropriately for each subdistrict)\(^1\).

(3) Channelside Drive Promenade (minimum length to meet width of project along Channelside Drive)\(^1\).

(4) Riverwalk improvements.

(5) Mid-block pedestrian connectors (through-building).

(6) Bicycle accommodation (on road bicycle lanes, bicycle lockers).

(7) Artist studio, display, indoor/outdoor performance space.

(8) Transit support\(^1\).

(9) Public Parking (open to the general public for daily use; minimum twenty-five hundredths (0.25) space/space provided)\(^1\).

(10) Fire/rescue site\(^1\).

(11) Child care center space.

(12) Leadership in energy and environmental design (LEED) certified construction.

(13) Enhanced landscaping (that portion that exceeds the minimum design standards set forth in Figures 19-2 through 19-9).

(14) Enhanced public access to waterfront.

(15) Enhanced street design\(^1\).

(16) Increased sidewalk area\(^1\).

(17) Public art (beyond the minimum requirement).

(18) Public water features (large fountains, waterfalls, wall mounted water elements).

\(^1\)For those developments that propose to incorporate the following amenities, the development may receive an additional one tenth (0.10) in floor area ratio (FAR) per amenity, above bonus achieved through calculation described herein. These added bonuses signify the city's current priorities related to the provision and creation of amenities within the public realm. Total bonus shall not exceed that threshold set forth in the Tampa Comprehensive Plan.

(e) Bonus FAR methodology and calculation. The mathematical calculation, as described in subparagraph (3) below, hereby establishes the method by which the city and the developer shall determine the amount of bonus FAR to be considered for approval by city council. Generally, the formula provides a public subsidy to offset the developer's added cost of including additional public enhancements, by allowing development intensity beyond the base FAR of the subject "future land use" category. To achieve a "standardized" means of calculation, the following components shall be used in the bonus FAR calculation:

(1) The current "per square-foot sum" of the construction cost and the market land value shall equal the "development cost."

a. Construction costs shall be based on a standard index. The city shall refer to the most current edition of the RS
(b) The zoning administrator shall use the average 'land value (market),' per square foot within the Channel District, per the most current ad valorem tax assessment.

(2) In order to fine-tune the incentive, a cost factor is applied to either increase or decrease the impact. A bonus cost ratio of 10:1 representing for every one dollar ($1.00) contribution to the city in the form of a bonus amenity, the developer receives ten dollars ($10.00) in equivalent development dollars, which then translates to a bonus FAR based on the proposed improvements per SF of overall development costs.

(3) The following sample tables demonstrate the bonus FAR method and calculation:

*Development Features:*

<table>
<thead>
<tr>
<th>Bonus Cost Ratio</th>
<th>10:1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Site Land Area (in square feet (SF))</td>
<td>Amount of Land SF</td>
</tr>
<tr>
<td>Average Market Land Value (AMLV) or Recent Sales Price (RSP) per SF</td>
<td>$ per SF</td>
</tr>
<tr>
<td>Construction Cost (CC) per SF</td>
<td>$ per SF</td>
</tr>
</tbody>
</table>

| Development Cost (DC = AMLV or RSP + CC) per SF: | $ per SF |
| Base FAR # | Per Future Land Use Category |
| Potential Maximum FAR w/Bonus | 100% of Base FAR |

*Bonus Incentive Calculation:*

| Subject Site Land Area (in square feet (SF)) | Amount of Land SF |
| Base FAR # for Subject Site (Subject Site SF × Base FAR) | Amount of Gross Floor Area (GFA) SF (per Base FAR) |
| Proposed FAR # (Subject Site SF × Proposed FAR) | Amount of GFA SF (per Proposed FAR) |
| Actual Bonus FAR in Gross Building Area (SF) (Proposed FAR — Allowable FAR) | Actual Bonus FAR SF |
| Bonus Cost Ratio per Bonus SF (Bonus Incentive $) (Ratio = DC/10) | Bonus Incentive $/SF |

| Development Incentive $ for public improvement (Bonus Incentive $ × Actual Bonus FAR SF) | Total Development Incentive $ |
| Bonus Amenities ($) Proposed by Developer to be Applied to Bonus Incentive ($) | |

| Total Development Incentive $ (public improvement) (Bonus Incentive $ × Actual Bonus FAR SF) | Total Development Incentive $ |
| Amenity (e.g. land area × AMLV or RSP + $ expenditure) | |
| Amenity (e.g. cost of feature + installation) | |

| Total Development Incentive $ | $ |
| Amenity ($ | $(§) |
| Amenity ($ | $(§) |
(f) Miscellaneous formulas. Certain amenities may receive bonus credit for subsidies that the developer/property owner(s) provides for multiple years. These amenities are calculated based on the following methods:

(1) Transit support subsidy. To provide transit support subsidy dollars as a bonus amenity, the developer/property owner(s) shall fund on either an annual basis or as a lump sum payment, the cost per rider based on the projected population, or fraction thereof, of the subject project. The subsidy shall be provided for a period of no less than twenty (20) years with the first annual payment made to Hillsborough Area Regional Transit Authority prior to the issuance of the first certificate of occupancy for the development. To calculate the "total bonus credit" for a transit support subsidy, follow Steps One through Three below:

<table>
<thead>
<tr>
<th>Step One</th>
<th>Step Two</th>
<th>Step Three</th>
</tr>
</thead>
<tbody>
<tr>
<td>Persons Per Household</td>
<td>Projected Population</td>
<td>Bonus Transit Subsidy</td>
</tr>
<tr>
<td>× # of Units in Project</td>
<td>× Current Cost per Rider</td>
<td>× 20 (years)</td>
</tr>
<tr>
<td>Projected Population</td>
<td>Bonus Transit Subsidy</td>
<td>Total Bonus Credit</td>
</tr>
</tbody>
</table>

a. Current cost per rider figure shall be provided by Hillsborough Area Regional Transit Authority.

b. Projected population shall be derived from the City of Tampa's most current "persons per household" figure.

c. If a transit subsidy is being requested in order to provide less than the required rate of parking for a development, then said subsidy shall be equal to the cost per rider for the projected population for those units that are not provided the required parking or increment thereof.

(2) Neighborhood serving commercial/retail floor area. To provide floor area for neighborhood serving commercial/retail uses as a bonus amenity, it must be located on the ground floor of the proposed structure(s); however, said uses may expand to the 2nd and 3rd floors to serve a specific user. A developer/property owner(s) may provide reduced rents per SF for a ground floor retail use, however, the bonus given for the reduced rents shall not extend beyond ten (10) years, as calculated in the commercial floor area subsidy table below. The bonus credit given is based on a projected 'discounting' of the stabilized rental rate (without inflation), which is hereby established as twenty-five dollars ($25.00)/SF. To calculate the "total bonus credit" for the commercial floor area, follow the table below:

<table>
<thead>
<tr>
<th>Commercial Floor Area Subsidy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year</td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>Year 1</td>
</tr>
</tbody>
</table>

(3) Artist gallery, studio, display, or indoor/outdoor performance space. To provide artist/ performance space(s) as a bonus amenity, a developer/property owner(s) may provide reduced rents per SF for said use; however, the bonus given for the reduced rents shall not extend beyond ten (10) years, as calculated in the commercial floor area subsidy table in (f)(3) above. The bonus credit given is based on a projected "discounting" of the stabilized rental rate (without inflation), which is hereby established as twenty-five dollars ($25.00)/SF.
(g) **Bonus FAR incentive examples.** The following "bonus FAR incentive examples" demonstrate the bonus FAR method and calculation as described in this section:

1. **Bonus FAR incentive examples:**
   a. **Example 1:**
      The first cost ratio FAR model scenario (Example 1) assumes a developer donates four thousand (4,000) SF of a site’s land area for a pocket-scale public open space area. The developer is awarded an additional 0.284 FAR or twenty-four thousand seven hundred sixty-two (24,762) SF in building floor area.

**Pocket-scale Public Open Space Bonus Example - Cost Ratio Model Scenario (development within the CD)**

**General Assumptions:**
1. City goal to provide incentives for pocket-scale public open space(s)
2. Base FAR: 3.5/Max: 7.0
3. Bonus Incentive: Based on land area contributed to city plus contribution of public open space infrastructure, etc.
4. Any scale public open space shall be open to the public from dawn to dusk, located at grade, and maintained by the property owner/developer in perpetuity.

**Assumptions:**

<table>
<thead>
<tr>
<th>Bonus Cost Ratio</th>
<th>10:1</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0 acre development site</td>
<td>87,120 SF</td>
</tr>
<tr>
<td>Pocket-scale public open space size</td>
<td>4,000 SF</td>
</tr>
<tr>
<td>Actual Development Costs/SF (AMLV or RSP per SF + construction costs per SF)</td>
<td>$210.00 per SF</td>
</tr>
<tr>
<td>Pocket-scale Land Area Improvement Costs (paid by developer)</td>
<td>$200,000.00 (amount to be provided in the form of a design/construction estimate)</td>
</tr>
<tr>
<td>Land Price</td>
<td>$80.00 per SF (Total Land Area to be based on avg land values (market) within CD)</td>
</tr>
<tr>
<td>Land Value (4,000 SF × $80.00)</td>
<td>$320,000.00</td>
</tr>
<tr>
<td>Base FAR</td>
<td>3.5</td>
</tr>
<tr>
<td>Max. FAR w/Bonus</td>
<td>7.0</td>
</tr>
</tbody>
</table>

**Bonus Incentive Calculation:**

<table>
<thead>
<tr>
<th>Site Size (2.0 acres)</th>
<th>87,120 SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable FAR 3.5</td>
<td>(87,120 SF × 3.5 FAR) 304,920 SF Gross Bldg. Area</td>
</tr>
<tr>
<td>Pocket-scale Land Costs + Land Area Improvement Costs (4,000 SF × $80.00 per SF = $320,000.00 + $200,000.00)</td>
<td>$520,000.00</td>
</tr>
<tr>
<td>Ratio Public Improvement $ to Project Development</td>
<td>Cost 10:1</td>
</tr>
<tr>
<td>Development Incentive $ (10 × $520,000.00 Contribution)</td>
<td>$5,200,000.00</td>
</tr>
<tr>
<td>Equivalent Bonus FAR Area ($5,200,000.00/$210.00 per SF Cost)</td>
<td>24,762 SF</td>
</tr>
</tbody>
</table>
In this example, development of a four thousand (4,000) SF pocket-scale public open space (design as reviewed and approved through the parks and recreation department and incorporated into the overall development) grants the developer an additional eight and one tenth (8.1) percent FAR or twenty-four thousand seven hundred sixty-two (24,762) SF in building area. This example assumes the land price/value for the public open space area is equal to full value of land before incentive (or the purchase price by city if available in market).

b. **Example 2 (Alternative calculation method):** The second Cost Ratio FAR Model scenario (Example 2) assumes a developer is attempting to achieve an increase in floor area from 3.5 to 4.0 FAR. A dollar amount is generated based on the bonus cost ratio, against which the developer draws down with each proposed bonus amenity, as selected from the applicable bonus amenities list. In this example, the developer donates four thousand (4,000) SF of a site's land area for a pocket-scale public open space area, incorporates a water feature into the building design at ground floor level, contributes to public transit (Hartline Intown Trolley), and provides for onsite public art (above the that adheres to Chapter 4 Public Art requirements).

### Mixed Amenity Approach - Cost Ratio Model Scenario (development outside of CD/CBD)

**General Assumptions:**

1. City goal to provide incentives for a mix of amenities(s).
2. Base FAR: 3.5/Max: 7.0.
3. Bonus incentive: Based on land area contributed to city plus contribution of public open space infrastructure, etc.
4. Any scale public open space shall be open to the public from dawn to dusk, located at grade, and maintained by the property owner/developer in perpetuity.

**Assumptions:**

<table>
<thead>
<tr>
<th>Bonus Cost Ratio</th>
<th>10:1</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.0 acre development site</td>
<td>87,120 SF</td>
</tr>
<tr>
<td>Actual Development Costs/SF (AMLV or RSP per SF + construction costs per SF)</td>
<td>$165.00 per SF</td>
</tr>
<tr>
<td>Land Price</td>
<td>$60.00 per SF (Total Land Area to be based on avg land area values)</td>
</tr>
<tr>
<td>Base FAR</td>
<td>3.5</td>
</tr>
<tr>
<td>Max. FAR w/Bonus</td>
<td>7.0</td>
</tr>
</tbody>
</table>

**Bonus Incentive Calculation:**

<table>
<thead>
<tr>
<th>Site Size (2.0 acres)</th>
<th>87,120 SF</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allowable FAR 3.5 (87,120 SF × 3.5 FAR)</td>
<td>304,920 SF Gross Bldg. Area</td>
</tr>
<tr>
<td>Proposed FAR 4.0 (87,120 SF × 4.0 FAR)</td>
<td>348,480 SF</td>
</tr>
<tr>
<td>Bonus FAR (Proposed FAR — Allowable FAR)</td>
<td>43,560 SF</td>
</tr>
<tr>
<td>Bonus Cost Ratio per Bonus SF (Ratio = $165/10)</td>
<td>$16.50/SF</td>
</tr>
</tbody>
</table>
### Development Incentive $ for public improvement

$(16.50 \times 43,560 \text{ SF})$  
$\text{\$718,740.00}$

### Bonus Amenities ($) Proposed by Developer to be Applied to Incentive ($)

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Incentive $ for public improvement</td>
<td>$718,740.00</td>
</tr>
<tr>
<td>Pocket-scale Public Open Space Land Value</td>
<td>($300,000.00)</td>
</tr>
<tr>
<td>Pocket-scale Public Open Space Improvement Costs</td>
<td>($140,000.00)</td>
</tr>
<tr>
<td>Public Water Feature (located at pedestrian level and incorporated into building design)</td>
<td>($100,000.00)</td>
</tr>
<tr>
<td>Transit Support ($5,000.00/year for 20 years to Hartline for Intown Trolley service)</td>
<td>($100,000.00)</td>
</tr>
<tr>
<td>Public Art (development is outside of CBD &amp; CD)</td>
<td>($78,740.00) above the $250K req’d</td>
</tr>
</tbody>
</table>

### Balance: $0

In this example, development of a 4,000 SF pocket-scale public open space (design as reviewed and approved through the parks and recreation department and incorporated into the overall development), provision of public art, a public eater feature, and support dollars to Hartline for the Intown Trolley grants the developer an additional thirty-six (36) units (at an average of one thousand two hundred (1,200) SF per unit) or forty-three thousand five hundred sixty (43,560) SF for non-residential uses. This example assumes the land price/value for the public open space area is equal to full value of land before incentive (or the purchase price by city if available in market).

(2) Although the land area set aside for the public open space will not be developed with habitable/usable floor area (calculated as FAR), neither example scenario demonstrates a loss to the developer for development entitlement of that land. It is applied to the overall development with additional bonus FAR given for this amenity. Granted bonus FAR is proportionate to the amenity provided. The scenarios offered apply to any and all of the bonus criteria set forth by the community.

(h) The zoning administrator is charged with reviewing the "Channel District Bonus Amenities" list and related requirements, on a semiannual basis, to determine any change in community needs/desires and general relevance to current market conditions. The zoning administrator shall seek consult from stakeholders, including both public and private entities, to determine any needed text amendments to the regulations set forth in this article. All proposed text amendments shall follow the process as defined in section 27-149. Said review may include amenity and bonus cost/benefit analyses that consider the following factors:

1. Any changes needed in the bonus cost ratio (multiplier).
2. Current construction costs for bonus amenities.
3. Public benefit derived from bonus amenities.
4. Developer benefits derived from bonus amenities vs. bonuses received.
5. Negative impacts that result from bonus gain(s) (congestion, air quality, visual impacts, etc.).

Secs. 27-207—27-210. Reserved.
Subdivision 5. Greater Seminole Heights (SH) District

Sec. 27-211. The Greater Seminole Heights Vision; establishment of district boundaries.

(a) Description of area. The established boundaries of the district are as follows:

From the centerline of the Hillsborough River, beginning at Dr. Martin Luther King, Jr. Blvd, running north and east to the centerline of 22nd Street; thence running south to the centerline of Hillsborough Avenue; thence running west to the centerline of 15th Street; thence running south to the centerline of Dr. Martin Luther King, Jr. Blvd; thence running west to the centerline of the Hillsborough River, to the point of beginning.

(b) Purpose. The purpose and intent of this article is to ensure that all development is compatible in form, building and structural orientation, general site layout, height, lot dimensional requirements and other site spatial relationships to the precedent within the established block and generally, the surrounding area.

Furthermore, it is the purpose and intent of the Tampa Comprehensive Plan, and of this article, which aids in implementing it, to promote the public health, safety, comfort, amenities, prosperity, and general welfare of the city; and to provide, among other matters, a wholesome, serviceable, and attractive community; to help foster a more favorable environment in which to live, work, and play; to ensure that there is a seamless integration between private property and the public realm; to regulate the use, construction and maintenance of the public realm (including but not limited to streets, alleys, sidewalks, street lights); to regulate the use and development of land; to provide regulations, which allow and encourage creativity, effectiveness, and flexibility in the design and use of land while promoting traffic safety and avoiding an environment that encourages visual blight; to protect trees, wetlands, and natural resources by regulating the trimming or removing of trees, site clearing, landscaping, tree planting, and irrigation in the district.

(c) Compliance. All requests for zoning changes, new development, new construction, major renovation, change of use, and increase in intensity of use shall be required to comply with the applicable development standards set forth in this article. In cases of conflict, the standards set forth in this article shall apply. For those development issues not addressed in this article, the underlying requirements of Chapter 27 Zoning (such as Article IV, Division 1, Article VI, Divisions 2 and 3) and other applicable land development regulations of the Tampa City Code shall apply.

(d) Vision Map. The future land use pattern and growth of the district is guided by the Vision Map and the Future Land Use Map, as set forth and described in the Greater Seminole Heights Vision Plan and the Tampa Comprehensive Plan respectively.

(e) Nodes. The district contains two (2) types of nodes: Neighborhood Scale (¼ mile) and Community Scale (½ mile). Each node represents an area of potential redevelopment density and/or intensity increase, as set forth in the Tampa Comprehensive Plan and Greater Seminole Heights Vision Plan. The potential increase in density/intensity is subject to the bonus methodology and calculation set forth in section 27-141. The list of bonus amenities is set forth in section 27-211.15.

(f) Connectivity Map. The Connectivity Map, known as "Map SH-25.3," hereby establishes the priority pedestrian and bicycle corridors for the district. Any funds, including capital expenditures and in lieu fees that are slated for corridor improvements related to pedestrian and bicycle enhancements, shall be targeted to the corridors identified on this map. Once all identified corridors are enhanced, other corridors may receive funding for similar enhancements. This map may be amended from time to time to address changing needs of the district.

(g) Public realm. Integration of the public and private realm is imperative in creating and sustaining a livable place. The street cross sections contained in this Overlay District set forth the basic, minimum standard for widths and locations of sidewalks, bicycle lanes, on street parking, travel lanes, and tree plantings within the public realm.
Sec. 27-211.1. General administrative procedures.

(a) Determination of uses not listed shall be reviewed according to the provisions of section 27-59.

(b) For those development issues not addressed in this article, the underlying requirements of Chapter 27 Zoning (such as Article IV, Division 1, Article VI, Divisions 2 and 3) and other applicable land development regulations of the Tampa City Code shall apply.

(c) Alternative design exceptions to the standards set forth in the article may be considered by the zoning administrator, subject to section 27-60.

(d) Any person aggrieved by any order, requirement, decision, or determination of the zoning administrator with regard to these design standards may request review of that order, requirement, decision, or determination in accordance with section 27-61.

(e) Plan review shall be performed consistent with the applicable plan review procedure, construction plan review, alternative design exception, and/or concurrency.

Sec. 27-211.2. Establishment of the Regulating Map; establishment of sub-districts and associated general land development regulations by sub-district and development form.

(a) The Regulating Map derives its zoning and development authority through section 27-23. The base layer of the Regulating Map is the Zoning Atlas. Each additional layer represents a regulatory mechanism that directly relates to development layout, building form and/or design character, geographical location, and relationships of these development characteristics to the public realm. The Regulating Map shall be kept on file with the zoning administrator. The layers of the Regulating Map are as follows:


(b) Sub-districts. The following SH (Seminole Heights) sub-districts shall be the only zoning districts permitted within the Greater Seminole Heights District:

1. SH-RS: Single-family detached residential (refer to section 27-211.2.1).
2. SH-RS-A: Single-family attached residential (refer to section 27-211.2.2).
3. SH-RM: Multi-family residential (refer to section 27-211.2.3).
4. SH-RO: Residential office (refer to section 27-211.2.4).
5. SH-CN: Office (refer to section 27-211.2.5).
6. SH-CG: Mixed use, commercial general (refer to section 27-211.2.6).
7. SH-CI: Mixed use, commercial intensive (refer to section 27-211.2.7).
8. SH-PD: Planned development (refer to Article III, Division 3 for site plan zoning district requirements and procedures).

(c) Permitted uses are organized and listed by zoning district in Table SH-25.1
(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)
Sec. 27-211.2.1. General District Development Standards for Seminole Heights - Residential Single-family detached (SH-RS) district.

(a) Building placement, form and layout standards: all development shall comply with development standards set forth below: **Graphic 211.2.1a**

![Diagram of building placement, form and layout standards](image)

**KEY (SH-RS): Table 211.2.1a**

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
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<tbody>
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<td></td>
</tr>
</tbody>
</table>

**Building Placement (PB) [8]**

<table>
<thead>
<tr>
<th>BTL [1]</th>
<th>Building Placement (AB) [7,8]</th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>F 60'</td>
</tr>
<tr>
<td>SS</td>
<td>SS 3'</td>
</tr>
</tbody>
</table>

**Setback [2, 3]**

| SI       | SI 7' [6]                        |
| R        | R 3'                             |

**Building Form**

| FB       | FB Adhere to Principal Building Form |
| SSB      | SSB Adhere to Principal Building Form |

**Lot Configuration [4]**

| Lot Width | 50' min |
| Lot Area  | 5000 SF min |

**Notes:**

[1] Build-to-line: required line/location at which the building wall shall be placed.
[2] Canopies, awnings, fireplaces, arcades, trellises, pergolas, and other architecturally integrated façade features may be placed at 3 feet minimum setback.
[3] Setback: the line/location that sets the minimum distance at which the building wall may be placed.
[4] A lot of record established prior to July 1, 2010, shall be allowed to develop, subject to the regulations set forth in this article.
[5] F or SS BTL determined by average of BTL of adjacent structures on either side of the lot with same street front orientation.
[6] Reduction to 3' minimum permitted for porte cochere. For standard (less than 50' width) lots of record, SI setback shall be 5' minimum.
[7] Accessory buildings that are demolished, destroyed, or removed for any reason that do not meet the current standards, but that had been legally established and were considered nonconforming as determined by the zoning administrator pursuant to Sec. 27-54, may be rebuilt and/or replaced in the same footprint as had been legally established, so long as the building does not encroach on adjacent properties of different ownership, any public or private rights-of-way, or any easements.
[8] PB and AB building separation shall be a minimum of 5' as measured from eave to eave.
(b) Use and general building standards: all development shall comply with development standards set forth below: **Graphic 211.2.1b** Depicts an example 1-story and 2-story residential single-family detached cross section.

![Diagram of residential building cross section](image)

---

**KEY (SH-RS): Table 211.2.1b**

<table>
<thead>
<tr>
<th>Use Placement</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>GF</td>
<td>Residential (when permitted: non-residential)</td>
</tr>
<tr>
<td>UF</td>
<td>Residential (when permitted: non-residential)</td>
</tr>
</tbody>
</table>

**Maximum Height [1]**

- PBH: 2-stories (35 feet)
- ABH: 2-stories (22.5 feet) [2]
- PW: 5' above PBH and ABH [3]

Elevator/mechanical housing, widow’s walk, cupolas, other architecturally integrated design features. Exempt, except shall occupy no more than 20 percent of roof area.

**Miscellaneous Standards**

Building form to be consistent with adjacent residential properties on block face. For parcel specific form and character requirements, refer to designation on Map SH-25.1 and Sec. 27-211.7 for Residential Building Form Standards.

---

**Notes:**

1. Height is measured from finished grade to highest point of structure (see Sec. 27-43 Definitions).
2. ABH shall be reduced to 1-story (15 feet maximum height) when located within 20 feet of a 1-story residential principal building (not located on the subject parcel).
3. PW maximum of 5' above maximum height for PBH and ABH for decorative or screening purposes.
(c) Parking placement, layout, and general ratio standards: all development shall comply with development standards set forth below: **Graphic 211.2.1c**

![Diagram showing parking placement and setback rules](image)

<table>
<thead>
<tr>
<th>KEY (SH-RS): Table 211.2.1c</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking Placement (location of parking space(s)) [2, 3]</th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
</tr>
<tr>
<td>SS</td>
</tr>
<tr>
<td>R - Adjacent to/ separated by alley from any use</td>
</tr>
<tr>
<td>- Adjacent to any other use (no alley)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required Spaces (see Table SH-25.1 for other permitted uses)</th>
<th>Minimum Ratio (spaces per unit) (see Table 554.1 for other ratios by use)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>2/detached unit When applicable: 1/studio &amp; 1-bedroom unit 1.5/2-bedroom unit 2/3-bedroom (or more) unit</td>
</tr>
</tbody>
</table>

Notes:
1. Parking pad (pavement) setback may be reduced to 0' for shared access and parking areas. Any structure (e.g., garage/carport) used for parking shall meet minimum setback specified above.
2. *Ribbon driveways*: Single car "ribbon driveways" may be constructed at a minimum overall width of nine (9) feet with six (6) feet wide apron flares on the right-of-way. For properties located along local roads, which have a posted speed limit of twenty-five (25) miles per hour or less, the driveway may be constructed with an overall width of seven (7) feet with three (3) feet wide apron flares.
3. *Parking*: No driveway shall be constructed from the road to the front façade of the principal structure, unless providing vehicular access to an attached garage or carport in accordance with the other sections of this ordinance.
4. Setbacks listed for parking stalls that are oriented perpendicular to the right-of-way. Reduced setbacks may be considered by the zoning administrator for other maneuvering patterns.

(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)
Sec. 27-211.2.2. General District Development Standards for Seminole Heights Residential Single-family attached (SH-RS-A) district.

(a) Building placement, form, and layout standards: all development, including semi-detached and two-family, shall comply with development standards set forth below: **Graphic 211.2.2a**

![Diagram](image)

**KEY (SH-RS-A): Table 211.2.2a**

|-------------|-----------------------|-----------------------|-------------------|---------|------------------|-------------------|--------|

<table>
<thead>
<tr>
<th>Building Placement (PB) [9]</th>
<th>Building Placement (AB) [8, 9]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Setback [4]</strong></td>
<td><strong>Setback [4]</strong></td>
</tr>
<tr>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>SS</td>
<td>SS</td>
</tr>
<tr>
<td>SI</td>
<td>SI</td>
</tr>
<tr>
<td>R</td>
<td>R</td>
</tr>
</tbody>
</table>

**Notes:**

1. Build-to-line: required line/location at which the building wall shall be placed.
2. Canopies, awnings, fireplaces, arcades, trellises, pergolas, and other architecturally integrated façade features may be placed at 3 feet minimum setback. See Map SH-25.2 for additional encroachment allowances, when applicable.
3. Building façades along front BTL must have functioning ground floor entrance. Rear-only facing buildings are prohibited.
4. Setback: the line/location that sets the minimum distance at which the building wall may be placed.
5. A lot of record established prior to July 1, 2010, shall be allowed to develop, subject to the regulations set forth in this article.
6. F or SS BTL determined by average of BTL of adjacent structures on either side of the lot with same street front orientation.
7. Reduction to 3’ minimum permitted for porte cochere.
8. Accessory buildings that are demolished, destroyed, or removed for any reason that do not meet the current standards, but that had been legally established and were considered nonconforming as determined by the zoning administrator pursuant to Sec. 27-54, may be rebuilt and/or replaced in the same footprint as had been legally established, so long as the building does not encroach on adjacent properties of different ownership, any public or private rights-of-way, or any easements.
9. PB and AB building separation shall be a minimum of 5’ as measured from eave to eave.
(b) Use and general building standards: all development shall comply with development standards set forth below: **Graphic 211.2.2b:** Depicts an example 1-story, 2-story, and 3-story residential single-family attached cross section.

![Graphic 211.2.2b](image)

<table>
<thead>
<tr>
<th>KEY (SH-RS-A): Table 211.2.2b</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>See also Sec. 27-43 Definitions</strong></td>
</tr>
<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Use Placement</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GF</strong></td>
</tr>
<tr>
<td><strong>UF</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Maximum Height [1]</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PBH</strong></td>
</tr>
<tr>
<td><strong>ABH</strong></td>
</tr>
<tr>
<td><strong>PW</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Miscellaneous Standards</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Elevator/mechanical housing, widow’s walk, cupolas, other architecturally integrated design features.</td>
</tr>
<tr>
<td>Exempt, except shall occupy no more than 20 percent of roof area.</td>
</tr>
</tbody>
</table>

**Notes:**

[1] Height is measured from finished grade to highest point of structure (see Sec. 27-43 Definitions).
[2] ABH shall be reduced to 1-story (15 feet maximum) when located within 20 feet of a 1-story residential principal building (not located on the subject parcel).
[3] PW maximum of 5’ above maximum height for PBH and ABH for decorative or screening purposes.
(c) Parking placement, layout, and general ratio standards: all development shall comply with development standards set forth below: **Graphic 211.2.2c:**

### KEY (SH-RS-A): Table 211.2.2c

<table>
<thead>
<tr>
<th>F: Front</th>
<th>SS: Side (street)</th>
<th>SI: Side (Interior)</th>
<th>R: Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>SF: Square feet</td>
<td>UFA: Usable floor area</td>
<td>CP: Carport</td>
<td>GAR: Garage</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>No closer to property line than F build-to line</td>
<td>18’</td>
<td>18’</td>
</tr>
<tr>
<td>SS</td>
<td>18’</td>
<td>18’</td>
<td>15’</td>
</tr>
<tr>
<td>SI</td>
<td>1’ [1]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adjacent to/adjacent by alley from any use</td>
<td></td>
<td>Refer to 548.2a (AB)</td>
<td>Refer to 548.2a (AB)</td>
</tr>
<tr>
<td>Adjacent to any other use (no alley)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Required Spaces

<table>
<thead>
<tr>
<th>Required Spaces</th>
<th>Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>(see Table SH-25.1 for other permitted uses)</td>
<td>Minimum Ratio (spaces per unit)</td>
</tr>
<tr>
<td>(see Table 554.1 for other ratios by use)</td>
<td></td>
</tr>
</tbody>
</table>

### Notes:

1. Parking pad (pavement) setback may be reduced to 0’ for shared access and parking areas.
2. **Ribbon driveways**: Single car “ribbon driveways” may be constructed at a minimum overall width of nine (9) feet with six (6) feet wide apron flares on the right-of-way. For properties located along local roads, which have a posted speed limit of twenty-five (25) miles per hour or less, the driveway may be constructed with an overall width of seven (7) feet with three (3) feet wide apron flares.
3. **Parking**: No driveway shall be constructed from the road to the front facade of the principal structure, unless providing vehicular access to an attached garage or carport in accordance with the other sections of this ordinance.
4. Setbacks listed for parking stalls that are oriented perpendicular to the right-of-way. Reduced setbacks may be considered by the zoning administrator for other maneuvering patterns.
5. **Structured parking (when applicable)**: Facades of garages must be architecturally embellished and integrated with the overall design of the development on all sides visible to right-of-way.

(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)
Sec. 27-211.2.3. General District Development Standards for Seminole Heights - Residential Multi-family (SH-RM) district.

(a) Building placement, form, and layout standards: all development shall comply with development standards set forth below. Two-family, attached, and semi-detached residential shall adhere to the SHRS-A development standards: Graphic 211.2.3a:

![Diagram of building placement and layout standards]

### KEY (SH-RM): Table 211.2.3a

<table>
<thead>
<tr>
<th><strong>Building Placement (PB)</strong> [10]</th>
<th><strong>Building Placement (AB)</strong> [9, 10]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BTL [1, 3]</strong></td>
<td><strong>Setback [4]</strong></td>
</tr>
<tr>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>SS</td>
<td>SS</td>
</tr>
<tr>
<td>SI</td>
<td>SI</td>
</tr>
<tr>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>FB</td>
<td>FB</td>
</tr>
<tr>
<td>SSB</td>
<td>SSB</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Lot Configuration [6]</strong></th>
<th><strong>Lot Area (density factor)</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Width</td>
<td>50' min</td>
</tr>
<tr>
<td>Lot Area (density factor)</td>
<td>Per Future Land Use Category [11]</td>
</tr>
</tbody>
</table>

Notes:

1. Build-to-line: required line/location at which the building wall shall be placed.
2. Setback: the line/location that sets the minimum distance at which the building wall may be placed.
3. Minimum % of building façade (ground floor) shall be built at required BTL.
4. A lot of record established prior to July 1, 2010, shall be allowed to develop, subject to the regulations set forth in this article.
5. Accessory buildings that are demolished, destroyed, or removed for any reason that do not meet the current standards, but that had been legally established and were considered nonconforming as determined by the zoning administrator pursuant to Sec. 27-54, may be rebuilt and/or replaced in the same footprint as had been legally established, so long as the building does not encroach on adjacent properties of different ownership, any public or private rights-of-way, or any easements.
6. For those properties within designated nodes per the Greater Seminole Heights Vision Plan & the Tampa Comprehensive Plan, refer to Sec. 27-211.15.
(b) Use and general building standards: all development shall comply with development standards set forth below: Graphic 211.2.3b: Depicts an example 1-story, 2-story, and 3-story residential multi-family cross section.

### KEY (SH-RM): Table 211.2.3b

<table>
<thead>
<tr>
<th>GF</th>
<th>Ground Floor</th>
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</thead>
<tbody>
<tr>
<td>UF</td>
<td>Upper Floor</td>
</tr>
<tr>
<td>PBH</td>
<td>Principal building height</td>
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<tr>
<td>ABH</td>
<td>Accessory building height</td>
</tr>
<tr>
<td>SF</td>
<td>Square feet</td>
</tr>
<tr>
<td>PW</td>
<td>Parapet wall</td>
</tr>
<tr>
<td>UF A</td>
<td>Usable floor area</td>
</tr>
<tr>
<td>min</td>
<td>minimum</td>
</tr>
</tbody>
</table>

#### Use Placement

- **GF**: Residential (when permitted: non-residential)
- **UF**: Residential (when permitted: non-residential)

#### Maximum Height [1]

- **PBH**: 3-stories (38 feet) [4]
- **ABH**: 2-stories (22.5 feet) [2]
- **PW**: 5' above PBH and ABH [3]

Exempt, except shall occupy no more than 20 percent of roof area.

#### Miscellaneous Standards

Building form to be consistent with adjacent residential properties on block face. For parcel specific form and character requirements, refer to designation on Map SH-25.1 and Sec. 27-211.7 for Residential Building Form Standards.

---

**Notes:**

1. Height is measured from finished grade to highest point of structure (see Sec. 27-43 Definitions).
2. ABH shall be reduced to 1-story (15 feet maximum) when located within 20 feet of a 1-story residential principal building (not located on the subject parcel).
3. PW maximum of 5' above maximum height for PBH and ABH for decorative or screening purposes.
4. For those lands with the R-35 (or more dense) future land use category, the maximum building height shall be 5 stories (60 feet).
(c) Parking placement, layout, and general ratio standards: all development shall comply with development standards set forth below: **Graphic 211.2.3c:**

**KEY (SH-RM): Table 211.2.3c**

<table>
<thead>
<tr>
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<td></td>
</tr>
</tbody>
</table>

Parking Placement (location of parking space(s)) [2, 3, 5]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>No closer to property line than F build-to line</td>
<td>18'</td>
<td>18'</td>
</tr>
<tr>
<td>SS</td>
<td>18' [1]</td>
<td>18'</td>
<td>10'</td>
</tr>
<tr>
<td>SI</td>
<td>1' [1]</td>
<td>0'</td>
<td>0'</td>
</tr>
<tr>
<td>R</td>
<td>Adjacent to/separated by alley from any use</td>
<td>1'</td>
<td>Refer to 548.3a (AB)</td>
</tr>
<tr>
<td>R</td>
<td>Adjacent to any other use (no alley)</td>
<td>3' [1]</td>
<td>Refer to 548.3a (AB)</td>
</tr>
</tbody>
</table>

**Required Spaces**

(see Table SH-25.1 for other permitted uses)

<table>
<thead>
<tr>
<th>Minimum Ratio (spaces per unit)</th>
<th>(see Table 554.1 for other ratios by use)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1 / studio &amp; 1-bedroom unit</td>
</tr>
<tr>
<td></td>
<td>1.5 / 2-bedroom unit</td>
</tr>
<tr>
<td></td>
<td>2 / 3-bedroom (or more) unit</td>
</tr>
</tbody>
</table>

Notes:
1. Parking pad (pavement) setback may be reduced to 0' for shared access and parking areas.
2. **Ribbon driveways:** Single car "ribbon driveways" may be constructed at a minimum overall width of nine (9) feet with six (6) feet wide apron flares on the right-of-way. For properties located along local roads, which have a posted speed limit of twenty-five (25) miles per hour or less, the driveway may be constructed with an overall width of seven (7) feet with three (3) feet wide apron flares.
3. **Parking:** No driveway shall be constructed from the road to the front façade of the principal structure, unless providing vehicular access to an attached garage or carport in accordance with the other sections of this ordinance.
4. Setbacks listed for parking stalls that are oriented perpendicular to the right-of-way. Reduced setbacks may be considered by the zoning administrator for other maneuvering patterns.
5. **Structured parking (when applicable):** Façades of garages must be architecturally embellished and integrated with the overall design of the development on all sides visible to right-of-way.
Sec. 27-211.2.4. General District Development Standards for Seminole Heights - Residential-Office (SH-RO) district.

(a) Building placement, form, and layout standards: all development shall comply with development standards set forth below. Single-family, detached residential shall adhere to the SH-RS development standards. Semi-detached, two-family, and attached residential shall adhere to the SH-RS-A development standards: Graphic 211.2.4a:

![Diagram](image.png)

**KEY (SH-RO): Table 211.2.4a**

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>AB: Accessory building</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BTL: Build-to-line</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Setback [2, 4]</strong></td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SI</td>
<td>7' [8]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>20'</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Building Form</strong></td>
<td>FB: Front Building Form</td>
<td>Refer to Map SH-25.1</td>
<td>FB: Front Building Form</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>SSB: Side (street) Building Form</td>
<td>Refer to Sec. 27.549</td>
<td>SSB: Side (street) Building Form</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Lot Configuration [6]</strong></td>
<td>Lot Width</td>
<td>50' min</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lot Area</td>
<td>5000 SF min</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Notes:

[1] Build-to-line: required line/location at which the building wall shall be placed.
[2] Canopies, awnings, fireplaces, arcades, trellises, pergolas, and other architecturally integrated façade features may be placed at three (3) feet setback.
[3] Building façades along front BTL must have functioning ground floor entrance. Rear-only facing buildings are prohibited.
[4] Setback: the line/location that sets the minimum distance at which the building wall may be placed.
[5] Minimum % of building façade (ground floor) shall be built at required BTL.
[6] A lot of record established prior to July 1, 2010, shall be allowed to develop, subject to the regulations set forth in this article.
[7] F or SS BTL determined by average of BTL of adjacent structures on either side of the lot with same street front orientation.
[8] Reduction to 3’ minimum permitted for porte cochere. For substandard (less than 50’ width) lots of record, SI setback shall be 5’.
[9] Accessory buildings that are demolished, destroyed, or removed for any reason that do not meet the current standards, but that had been legally established and were considered nonconforming as determined by the zoning administrator pursuant to Sec. 27-54, may be rebuilt and/or replaced in the same footprint as had been legally established, so long as the building does not encroach on adjacent properties of different ownership, any public or private rights-of-way, or any easements.
[10] PB and AB building separation shall be a minimum of 5’ as measured from eave to eave.
[11] For those properties within the designated nodes per the Greater Seminole Heights Vision Plan & the Tampa Comprehensive Plan refer to Sec. 27-211.15.
(b) Use and general building standards: all development shall comply with development standards set forth below: **Graphic 211.2.4b:** Depicts an example of 1-story, 2-story, and 3-story residential-office cross-section.

<table>
<thead>
<tr>
<th>KEY (SH-RO): Table 211.2.4b</th>
</tr>
</thead>
<tbody>
<tr>
<td>See also Sec. 27-43 Definitions</td>
</tr>
<tr>
<td>GF: Ground Floor</td>
</tr>
<tr>
<td>UF: Upper Floor</td>
</tr>
<tr>
<td>PBH: Principal building height</td>
</tr>
<tr>
<td>ABH: Accessory building height</td>
</tr>
</tbody>
</table>

### Use Placement

<table>
<thead>
<tr>
<th>GF</th>
<th>Office (Residential may also occupy GF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>UF</td>
<td>Residential (Office may extend to UF)</td>
</tr>
</tbody>
</table>

### Maximum Height [1]

- **PBH:** 2-3 stories (38 feet)
- **ABH:** 2-stories (22.5 feet) [2]
- **PW:** 5’ above PBH and ABH [3]

**Elevator/mechanical housing, widow's walk, cupolas, other architecturally integrated design features:** Exempt, except shall occupy no more than 20 percent of roof area.

### Miscellaneous Standards

Building form to be consistent with adjacent residential properties on block face. For parcel specific form and character requirements, refer to designation on Map SH-25.1 and Sec. 27-211.7 for Residential Building Form Standards.

**Notes:**

[1] Height is measured from finished grade to highest point of structure (see Sec. 27-43 Definitions).
[2] ABH shall be reduced to 1-story (15 feet maximum) when located within 20 feet of a 1-story residential principal building (not located on the subject parcel).
[3] PW maximum of 5’ above maximum height for PBH and ABH for decorative or screening purposes.
(c) Parking placement, layout, and general ratio standards: all development shall comply with development standards set forth below: **Graphic 211.2.4c:**

<table>
<thead>
<tr>
<th>KEY (SH-RO): Table 211.2.4c</th>
</tr>
</thead>
<tbody>
<tr>
<td>See also Sec. 27-43 Definitions</td>
</tr>
<tr>
<td>F: Front</td>
</tr>
<tr>
<td>SS: Side (street)</td>
</tr>
<tr>
<td>SI: Side (Interior)</td>
</tr>
<tr>
<td>R: Rear</td>
</tr>
<tr>
<td>SF: Square feet</td>
</tr>
<tr>
<td>UFA: Usable floor area</td>
</tr>
<tr>
<td>CP: Carport</td>
</tr>
<tr>
<td>GAR: Garage</td>
</tr>
<tr>
<td>&lt;: Less than</td>
</tr>
<tr>
<td>&gt;: Greater than</td>
</tr>
<tr>
<td>&lt;: Equal to</td>
</tr>
</tbody>
</table>

**Parking Placement (location of parking space(s))** [2, 3]

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>No closer to property line than F build-to-line</td>
<td>18'</td>
<td>18'</td>
</tr>
<tr>
<td>SS</td>
<td>18'</td>
<td>18'</td>
<td>10'</td>
</tr>
<tr>
<td>SI</td>
<td>1' [1]</td>
<td>CP: 3'</td>
<td>CP: 3'</td>
</tr>
<tr>
<td></td>
<td></td>
<td>GAR: 7'</td>
<td>GAR: 7'</td>
</tr>
<tr>
<td>R</td>
<td>Adjacent to/separated by alley from any use</td>
<td>1'</td>
<td>Refer to 548.4a (AB)</td>
</tr>
<tr>
<td></td>
<td>Adjacent to any other use (no alley)</td>
<td>3' [1]</td>
<td>Refer to 548.4a (AB)</td>
</tr>
</tbody>
</table>

**Required Spaces** (see Table SH-25.1 for other permitted uses)

<table>
<thead>
<tr>
<th>Minimum Ratio (spaces per unit) (see Table 554.1 for other ratios by use)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
</tr>
<tr>
<td>2 / detached unit</td>
</tr>
<tr>
<td>When applicable:</td>
</tr>
<tr>
<td>1 / studio &amp; 1-bedroom unit</td>
</tr>
<tr>
<td>1.5 / 2-bedroom unit</td>
</tr>
<tr>
<td>2 / 3-bedroom (or more) unit</td>
</tr>
<tr>
<td>Business/professional office</td>
</tr>
<tr>
<td>3 / 1000 SF (stand alone office); 1.5 / 1000 SF (mixed office residential; residential parking to be provided per ratio above)</td>
</tr>
</tbody>
</table>

**Notes:**

[1] Parking pad (pavement) setbacks may be reduced to 0' for shared access and parking areas.

[2] *Ribbon driveways*: Single car “ribbon driveways” may be constructed at a minimum overall width of nine (9) feet with six (6) feet wide apron flares on the right-of-way. For properties located along local roads, which have a posted speed limit of twenty-five (25) miles per hour or less, the driveway may be constructed with an overall width of seven (7) feet with three (3) feet wide apron flares.

[3] *Parking*: No driveway shall be constructed from the road to the front façade of the principal structure, unless providing vehicular access to an attached garage or carport in accordance with the other sections of this ordinance.

[4] Setbacks listed for parking stalls that are oriented perpendicular to the right-of-way. Reduced setbacks may be considered by the zoning administrator for other maneuvering patterns.

(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)
Sec. 27-211.2.5. General District Development Standards for Seminole Heights - Commercial Neighborhood (SH-CN) district.

(a) Building placement, form, and layout standards: all development shall comply with development standards set forth below. Single-family detached residential shall adhere to the development standards of SH-RS. Semi-detached, attached, and two-family residential shall adhere to the development standards of SH-RS-A. Multi-family residential shall adhere to the development standards of SH-RM: Graphic 211.2.5a

---

**KEY (SH-CN): Table 211.2.5a**

<table>
<thead>
<tr>
<th>Definition</th>
<th>Symbol</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>PB: Principal building</td>
<td>F: Front</td>
<td>FB: Front Building Form</td>
</tr>
<tr>
<td>AB: Accessory building</td>
<td>SS: Side (street)</td>
<td>SSB: Side (street) Building Form</td>
</tr>
<tr>
<td>BTL: Build-to-line</td>
<td>SI: Side (Interior)</td>
<td>SF: Square Feet</td>
</tr>
<tr>
<td>R: Rear</td>
<td>R: Rear</td>
<td>min: minimum</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Placement (PB)</th>
<th>Building Placement (AB)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>BTL [1, 3]</strong></td>
<td><strong>Setback [4]</strong></td>
</tr>
<tr>
<td>F</td>
<td>F</td>
</tr>
<tr>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>SS</td>
<td>SS</td>
</tr>
<tr>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td><strong>Setback [2, 4]</strong></td>
<td><strong>Setback [4]</strong></td>
</tr>
<tr>
<td>SI</td>
<td>SI</td>
</tr>
<tr>
<td>0'</td>
<td>0'</td>
</tr>
<tr>
<td>R</td>
<td>R</td>
</tr>
<tr>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td><strong>Building Form</strong></td>
<td><strong>Building Form</strong></td>
</tr>
<tr>
<td>FB</td>
<td>FB</td>
</tr>
<tr>
<td>35% min [5]</td>
<td>FB</td>
</tr>
<tr>
<td>SSB</td>
<td>SSB</td>
</tr>
<tr>
<td>15% min [5]</td>
<td>SSB</td>
</tr>
<tr>
<td><strong>Lot Configuration [6]</strong></td>
<td><strong>Lot Area</strong></td>
</tr>
<tr>
<td>Lot Width</td>
<td>60' min</td>
</tr>
<tr>
<td>6000 SF min [7]</td>
<td>Lot Area</td>
</tr>
</tbody>
</table>

Notes:

[1] Build-to-line: required line/location at which the building wall shall be placed.
[2] Canopies, awnings, fireplaces, arcades, trellises, pergolas, and other architecturally integrated façade features may be placed at three (3) feet setback. See Map SH-252 for additional encroachment allowances, when applicable.
[3] Building façades along front BTL must have functioning ground floor entrance. Rear-only facing buildings are prohibited.
[4] Setback: the line/location that sets the minimum distance at which the building wall may be placed.
[5] Minimum % of building façade (ground floor) shall be built at required BTL.
[6] A lot of record established prior to July 1, 2010, shall be allowed to develop, subject to the regulations set forth in this article.
[7] For those properties within designated nodes per the Greater Seminole Heights Vision Plan & the Tampa Comprehensive Plan, refer to 27-211.16.
(b) Use and general building standards: all development shall comply with development standards set forth below: **Graphic 211.2.5b** Depicts an example of a 1-story, 2-story, and 3-story office cross-section.

![Diagram of 1-story, 2-story, and 3-story office cross-section](image)

**KEY (SH-CN): Table 211.2.5b**

<table>
<thead>
<tr>
<th>Use Placement</th>
<th>Office/private institutional, governmental/public institutional</th>
</tr>
</thead>
<tbody>
<tr>
<td>GF</td>
<td>Ground Floor</td>
</tr>
<tr>
<td>UF</td>
<td>Upper Floor</td>
</tr>
<tr>
<td>PBH</td>
<td>Principal building height</td>
</tr>
<tr>
<td>ABH</td>
<td>Accessory building height</td>
</tr>
<tr>
<td>SF</td>
<td>Square feet</td>
</tr>
<tr>
<td>PW</td>
<td>Parapet wall</td>
</tr>
<tr>
<td>UFA</td>
<td>Usable floor area</td>
</tr>
</tbody>
</table>

**Use Placement**

- **GF**: Office/private institutional, governmental/public institutional
- **UF**: Office/private institutional, governmental/public institutional, residential

**Maximum Height [1]**

- **PBH**: 3 stories (45 feet)
- **ABH**: 2-stories (25 feet) [2]
- **PW**: 7' above PBH and ABH [4]

Elevator/mechanical housing, steeples, flag poles, widow's walk, cupolas, other architecturally integrated design features. Exempt, except shall occupy no more than 20 percent of roof area.

**Miscellaneous Standards**

- Minimum transparency, such as architectural features or elements as defined in Sec. 27-43, window boxes, doors and windows, for nonresidential façades along FB and SSB, measured within first 15' (from grade) of the façade. 30 percent for all non-residential uses
- Maximum allowable aluminum, other metal siding, or plastic/PVC that can be used on any Front or Side Street façade [3] 25 percent

**Notes:**

- [1] Height is measured from finished grade to highest point of structure (see Sec. 27-43 Definitions).
- [2] ABH shall be reduced to 2-story (22.5 feet maximum) when located within 20 feet of a 1-story residential principal building (not located on subject parcel).
- [3] Aluminum, other metal siding, or plastic/PVC materials shall only be used as accent or ancillary materials.
(c) Parking placement, layout, and general ratio standards: all development shall comply with development standards set forth below: **Graphic 211.2.5c**

---

**KEY (SH-CN): Table 211.2.5c**

<table>
<thead>
<tr>
<th>See also Sec. 27-43 Definitions</th>
<th>F: Front</th>
<th>SS: Side (street)</th>
<th>SI: Side (Interior)</th>
<th>SF: Square Feet</th>
<th>UFA: Usable Floor Area</th>
</tr>
</thead>
</table>

**Parking Placement (location of parking space(s)) [2, 3]**

<table>
<thead>
<tr>
<th>Setback</th>
<th>Minimum Ratio (spaces per unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>3 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>SS</td>
<td>5 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>SI</td>
<td>5 / 1000 SF (UFA)</td>
</tr>
</tbody>
</table>

**Required Spaces**

(see Table SH-25.1 for other permitted uses)

<table>
<thead>
<tr>
<th>Required Spaces (see Table SH-25.1 for other permitted uses)</th>
<th>Minimum Ratio (spaces per unit) (see Table 211.12 for other ratios by use)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office, business-professional</td>
<td>3 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Office, medical</td>
<td>5 / 1000 SF (UFA)</td>
</tr>
</tbody>
</table>

**Notes:**

1. Parking (pavement) setback may be reduced to 0' for shared access and parking areas.
2. 80% of onsite parking shall be located to the side or rear of the principal building.
3. Structured parking (when applicable): Façades of garages must be architecturally embellished and integrated with the overall design of the development on all sides visible to right-of-way.

(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)
Sec. 27-211.6. Development Standards for Commercial, Mixed-Use, or other Non-Residential (SH-CG and SH-CI) development.

(a) Building placement, form, and layout standards: all development shall comply with development standards set forth below. Single-family detached residential shall adhere to the development standards of SH-RS. Semi-detached, attached, and two-family residential shall adhere to the development standards of SHRS-A Multi-family residential shall adhere to the development standards of SH-RM.

Graphic 211.6a

**KEY (SH-CG and SH-CI, as specified below): Table 211.6a**

See also Sec. 27-43

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Building Placement (PB)</strong></td>
<td><strong>Building Placement (AB)</strong></td>
<td><strong>Setback [4]</strong></td>
<td><strong>Setback [4]</strong></td>
<td><strong>Setback [4]</strong></td>
<td><strong>Setback [4]</strong></td>
<td><strong>Setback [4]</strong></td>
<td><strong>Setback [4]</strong></td>
</tr>
<tr>
<td>F</td>
<td>10'</td>
<td>F</td>
<td>10'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SS</td>
<td>10'</td>
<td>SS</td>
<td>10'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Setback [2, 4]</td>
<td>SI</td>
<td>0'</td>
<td>SI</td>
<td>0'</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>R</td>
<td>15'</td>
<td>R</td>
<td>15'</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FB</td>
<td>50% min [5]</td>
<td>FB</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SSB</td>
<td>25% min [5]</td>
<td>SSB</td>
<td>N/A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

[1] Build-to-line: required line/location at which the building wall shall be placed.
[2] Canopies, awnings, arcades, trellises, pergolas, and other architecturally integrated façade features may be placed at zero (0) feet setback. See Map SH-25.2 for additional encroachment allowances, when applicable.
[3] Building façades along front BTL must have functioning ground floor entrance. Rear-only facing buildings are prohibited.
[4] Setback: the line/location that sets the minimum distance at which the building wall may be placed.
[5] Minimum % of building façade (ground floor) shall be built at required BTL.
[6] A lot of record established prior to July 1, 2010, shall be allowed to develop, subject to the regulations set forth in this article.
[7] Drive-in windows and any associated overhangs/canopies shall be setback a minimum of 50 feet from the principal street (Front).
[8] For those properties within designated nodes per the Greater Seminole Heights Vision Plan and the Tampa Comprehensive Plan, refer to Sec. 27-211.15.
(b) Use and general building standards: all development shall comply with development standards set forth below: **Graphic 211.6b** Depicts an example of a 1-story, 2-story, 3-story, and 4-story commercial/mixed use cross-section.

---

**KEY (SH-CG and SH-CI): Table 211.6b**

<table>
<thead>
<tr>
<th>GF</th>
<th>UF</th>
<th>PBH</th>
<th>ABH</th>
<th>SF</th>
<th>PW</th>
<th>UFA</th>
<th>min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ground Floor</td>
<td>Upper Floor</td>
<td>Principal building height</td>
<td>Accessory building height</td>
<td>Square feet</td>
<td>Parapet wall</td>
<td>Usable floor area</td>
<td>minimum</td>
</tr>
</tbody>
</table>

See also Sec. 27-43 Definitions

**Use Placement**

- **GF**: Commercial, office/private institutional, governmental/public institutional, recreation/assembly, residential (as permitted in Table SH-25.1)
- **UF**: Office/private institutional, governmental/public institutional, recreation/assembly, residential (as permitted in Table SH-25.1)

**Maximum Height [1]**

- **PBH**: SH-CG: 3-stories (45 feet); SH-CI: 4-stories (55 stories)
- **ABH**: 2-stories (25 feet) [2]
- **PW**: 7' above PBH and ABH [4]

Elevator/mechanical housing, steeples, widow’s walk, cupolas, other architecturally integrated design features. Exempt, except shall occupy no more than 20 percent of roof area.

**Miscellaneous Standards**

- Minimum transparency, such as architectural features or elements as defined in Sec. 27-43, window boxes, doors and windows, for nonresidential façades along PB and SSB, measured within first 15 feet (from grade) of the façade. 40 percent for all non-residential uses
- Maximum allowable aluminum, other metal siding, or plastic/PVC that can be used on any Front or Side Street façade [3] 25 percent

Notes:

1. Height is measured from finished grade to highest point of structure (see Sec. 27-43 Definitions).
2. ABH shall be reduced to 2-story (22.5 feet) when located within 20 feet of a 3-story residential principal building (not located on subject parcel).
3. Aluminum, other metal siding, or plastic/PVC materials shall only be used as accent or ancillary materials.
4. PW maximum of 7' above maximum height for PBH and ABH for decorative and screening purposes.
(c) Parking placement, layout, and general ratio standards: all development shall comply with development standards set forth below: **Graphic 211.6c**

![Diagram of parking placement](image)

<table>
<thead>
<tr>
<th>KEY (SH-CG and SH-CI): Table 211.5c</th>
</tr>
</thead>
<tbody>
<tr>
<td>See also Sec. 27-43 Definitions</td>
</tr>
<tr>
<td>F: Front</td>
</tr>
<tr>
<td>SS: Side (street)</td>
</tr>
<tr>
<td>SI: Side (Interior)</td>
</tr>
<tr>
<td>R: Rear</td>
</tr>
<tr>
<td>SF: Square Feet</td>
</tr>
<tr>
<td>UFA: Usable Floor Area</td>
</tr>
<tr>
<td>&lt;: Less than</td>
</tr>
<tr>
<td>&gt;: Greater than</td>
</tr>
<tr>
<td>=: Equal to</td>
</tr>
</tbody>
</table>

### Parking Placement (location of parking space(s)) [2, 3]

#### Setback

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>F</td>
<td>15'</td>
</tr>
<tr>
<td>SS</td>
<td>15'</td>
</tr>
<tr>
<td>SI</td>
<td>3' [1]</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>R</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Adjacent to/separated by alley from detached or attached residential use</td>
<td>8'</td>
</tr>
<tr>
<td>- Adjacent to any other use (no alley)</td>
<td>3' [1]</td>
</tr>
<tr>
<td>- Adjacent to any other use (separated by alley)</td>
<td>5'</td>
</tr>
</tbody>
</table>

#### Required Spaces

(see Table SH-25.1 for other permitted uses)  
(see Table 211.12 for other ratios by use)

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum Ratio (spaces per unit)</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Retail</td>
<td>4 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Restaurant&lt;100 occupants</td>
<td>6 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Restaurant&gt;=100 occupants</td>
<td>0.25 per person</td>
</tr>
<tr>
<td>Office, business-professional</td>
<td>3 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Office, medical</td>
<td>5 / 1000 SF (UFA)</td>
</tr>
</tbody>
</table>

#### Notes:

[1] Parking pad (pavement) set back may be reduced to 0' for shared access and parking areas.

[2] 80% of onsite parking shall be located to the side or rear of the principal building.

[3] **Structured parking (when applicable):** Façades of garages must be architecturally embellished and integrated with the overall design of the development on all sides visible to right-of-way.
Sec. 27-211.7. Residential Building Forms.

(a) All residential development within the Seminole Heights district shall refer to Map SH-25.1 for residential building form type, and shall adhere to the applicable form standards set forth below. Requirements of this section do not apply to residential properties that lie within the Seminole Heights Local Historic District. Resources: McAlester, Virginia and Lee. A Field Guide to American House; Paradis, Thomas W. "ARCHITECTURAL STYLES of AMERICA." Web. 22 Nov. 2010

(b) For those properties identified on Map SH-25.1 as "Craftsman/Southern Vernacular", the applicant may choose one (1) form-type from the following residential building forms:

1. Craftsman (CT) [211.7.1].
2. National Folk (NF) [211.7.2].
3. American Four Square (AFS) [211.7.3].
4. Folk Victorian (FV) [211.7.4].
5. Queen Anne (QA) [211.7.5].
6. Prairie (P) [211.7.6].

(c) For those properties identified on Map SH-25.1 as "Ranch/Transitional Ranch", the applicant may choose one (1) form-type from the following residential building forms:

1. Ranch (RH) [211.7.7].
2. Minimal Traditional (MT) [211.7.8].
3. Contemporary Modern (CM) [211.7.9].
4. Split Ranch (SR) [211.7.10].

(d) For those properties identified on Map SH-25.1 as "Eclectic", the applicant may choose one (1) form-type from the following residential building forms:

1. Spanish Eclectic (SE) [211.7.11].
2. Any other residential building form set forth in subsection (b) above.
Form Description and Graphics 211.7.1: (CT) Craftsman (Arts & Crafts)
Characterized by square plans with low-pitched gables (occasionally gables are clipped) or hipped roofs, with wide, unenclosed eave overhang. Roof rafters are usually exposed; shed dormers and decorative (false) beams or braces are common. Windows are double hung-sash with three or more vertical lights in the top sash. Craftsman bungalows have large broad porches which usually extend across the front façade (may wrap around one side) and are supported by substantial columns resting on stone, frame or brick piers.

<table>
<thead>
<tr>
<th>(CT) Craftsman (Arts &amp; Crafts): Table 211.7.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required minimum standards for construction or any addition over 5% of usable floor area.</td>
</tr>
<tr>
<td>Finished floor elevation (in addition to FEMA requirements)</td>
</tr>
<tr>
<td>Porch Location</td>
</tr>
<tr>
<td>Porch Width</td>
</tr>
<tr>
<td>Porch Depth (minimum to maximum)</td>
</tr>
<tr>
<td>Roof Pitch</td>
</tr>
<tr>
<td>Details</td>
</tr>
<tr>
<td>Garage</td>
</tr>
<tr>
<td>Carport (porte cochere)</td>
</tr>
</tbody>
</table>

Examples of Craftsman in Seminole Heights
Form Description and Graphics 211.7.2: (NF) National Folk (Southern Vernacular)
Characterized by simple lines, materials and form. The basic forms are described as gable-front, gable-front and wing, hall-and-parlor, I-house, side-gabled, and pyramidal family. (In Seminole Heights, it is common to find a national folk form with a craftsman porch attached.)
Form Description and Graphics 211.7.3: (AFS) American Four Square
Characterized by a simple, four-square folk plan with a low-pitched hipped or pyramidal roof and symmetrical façade. A central dormer is common.

(AFS) American Four Square: Table 211.7.3
Required minimum standards for construction or any addition over 5% of usable floor area.

<table>
<thead>
<tr>
<th>Finished floor elevation (in addition to FEMA requirements)</th>
<th>18” to 24”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Porch Location</td>
<td>Front Only</td>
</tr>
<tr>
<td>Porch Width</td>
<td>Minimum of 50% of front façade width (typically width of entire front façade)</td>
</tr>
<tr>
<td>Porch Depth (minimum and maximum)</td>
<td>8’ to 15’</td>
</tr>
<tr>
<td>Roof Pitch</td>
<td>3/12 - 6/12 rise to run (less than 30°)</td>
</tr>
<tr>
<td>Details</td>
<td>Simple box shape; two-and-a-half stories (typically), four-room floor plan; low-hipped roof with deep overhang (at least 18’); large central dormer; front porch with wide stairs; brick, stone, stucco, or wood siding only.</td>
</tr>
<tr>
<td>Garage</td>
<td>Not typically attached to principal building (if attached, vehicle entrance must be recessed at least 10’ from principal façade, not measured from front edge of front porch); detached garage preferred with front or rear orientation.</td>
</tr>
<tr>
<td>Carport (porte cochere)</td>
<td>Side façade (or rear for corner lots); flat or similar roof pitch to primary roof; single car or double-car width</td>
</tr>
</tbody>
</table>

Examples of American Four Square in Seminole Heights
Form Description and Graphics 211.7.4: (FV) Folk Victorian
Characterized by the presence of Victorian decorative detailing on simple folk house forms (vernacular), which are generally much less elaborate than the Victorian styles.

(FV) Folk Victorian: Table 211.7.4
Required minimum standards for construction or any addition over 5% of usable floor area.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Specification</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished floor elevation (in addition to FEMA requirements)</td>
<td>18&quot; to 24&quot;</td>
</tr>
<tr>
<td>Porch Location</td>
<td>Front (side-wrap allowed)</td>
</tr>
<tr>
<td>Porch Width</td>
<td>Minimum of 50% of front façade width</td>
</tr>
<tr>
<td>Porch Depth (minimum and maximum)</td>
<td>8' to 12'</td>
</tr>
<tr>
<td>Roof Pitch</td>
<td>At least 12/12 rise to run (more than 45°); porch roofs and additions may be a lower slope (no less than 4/12 pitch) than primary roof (gable or shed are common)</td>
</tr>
<tr>
<td>Details</td>
<td>Porches with spindle-work detailing: L-shaped or gable-front plan, cornice brackets</td>
</tr>
<tr>
<td>Garage</td>
<td>Not typically attached to principal building (if attached, vehicle entrance must be recessed at least 10' from principal façade, not measured from the front edge of porch)</td>
</tr>
<tr>
<td>Carport</td>
<td>Not allowed</td>
</tr>
</tbody>
</table>

Examples of Folk Victorian in Seminole Heights
Form Description and Graphics 211.7.5: (QA) Queen Anne
Characterized by steeply pitched roofs of irregular shapes, usually with a dominant front-facing gable. Queen Annes will often exhibit bay windows and other devices used to avoid continuous straight walls. Some Queen Annes are lavished with gingerbread, while some are made of brick or stone and exhibit much simpler details; many have turrets. The overall façade of the house is asymmetrical.

(QA) Queen Anne: Table 211.7.5
Required minimum standards for construction or any addition over 5% of usable floor area.

<table>
<thead>
<tr>
<th>Description</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished floor elevation (in addition to FEMA requirements)</td>
<td>18” to 24”</td>
</tr>
<tr>
<td>Porch Location</td>
<td>Front (side-wrap allowed)</td>
</tr>
<tr>
<td>Porch Width</td>
<td>Minimum of 50% of front façade width</td>
</tr>
<tr>
<td>Porch Depth (minimum and maximum)</td>
<td>8’ to 15’</td>
</tr>
<tr>
<td>Roof Pitch</td>
<td>Primary roof at least 12/12 (greater than 45°); ancillary roofs at least 4/12 pitch</td>
</tr>
<tr>
<td>Details</td>
<td>Bay windows, balconies, turrets, porches, brackets, and decorative detailing; continuous flat walls not permitted</td>
</tr>
<tr>
<td>Garage</td>
<td>Not typically attached to principal building (if attached vehicle entrance must be recessed at least 10’ from principal façade, not measured from front edge of porch)</td>
</tr>
<tr>
<td>Carport (porte cochere)</td>
<td>Side façade (or rear for corner lots); flat or low pitched at least 4/12 pitch; single- or double-car width</td>
</tr>
</tbody>
</table>

Example of Queen Anne in Seminole Heights
Form Description and Graphics 211.7.6: (P) Prairie
Characterized by low-pitched roof, usually hipped, with widely overhanging eaves; typically two-stories, with one-story wings or porches. Eaves, cornices, and façade detailing is quite simple and emphasizes horizontal lines; often with substantial, square porch supports.

(P) Prairie: Table 211.7.6
Required minimum standards for construction or any addition over 5% of usable floor area.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Standard/Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished floor elevation (in addition to FEMA requirements)</td>
<td>18” to 24”</td>
</tr>
<tr>
<td>Porch Location</td>
<td>Front and/or side allowed</td>
</tr>
<tr>
<td>Porch Width</td>
<td>Minimum 5'; may or may not be covered</td>
</tr>
<tr>
<td>Porch Depth</td>
<td>At least 6'</td>
</tr>
<tr>
<td>Roof Pitch</td>
<td>3/12 - 6/12 rise to run (less than 30°)</td>
</tr>
<tr>
<td>Details</td>
<td>Substantial square or rectangular columns typical; emphasis on horizontal lines across façades, contrasting caps on porch and balcony railings; contrasting trim emphasizing upper story</td>
</tr>
<tr>
<td>Garage</td>
<td>Not typically attached to principal building (if attached, vehicle entrance must be recessed at least 10' from principal façade, not measured from front edge of porch)</td>
</tr>
<tr>
<td>Carport (porte cochere)</td>
<td>Side or rear orientation; flat or similar roof pitch to primary roof; single- or double-car wide</td>
</tr>
</tbody>
</table>

Examples of Prairie in Seminole Heights
Form Description and Graphics 211.7.7: (RH) Ranch
Characterized by its long, close-to-the-ground profile, and minimal use of decoration, garages are an integral part of the house. Asymmetrical one-story shapes with low-pitched roofs dominate. Three common roof forms are used: hipped, cross-gables, and side-gabled. Usually a moderate or wide eave overhang.

![Diagram of Ranch House](image)

<table>
<thead>
<tr>
<th>(RH) Ranch: Table 211.7.7 Required minimum standards for construction or any addition over 5% of usable floor area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished floor elevation (in addition to FEMA requirements)</td>
</tr>
<tr>
<td>Porch Location</td>
</tr>
<tr>
<td>Porch Width</td>
</tr>
<tr>
<td>Porch Depth</td>
</tr>
<tr>
<td>Roof Pitch</td>
</tr>
<tr>
<td>Details</td>
</tr>
<tr>
<td>Garage</td>
</tr>
<tr>
<td>Carport</td>
</tr>
</tbody>
</table>

Examples of Ranch in Seminole Heights
Form Description and Graphics 211.7.8: (MT) Minimal Traditional
Characterized by a simplified form loosely based on the Tudor style of the 1920s and ’30s, the steep Tudor roof pitch may be lower and the façade is simplified by omitting most of the traditional detailing. Generally has a dominant front gable.

![Diagram of Minimal Traditional House](image)

<table>
<thead>
<tr>
<th>(MT) Minimal Traditional: Table 211.7.8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required minimum standards for construction or any addition over 5% of usable floor area.</td>
</tr>
<tr>
<td>Finished floor elevation (in addition to FEMA requirements)</td>
</tr>
<tr>
<td>Porch Location</td>
</tr>
<tr>
<td>Porch Width</td>
</tr>
<tr>
<td>Porch Depth (minimum to maximum)</td>
</tr>
<tr>
<td>Roof Pitch</td>
</tr>
<tr>
<td>Details</td>
</tr>
<tr>
<td>Garage</td>
</tr>
<tr>
<td>Carport</td>
</tr>
</tbody>
</table>

Examples of Minimal Traditional in Seminole Heights
Form Description and Graphics 211.7.9: (CM) Contemporary Modern
Characterized by ample windows and flat or low-sloped roofs (or a combination of the two). Entry porches are usually small and may or may not be covered.

(CM) Contemporary Modern: Table 211.7.9
Required minimum standards for construction or any addition over 5% of usable floor area.

<table>
<thead>
<tr>
<th>Item</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished floor elevation</td>
<td>0” typically</td>
</tr>
<tr>
<td>(in addition to FEMA requirements)</td>
<td></td>
</tr>
<tr>
<td>Porch Location</td>
<td>Front, generally</td>
</tr>
<tr>
<td>Porch Width</td>
<td>Generally similar width to front entry (minimum of 5’); can be wider</td>
</tr>
<tr>
<td>Porch Depth (minimum to maximum)</td>
<td>3’ to 8’</td>
</tr>
<tr>
<td>Roof Pitch</td>
<td>Flat or low-slope up to 5/12 rise to run</td>
</tr>
<tr>
<td>Details</td>
<td>Clean modern lines, little ornamentation, ample windows (at least 60% of front façade)</td>
</tr>
<tr>
<td>Garage</td>
<td>Side or front orientation; garage roof may be incorporated under same roof as principal structure; must not project farther from principal façade than front porch depth</td>
</tr>
<tr>
<td>Carport</td>
<td>Side or front orientation; carport roof may be incorporated under same roof as principal structure; must not project farther from principal façade than front porch depth</td>
</tr>
</tbody>
</table>

Examples of Contemporary Modern in Seminole Heights
Form Description and Graphics 211.7.10: (SR) Split Ranch
Characterized by a multi-story modification of the one-story Ranch style. A two-story unit is intercepted at mid-height by a one-story wing to make three floor levels of interior space. Architectural detailing is based on a variety of architectural styles.

(SR) Split Ranch: Table 211.7.10
Required minimum standards for construction or any addition over 5% of usable floor area.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Requirement Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finished floor elevation (in addition to FEMA</td>
<td>0” to 18”</td>
</tr>
<tr>
<td>requirements)</td>
<td></td>
</tr>
<tr>
<td>Porch Location</td>
<td>Front only</td>
</tr>
<tr>
<td>Porch Width</td>
<td>Minimum 5’</td>
</tr>
<tr>
<td>Porch Depth (minimum to maximum)</td>
<td>6’ to 8’</td>
</tr>
<tr>
<td>Roof Pitch</td>
<td>3/12 rise to run or more</td>
</tr>
<tr>
<td>Details</td>
<td>May or may not have a front porch, minimal ornamentation,</td>
</tr>
<tr>
<td></td>
<td>minimal eave overhang; see RH for details</td>
</tr>
<tr>
<td>Garage</td>
<td>Not typically attached to principal building (if attached,</td>
</tr>
<tr>
<td></td>
<td>vehicle entrance must not project farther from principal</td>
</tr>
<tr>
<td></td>
<td>façade than required front porch depth)</td>
</tr>
<tr>
<td>Carport</td>
<td>Side façade (or rear for corner lots); flat or shed roof; single or double-car width</td>
</tr>
</tbody>
</table>

Examples of Split Ranch in Seminole Heights
Form Description and Graphics 211.7.11: (SE) Spanish Eclectic (Mediterranean Revival, Mission, Pueblo)
Characterized by tile roofs, stucco walls and round-arched windows and doorways. House forms vary; however they are based on a rectangular floor plans. Ornamentation can range from simple to dramatic, and may draw from a number of Mediterranean references.

<table>
<thead>
<tr>
<th>(SE) Spanish Eclectic: Table 211.7.11</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required minimum standards for construction or any addition over 5% of usable floor area.</td>
</tr>
<tr>
<td>Finished floor elevation (in addition to FEMA requirements)</td>
</tr>
<tr>
<td>Porch Location</td>
</tr>
<tr>
<td>Porch Width (minimum to maximum)</td>
</tr>
<tr>
<td>Porch Depth</td>
</tr>
<tr>
<td>Roof Pitch</td>
</tr>
<tr>
<td>Details</td>
</tr>
<tr>
<td>Garage</td>
</tr>
<tr>
<td>Carport (porte cochere)</td>
</tr>
</tbody>
</table>

Examples of Spanish Eclectic in Seminole Heights
Table SH-25.1: Table of Uses; Permit Requirements

<table>
<thead>
<tr>
<th>Use (listed by subcategory)</th>
<th>District</th>
<th>SH-RS</th>
<th>SH-RS-A</th>
<th>SH-RM</th>
<th>SH-RO</th>
<th>SH-CN</th>
<th>SH-CG</th>
<th>SH-CI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accessory dwelling</td>
<td></td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td></td>
<td>S1</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Congregate living facility, 6 or few residents [1]</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Congregate living facility, small</td>
<td></td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Home daycare (# of pupils per F.S.)</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Home occupation</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Multi-family</td>
<td></td>
<td>X</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Professional residential facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Recovery Home A</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>- Recovery Home B</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>- Residential treatment</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>- Life care treatment</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single-family detached[8]</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Single-family attached, semi-detached, two-family</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Office/Private Institutional</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business/professional office</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clinic</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Daycare facility</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td>S1</td>
<td>S1</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Hospital</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Private cultural facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Medical office</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Private school</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Elementary, Middle (junior high), Secondary (senior high)</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>- Technical/vocational</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- University</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Veterinary office</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<tr>
<td>Governmental Public Institutional</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Public service facility</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>X</td>
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<tr>
<td>Public use facility</td>
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<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Public cultural facility</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Elementary, Middle (junior high), Secondary (senior high)</td>
<td></td>
<td>S2</td>
<td>S2</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>- Technical/vocational</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Community college/college</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>- University</td>
<td></td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Garden</td>
<td></td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
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<tr>
<td>Recreational Facility, private</td>
<td></td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Recreational Facility, commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly</td>
<td></td>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Place of assembly [2]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Places of religious assembly</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Sec. 27-211.8. Schedule of permitted uses by district.

Table 25-1 sets forth the permitted, special, and accessory uses by zoning district. All lands within the Greater Seminole Heights area shall adhere to this table. Any uses not listed shall be subject to zoning administrator review, pursuant to section 27-59.
## Table SH-25.1: Table of Uses; Permit Requirements

<table>
<thead>
<tr>
<th>Use (listed by subcategory)</th>
<th>District</th>
<th>SH-RS</th>
<th>SH-RS-A</th>
<th>SH-RO</th>
<th>SH-CN</th>
<th>SH-CG</th>
<th>SH-CI</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcoholic beverage sales</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Bar, lounge, nightclub</td>
<td></td>
<td></td>
<td>S2</td>
<td>S2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Bowling alley with 12+ lanes (on premises only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Convenience retail (package only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Gasoline retail (package only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Hotel with 100+ rooms (on premises only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Large venue (on premises/package)</td>
<td></td>
<td></td>
<td>S2</td>
<td>S2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Restaurant (on premises only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Shopper's goods retail (package only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Small venue (on premises/package)</td>
<td></td>
<td></td>
<td>S2</td>
<td>S2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Sidewalk café (on premises only)</td>
<td></td>
<td></td>
<td>S1</td>
<td>S1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Special restaurant (on premises only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Specialty retail (package only)</td>
<td></td>
<td></td>
<td>S1/S2/5</td>
<td></td>
<td>S1/S2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Temporary (on premises only)</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
</tr>
<tr>
<td>Appliance and equipment repair</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Catering shop</td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Drive-in window</td>
<td></td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dry cleaning, large</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Dry cleaning, small</td>
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<td></td>
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<td>X</td>
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<tr>
<td>Funeral parlor</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Hotel/motel</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Kennel, large[7]</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Kennel, small[6]</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Light manufacturing</td>
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<td></td>
<td>X</td>
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</tr>
<tr>
<td>Medical/dental laboratory</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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</tr>
<tr>
<td>Microbrewery</td>
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<td></td>
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<td>X</td>
<td></td>
</tr>
<tr>
<td>Mini-warehouse</td>
<td></td>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Open storage as an accessory use</td>
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<td></td>
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<td></td>
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</tr>
<tr>
<td>Personal Services</td>
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<td>X</td>
<td>X</td>
<td>X</td>
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<td></td>
</tr>
<tr>
<td>Pharmacy</td>
<td>S1</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<tr>
<td>Printing, light</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Restaurant</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Retail</td>
<td></td>
<td></td>
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<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Utility transmission site</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
<td>S2</td>
</tr>
<tr>
<td>Vehicle repair, major</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle repair, minor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Vehicle sales and leasing</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Vendors, all types</td>
<td></td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Warehouse</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Wholesale trade</td>
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<tr>
<td><strong>Mixed Use [4]</strong></td>
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<td></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storefront, residential-office/private institutional</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Storefront, residential-office/public institutional</td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Storefront, residential-commercial</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>Storefront, residential-assembly</td>
<td></td>
<td>S1</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

Supp. No. 82 2226
### Table SH-25.1: Table of Uses; Permit Requirements

<table>
<thead>
<tr>
<th>Use (listed by subcategory)</th>
<th>District</th>
<th>SH-RS</th>
<th>SH-RS-A</th>
<th>SH-RM</th>
<th>SH-RO</th>
<th>SH-CN</th>
<th>SH-CG</th>
<th>SH-CI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storefront, residential-recreation</td>
<td></td>
<td>S1</td>
<td>S1</td>
<td>S1</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. In the RS, RS-A, and RM districts congregate living facilities of 6 or fewer residents shall maintain 1000' distance separation from each other.
2. For purposes of this section, “Place of assembly” includes "club," as defined in Sec. 27-43.
3. Use only permitted in future land use category R-35 and those more dense/intense.
4. Specific allowed storefront uses are listed by subcategory in this table.
5. Refer to Article II, Division 5 Special Use Permits and IX Alcoholic Beverages for applicable provisions. Requests may process as an administrative special use permit (S-1) only when sales meet the specific use standards in section 27-132(a). If any waivers are needed, the request shall process as an (S-2), per applicable requirements of section 27-132(a) and (b).
6. Refer to section 27-282.25 for applicable provisions.
7. Refer to section 27-282.26 for applicable provisions.
8. Refer to section 27-282.28 for applicable provisions.

Sec. 27-211.9. Historic Preservation.

In addition to adherence to the overlay standards for the Greater Seminole Heights Area, all development within the Seminole Heights Historic District shall adhere to the provisions of Article II, Division 4.

Sec. 27-211.10. Frontage types and other supplemental regulations.

Courtyard: The main façade of the building is placed at the build-to line and a percentage of it is set back (no more than 50%), creating a small court space. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. This frontage type should be used sparingly and should not be repeated within a block. A short wall (no taller than 3’ above grade, hedge, or fence shall be placed along the undefined edge.

Stoop: The main façade of the building is placed at the build-to line and the elevated stoop engages/interfaces with the sidewalk. If stairs are used to elevate stoop, the stoop may lead directly to the sidewalk or may be side loaded. The minimum width and depth of the stoop shall be 5 feet. This type is appropriate for residential, non-residential and/or mixed use, subject to appropriate ADA requirements.

Awning, canopy: A frontage wherein the façade is placed at the build-to line with the building entrance at sidewalk grade. This type is conventional for retail/commercial use. It has a substantial glazing/transparency on the sidewalk/pedestrian level and an awning or canopy that may overlap the sidewalk to the maximum extent possible.

Arcade: A frontage wherein the façade is a colonnade that overlaps the sidewalk, while the façade at sidewalk level remains at the build-to line. This type is conventional for retail/commercial uses. The arcade shall be no less than 8 feet in depth and may overlap the whole width of the sidewalk within 2 feet of the curb, as permitted by law.
(a) All development shall be required to comply with the applicable development standards set forth in this article and article IV, division 1, article VI, divisions 2 and 3 for standards affecting (but not limited to) parking, solid waste enclosure, fences and walls, screen enclosures, air conditioner/mechanical equipment location, tents, etc.

(b) As of August 30, 2001, pursuant to Ord. No. 2001-192, chain link fences for residential development are prohibited in the district. As of the date of this ordinance, any new chain link fence for non-residential development shall be black, vinyl-coated, and limited to 4’ in height along all public rights-of-way (excluding alleys).

Sec. 27-211.11. Signs.

All signs shall comply with Article VI, Division 6 Signs.

(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)

Sec. 27-211.12. Parking design and access management.

(a) Applicable parking ratios by use:

<table>
<thead>
<tr>
<th>Use (listed by subcategory)</th>
<th>Ratio (spaces per unit of measurement; these rates equate to maximum parking spaces permitted on site) [1,7]</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Residential</strong></td>
<td></td>
</tr>
<tr>
<td>Single-family detached</td>
<td>2 / unit</td>
</tr>
<tr>
<td>Single-family attached</td>
<td>2 / unit</td>
</tr>
<tr>
<td>Multi-family</td>
<td>1 / unit studio &amp; 1-bedroom 1.5 / unit 2-bedroom 2 / unit 3-bedroom</td>
</tr>
<tr>
<td><strong>Office, Private Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>Bank</td>
<td>3 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Museum</td>
<td>2 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Office, business-professional</td>
<td>3 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Office, medical</td>
<td>5 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Storefront, residential-office/private institutional</td>
<td>Ratio per non-residential use +1 / unit</td>
</tr>
<tr>
<td><strong>Governmental/Public Institutional</strong></td>
<td></td>
</tr>
<tr>
<td>Public use facility</td>
<td>3 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Public cultural facility</td>
<td>2 / 1000 SF (UFA)</td>
</tr>
<tr>
<td><strong>Recreation/Assembly</strong></td>
<td></td>
</tr>
<tr>
<td>Private/commercial recreational facility</td>
<td>4 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Place of assembly</td>
<td>0.3 / fixed seat or 10 / 1000 SF (UFA)</td>
</tr>
<tr>
<td><strong>Commercial</strong></td>
<td></td>
</tr>
<tr>
<td>Shopper’s/gasoline/convenience retail</td>
<td>4 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Specialty retail</td>
<td>1 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Restaurant, stand along (≥120 occupants)</td>
<td>0.25 / person (life safety code)</td>
</tr>
<tr>
<td>Restaurant, stand along (&lt; 120 occupants)</td>
<td>6 / 1000 SF (UFA)</td>
</tr>
<tr>
<td>Storefront, residential-commercial</td>
<td>Ratio per non-residential use +1 / unit</td>
</tr>
</tbody>
</table>
§ 27-211.12 TAMPA CODE

Table 211.12

<table>
<thead>
<tr>
<th>Ratio (spaces per unit of measurement; these rates equate to maximum parking spaces permitted on site) [1,7]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes: ([3, 4] &amp; [6, 7] are cumulative and may be combined (60% maximum reduction); or, [5] may be combined with [6, 7] (45% maximum reduction)</td>
</tr>
<tr>
<td>[1] UFA means &quot;usable floor area&quot;.</td>
</tr>
<tr>
<td>[2] Reuse of existing structures, with no increase in intensity (including restaurants with less than 100 occupant load, medical office with less than 3,000 square feet), and no increase in UFA, shall not be required to provide additional parking to meet the standards set forth in this table above. Uses specifically excluded from this method of parking reduction are bars, places of assembly, and vehicle sales and/or repair.</td>
</tr>
<tr>
<td>[3] Reuse of existing structures up to 10,000 square feet including additions thereto, shall be eligible for a reduction in required parking, for all uses, up to a maximum of 25% of the required amount.</td>
</tr>
<tr>
<td>[4] Developments that mix 3 or more uses (establishments) within a common building, shall be eligible for a 15% reduction in total required parking. Uses specifically excluded from this method of parking reduction are bars, places of assembly, and vehicle sales and/or repair.</td>
</tr>
<tr>
<td>[5] Construct on-street parking (non-dedicated &amp; within the public right-of-way) immediately adjacent to subject property for up to 25% of required spaces.</td>
</tr>
<tr>
<td>[6] Up to 10% of required parking may be off-set with the installation of bicycle racks at a rate of 1 vehicle stall = 5 bicycle slots.</td>
</tr>
<tr>
<td>[7] Up to 10% of required parking may be off-set with the installation of motorcycle parking measuring 4′ x 8′.</td>
</tr>
</tbody>
</table>

(b) **Parking Layout.**

(1) **Perpendicular spaces (90 degrees)**

- Standard parking space dimension: 8′ x 18′
- Drive aisle dimension:
  - 24′ (two-way: cars stacked on either side)
  - 10-12′ (one-way)

(2) **Angled spaces (45 degrees)**

- Standard parking space dimension:
  - Adhere to compact space dimensions set forth in Article VI, Division 3
- Drive aisle dimension:
  - 24′ (two-way: cars stacked on either side)
  - 10-12′ (one-way)

(3) **Parallel spaces (0 degrees).**

- Parking space dimension:
  - 8′ × 22′ (interior spaces)
  - 8′ × 20′ (end spaces)

(c) **Materials.** Alternative materials may be considered pursuant to the procedure set forth on section 27-60.

(d) **Access.** Access to non-residential parking areas may be located on local streets within and placed no further than 100′ of the intersection with an arterial or collector roadway.

(e) **Loading.** Required loading shall adhere to section 27-238.15

(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)

Sec. 27-211.13. **Landscaping.**

(a) **General purpose.** Preservation of the urban canopy within the Greater Seminole Heights area is not only an invaluable asset to the area residents and businesses it is a vital part of the City's natural resources. This section provides a diverse
and well-suited list of trees for new plantings, while defining appropriately-sized planting areas within parking areas and along property perimeters.

(b) Applicability. All development shall adhere to the requirements set forth below, and with the remainder of Chapter 13, as applicable. The standards set forth below supersede the tree planting requirements of section 27-285 and buffering requirements of section 27-284.

(c) Technical Manual. All development shall adhere to the tree preservation and construction methods of the Tree and Landscape Technical Manual.

(d) Tree preservation & removal. All development shall preserve, relocate, and/or remove protected and grand trees in accordance with Chapter 13.

(e) Required plantings (all landscape materials). In cases of conflict between the General and Parking Area Landscaping, the most restrictive standard applies.

1. **General site landscaping standards:** all development (not including single-family detached, -attached, -semi-detached, or two-family) shall comply with development standards set forth below:

<table>
<thead>
<tr>
<th>KEY: Table 21.13.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>See also Sec. 27-43 Definitions</td>
</tr>
<tr>
<td><strong>General Site Landscaping</strong></td>
</tr>
</tbody>
</table>
| F | - (1) tree at 40' OC  
- Low-water ground cover (no sod) [2] |
| SS | - (1) tree at 30' OC  
- Low-water ground cover (no sod) [2] |
| SI | - Adjacent to/separated by alley from single-family, two-family residential use  
- (1) hedge at 3' OC  
- Low-water ground cover (no sod)  
- 6' fence or wall (material & height governed by Sec. 27-290.1) |
| R | - Adjacent to/separated by alley from single-family, two-family residential use  
- (1) tree at 20' OC  
- Low-water ground cover (no sod)  
- 6' wall (material and height governed by Sec. 27-290.1)  
- Adjacent to any other use (no alley)  
- (1) hedge at 3' OC  
- Low-water ground cover (no sod)  
- Adjacent to any other use (separated by alley)  
- (1) hedge at 3' OC  
- Low-water ground cover (no sod) |
(2) Parking area landscaping (vehicular use area as defined in Chapter 27) standards: all development shall comply with development standards set forth below:

<table>
<thead>
<tr>
<th>KEY: Table 211.13.2</th>
<th>F: Front</th>
<th>SS: Side (Street)</th>
<th>SI: Side (Interior)</th>
<th>R: Rear</th>
<th>LI: Landscaped Island</th>
<th>UFA: Usable floor area</th>
</tr>
</thead>
<tbody>
<tr>
<td>See also Sec. 27-43 Definitions</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### Parking Area Landscaping

#### Required Plantings [1, 3, 4]

- **F**
  - (1) tree at 30' OC
  - (1) hedge at 3' OC
  - Low-water ground cover (no sod) [2]

- **SS**
  - (1) tree at 30' OC
  - (1) hedge at 3' OC
  - Low-water ground cover (no sod) [2]

- **SI**
  - (1) hedge at 3' OC
  - Low-water ground cover (no sod)
  - 6' fence or wall (material & height governed by Sec. 27-290.1)

- **R**
  - (1) tree at 20' OC
  - Low-water ground cover (no sod)
  - 6' wall (material and height governed by Sec. 27-290.1)

- **Adjacent to any other use (no alley)**
  - (1) hedge at 3' OC
  - Low-water ground cover (no sod)

- **Adjacent to any other use (separated by alley)**
  - (1) hedge at 3' OC
  - Low-water ground cover (no sod)

- **LI**
  - 9' × 18' typical to match parking layout
  - (1) every 10 parking spaces on average
  - (1) tree per LI
  - low-water ground cover (no sod) [2]
Notes:
[1] See Sec. 27-211.13(3) below for allowable species, required planting sizes, required planting methods, and general landscaping regulations.
[2] To be used in locations where no pavement or walkways are located.
[3] Required compliance for new construction; required compliance if expansion of UFA is a minimum of 25% of existing UFA.
[4] If expanding VUA, required compliance for newly expanded area.

(3) Acceptable planting materials.

a. Accepted Tree List - All Florida Grade #1 (genera from the Florida Friendly Plant List marked with [*F]; genera containing some species native to central Florida marked with [+N])

1. Shade - to be used when no overhead lines; also no underground lines within 20'; minimum 4' caliper at time of planting.
   - American Hornbeam (Carpinus caroliniana) (*F) (+N)
   - American Snowbell (Styrax americanus)
   - Ash (Fraxinus spp.) (*F) (+N)
   - Avocado (Persea Americana) (*F)
   - Bay Tree (Persea spp.) (*F) (+N)
   - Bottlebrush (Callistemon spp.) (*F)
   - Bronze Loquat (Eriobotrya deflexa) (*F)
   - Buttonwood, Silver (Conocarpus erectus) (*F) (+N)
   - Camphor (Cinnamomum camphora)
   - Chinese Fan Palm (Livistona chinensis) (*F)
   - Chinkapin Oak (Quercus muehlenbergii) (*F) (+N)
   - Chickasaw Plum (Prunus angustifolia) (*F) (+N)
   - Common Hackberry (Celtis occidentalis) (*F) (+N)
   - Crape Myrtle (Lagerstroemia indica) (*F)
   - Cypress (Taxodium spp.) (*F) (+N)
   - Date Palm (Phoenix spp.)
   - Dogwood (Cornus spp.) (*F) (+N)
   - Elm (Ulmus spp.) (*F) (+N)
   - European fan palm (Chamaerops humilis)
   - Florida Privet (Forestiera segregate) (*F) (+N)
   - Florida Torreya (Torreya taxifolia) (+N)
   - Florida Yew (Taxus floridana) (+N)
   - Fringetree (Chionanthus spp) (*F) (+N)
   - Geiger-Tree (Cordia sebestena) (*F)
   - Guava (Feijoa sellowiana)
   - Hawthorn (Crataegus spp.) (+N)
   - Holly (Ilex spp.) (*F) (+N)
Hornbeam
(Carpinus spp.) (*F) (+N)

Hickories
(Carya spp.) (*F) (+N)

Jacaranda
(jacaranda mimosifolia) (*F)

Kwanzan Cherry
(prunum serrulata "Kwanzan") (not evergreen - persistent leaf)

Lychee
(Litchi chinensis) (*F)

Ligustrum
(Ligustrum spp.) (*F)

Loblolly Bay
(Gordonia lasianthus) (+N)

Loquat
(eriobotrya spp.) (*F)

Magnolia
(Magnolia spp.) (*F) (+N)

Maple
(Acer spp.) (*F) (+N)

Myrtle Oak
(Quercus mytfolia) (*F) (+N)

Oak
(Quercus spp.) (*F) (+N)

Olive
(elea europaea) (*F)

Pecan/Hickory
(Carya spp.) (*F) (+N)

Pignut Hickory
(Carya glabra) (*F) (+N)

Pine
(Pinus spp.) (*F) (+N)

Pink Trumpet Tree
(tabebuia heptaphylla) (*F)

Podocarpus
(Podocarpus spp.) (*F)

Redbud, Eastern
(Cercis canadensis) (*F) (+N)

Red Buckeye, Florida Buckeye
(Aesculus pavia) (F*) (+N)

Red Cedar
(Juniperus spp.) (*F) (+N)

River Birch
(Betula nigra) (*F) (+N)

Sabal/Cabbage Palm
(Sabal palmetto) (*F) (+N)

Silver Trumpet
(Tabebuia caraiba) (*F)

Silver Buttonwood
(conocarpus silver) (*F)

Simpson's Stopper
(myrcianthes fragrans) (*F) (+N)

Sweetbay Magnolia
(magnolia virginiana and cvs.) (*F) (+N)

Sweet Gum
(Liquidambar styraciflua) (*F) (+N)

"Thundercloud" Cherry Plum
(prunus cerasifera 'Thundercloud')

Tupelo, Black Gum
(Nyssa sylvatica) (*F) (+N)

Washington Palm
(Washingtonia robusta) (*F)

Wax Myrtle
(Myrica cerifera) (*F) (+N)

Willow
(Salix spp.)

2. Understory - to be used when overhead lines present; no underground lines within 10'; minimum 3' caliper at time of planting.

(Deciduous)

American Snowbell
(Styrax americanus)

Bottlebrush
(Callistemon spp.) (*F)
Crape Myrtle
(Lagerstroemia indica) (*F)

Chickasaw Plum
(Prunus angustifolia) (*F) (+N)

Kwanzan Cherry
(prunum serrulata "Kwanzan") (not evergreen - persistent leaf)

Fringetree
(chionanthus spp) (*F) (+N)

May Hawthorn
(craeagus aestivalis) (+N)

Redbud
(Cercis canadensis) (*F) (+N)

Red Buckeye, Florida Buckeye
(Aesculus pavia) (*F) (+N)

Silver Buttonwood
(Conocarpus silver) (*F)

"Thundercloud" Cherry Plum
(prunus cerasifera 'Thundercloud')

Yaupon Holly
(Ilex vomitoria) (*F) (+N)

Wax Myrtle
(Myrica cerifera) (*F)

Winged Elm
(Ulmus allota) (*F) (+N)

(Bringreen)

Bronze Loquat
(eriobotrya deflexa) (*F)

Florida Privet
(forestiera segregate) (*F) (+N)

Florida Torreya
(torreya taxifolia) (+N)

Florida Yew
(taxus floridana) (+N)

Geiger-Tree
(cordia sebestena) (*F)

Guava
(feijoa sellowiana)

"Little Gem" Southern Magnolia
(magnolia grandiflora 'little gem') (*F) (+N)

Olive
(elea europaea) (*F)

Seagrape
(coccoloba uvifera) (*F) (+N)

Simpson's Stopper
(myrcianthes fragrans) (*F) (+N)

Per Section 27-285.1(a)(1)(d); any person may request and the department may approve a tree as a replacement tree that is not included on the recommended tree list if the tree is similar in character and function to a tree on the recommended tree list. Please note that sixty (60) percent are to be native trees.

b. Accepted Shrub List - All Florida Grade #1 (genera from the Florida Friendly Plant List marked with [*F]; genera containing some species native to central Florida marked with [+N])

Needle Palm (Raphidophyllum hystrix) (*F) (+N)

Others as accepted by Chapter 13 and Chapter 27.

c. Accepted Ground Cover List - All Florida Grade #1 (genera from the Florida Friendly Plant List marked with [*F]; genera containing some species native to central Florida marked with [+N])

Ground Cover
As accepted pursuant to Chapter 13 and Chapter 27.

(Ord. No. 2011-45, § 1(Exh. B), 3-24-2011)
Sec. 27-211.14. Public Realm.

(a) General purpose and compliance. The requirements of this section apply to all new streets and to those that may be modified, reconstructed, or retro-fitted. Inclusion of wider sidewalks, bicycle lanes, tree plantings, and narrowed travel lanes shall be a priority and shall be incorporated into all phases of design for improvement of the area.

(b) ROW Permitting. (refer to Chapter 22)

(c) Typical street sections. The Greater Seminole Heights area contains a defined and open street grid of varying right-of-way widths with both local and state roads. The following are typical street cross sections that shall apply to new streets and to any future improvements (either public or private as noted in (a) above):

Graphic 27-211.14.1
39' ROW - Typical
Graphic 27-211.14.2
50' ROW - Typical

50' Divided Right-of-Way
Typical Residential Character Street

50' Undivided Right-of-Way
Typical Residential Character Street
§ 27-211.14

TAMPA CODE

Graphic 27-211.14.3
50' ROW - Typical

![Diagram of 50' ROW - Typical Residential Character Street]

Typical Residential Character Street

![Diagram of 50' ROW - Typical Commercial/Mixed Use Character Street]

Typical Commercial/Mixed Use Character Street

Supp. No. 80
Graphic 27-211.14.4
65' ROW - Typical

Typical Commercial/Mixed Use Character Street

65' Undivided Right-of-Way
Typical Residential Character Street
Graphic 27-211.14.5
80' ROW - Typical

Typical Residential Character Street

Typical Commercial/Mixed Use Character Street
Graphic 27-211.14.6
100' ROW - Typical

100' Divided Right-of-Way
Typical Commercial/Mixed Use Character Street
(d) **Streetscape.** Landscape materials (tree plantings) are subject to Transportation Division approval and shall adhere to the list provided in section 27-211.13.

(e) **Traffic calming.** (Refer to Greater Seminole Heights Vision Plan. Additionally, acceptable forms of traffic calming include: on-street parking, bicycle lanes, wider sidewalks, right-of-way landscaping and tree planting, traffic circles, chicanes, roundabouts, signalized ped- and bike crossings, and adjustments to signal timing. All forms may be considered and are subject to the review and approval of the Transportation Division pursuant to the Transportation Technical Manual.

(f) **Signs.** (refer to Article VI, Division 6 and Chapter 22)

(g) **Encroachments, Sidewalk cafés.** (Refer to Chapter 22 and sec. 27-132 respectively; however, encroachments of awnings, canopies, and arcades may be reviewed and approved administratively pursuant to the ROW permitting process within City rights-of-way.)

Sec. 27-211.15. Greater Seminole Heights Bonus; methodology and calculation; list of bonus amenities.

(a) **Purpose and Intent.** The purpose and intent of this section is to establish a method to quantify bonus amenities for development within the Greater Seminole Heights area Nodes. This section, however, does not mandate the award of the bonus to the applicant. The method and calculation will ensure that development in the defined area boundary will be accompanied by those amenities that enhance the urban quality of life and that balance or compensate in the form of bonus floor area (FAR) to achieve the desired density/intensity in this area.

(b) **Compliance.** All developments that seek density/intensity bonuses within the defined area boundary shall adhere to the regulations set forth in this section and the methodology and calculation set forth in section 27-141. Developments that have been granted bonuses per the provisions of this section shall not be granted any further increase in floor area, unit count, or building height so as to exceed the maximum threshold set forth in the Tampa Comprehensive Plan.

(c) **Review procedure.** The developer/property owner(s) shall submit his/her bonus cost incentive estimates to the zoning administrator for review and evaluation during the development review process. The zoning administrator shall determine compliance with the provisions set forth in this section. If a bonus request and calculation are part of a rezoning request, the zoning administrator shall report his/her findings to city council during the rezoning hearing. Subsequent to a bonus FAR approval and prior to the issuance of the first permit for vertical construction for the project, the developer/property owner(s) shall submit certified materials and construction cost estimates to the zoning administrator for review of compliance with the bonus-related conditions. If the zoning administrator finds that the approved bonus calculations are not being met (amenities and/or dollars are deficient), the applicant shall disburse the remaining dollar amount to an available city funding source for public infrastructure and/or parks and recreation improvements within the Greater Seminole Heights area. The applicant shall notify the zoning administrator, in writing, of all disbursements made to the city.

(d) **Bonus Amenities List.** The following "Greater Seminole Heights Bonus Amenities" list represents those bonus amenities, which are to be provided above and beyond minimum regulations, identified as applicable to the Greater Seminole Heights area, per the Greater Seminole Heights Vision Plan and the Tampa Comprehensive Plan:

1. Affordable Housing (subject to Section 27-140 requirements)
2. Public Open Space (scaled appropriately for each development)
3. Mid-block Pedestrian Connectors
4. Bicycle Lanes
5. Transit Support Subsidy
7. Enhanced Landscaping
(8) Enhanced Streetscape Design1 (on-street parking, street trees/plantings, street furniture/trash receptacles, pedestrian-scale lighting)

(9) Increased Sidewalk Area/Width1

(10) Public Art

For those developments that propose to incorporate the following amenities, the development shall receive an additional 0.10 in floor area ratio (FAR) per amenity, above bonus achieved through calculation described herein. These added bonuses signify the city’s current priorities related to the provision and creation of amenities within the public realm. Total bonus shall not exceed that threshold set forth in the Tampa Comprehensive Plan.

Secs. 27-212—27-225. Reserved.

DIVISION 3. SITE PLAN ZONING DISTRICTS

Sec. 27-226. Purpose.

The purpose of this article is to provide for zoning districts that recognize unique conditions, allow design flexibility, and promote planned diversification and integration of uses and structures, which other zoning districts cannot accommodate. Through this process city council retains authority to establish such limitations and regulations as it deems necessary to protect the public health, safety, and general welfare, with the exception of standard technical requirements, as described in this section. The intent of these site plan zoning districts is to provide standards and requirements which:

(1) Promote the efficient and sustainable use of land and infrastructure, with careful consideration of potential adverse impacts to onsite natural elements, surrounding impacted neighborhood(s), and cultural resources;

(2) Allow the integration of different land uses and densities in one (1) development that would not otherwise be provided for or allowed under general zoning districts established in this chapter, which encour-

(3) Provide a procedure which can relate the type, design and layout of residential and nonresidential development to the particular site;

(4) Acknowledge changing needs, technologies, economics and consumer preferences and allows for ingenuity and imagination in the planning and development of relatively large tracts under unified control as well as allowing flexibility in the redevelop-ment of older areas of the city;

(5) Encourage flexible land development which reduces transportation needs, conserves energy, and will maximize the preservation of natural resources, such as streams, lakes, floodplains, groundwater, wooded areas, uplands, and areas of unusual beauty or importance to the natural ecosystem; open space; greenspace; and, historical and archaeological sites;

(6) Promote and encourage development where appropriate in location, character, and compatibility with the surrounding impacted neighborhood(s), built environment, and existing geography;

(7) Promote more desirable living and working environments than would be possible through the strict application of minimum requirements of other zoning districts;

(8) Promote architectural features and elements, which compliment the surrounding community and enhance the overall quality of the development; and,

(9) Promote the retention and reuse of existing building stock.

Site plan districts include general guidelines and review criteria and are subject to the procedures outlined in this article. Construction on property zoned under a site plan district may only take place consistent with the site development plan approved by city council at the time of rezoning. For purposes of this article, site plan zoning districts include Planned Development
(PD); Planned Development-Alternative (PD-A) which is intended for large or multi-phase projects; RO, RO-1 and CN districts which permit neighborhood scale office or commercial near residential or infill areas; Tampa Quality Development (TQD); YC-9 which is found in Article III; and Central Business District (CBD-2) which is found in Article III.

Sec. 27-227. PD Planned Development District.

(a) Purpose/definition. The purpose of this district is to provide an alternative zoning procedure that may be used to establish Planned Development (PD) Districts at appropriate locations and in accordance with the planning and development objectives of the City of Tampa for residential, commercial, industrial and mixed use developments. In addition, all requests for rezoning to PD zoning districts must be found consistent with the overall purpose and intent of a site plan controlled rezoning request, as referenced in section 27-136.

(b) Permitted uses. The type or types of land uses permitted must be consistent in all respects with the comprehensive plan, this article and the City of Tampa Code; and such uses, including adaptive reuse, shall be found to be so located and arranged to ensure complete compatibility among themselves, with adjacent existing or future land uses, and with existing or future public facilities, services and utilities.

(c) Density/intensity. The density/intensity for a PD project shall not exceed that which is permitted by the land use category in which the parcel is located (as per the adopted future land use map of the Tampa Comprehensive Plan). Density/intensity bonuses, up to the maximum permitted in the plan, may be achieved by providing certain amenities or design features, as outlined in section 27-140.

(d) Dimensional regulations. Building (structure) setbacks and height shall be designed using those prescribed in section 27-156 (c) Table 4-2, as a guideline. Flexibility in setbacks for nonresidential projects will be allowed provided there is adequate space for site improvements and fire access; that there is no adverse impact on surrounding properties and there is adequate distance between structures and public or private streets for residential projects, flexibility in setbacks will be allowed according to section 27-139 Alternative Residential Development. Flexibility in building height will be allowed provided that they are compatible with the surrounding neighborhood; and provide increased setbacks to compensate for added building height.

(e) Site development plan. In addition to the requirements of section 27-138, the following information shall be included on the site development plan for a planned development district:

1. Location, size, height and use of all proposed structures.
2. Proposed or existing location of fire hydrants and distance to structures.
3. Location and method of buffering from adjacent residential zoning districts.
4. Location and method of screening of refuse stations, storage areas and off-street loading areas.
5. Location and method of stormwater retention.
6. Location, size and total amount of open space, if applicable.
7. Location and dimensions of proposed parking and service areas, including typical parking space dimensions.
8. Proposed parking area landscaping.
10. Proposed means of vehicular and pedestrian access from the site(s) within the development to adjacent streets and/or alleys, showing all existing and proposed curb cuts and sidewalks.

Sec. 27-228. PD(A) planned development alternative.

(a) Purpose/definition. The purpose of a PD(A) District is to allow for a conceptual level of approval for PD districts, thereby maintaining design flexibility for large projects with lengthy
projected build out schedules while ensuring ultimate compliance with the requirements of this article. The project is approved in two (2) steps; a conceptual site plan as approved by city council; and a subsequent detailed site plan. In addition, all requests for rezoning to PD(A) Zoning Districts must be found consistent with the overall purpose and intent of a site plan controlled rezoning request, as referenced in section 27-136.

(b) Permitted uses. PD(A) Districts are limited as to the types of land uses which are consistent in all respects with the comprehensive plan, this article and the City of Tampa Code; and, such uses shall be found to be so located and arranged to ensure complete compatibility among themselves, with adjacent existing or future land uses, and with existing or future public facilities, services and utilities.

The PD-A site plan and development standards shall demonstrate compatibility between residential and non-residential uses. The non-residential uses must be consistent with the locational criteria found in the comprehensive plan, or the applicant must be able to demonstrate the appropriateness of the relationship between the residential use and the non-residential use. An example of such a relationship is a golf course or other recreational amenity typical of a master planned residential community.

(c) Density/intensity. The density/intensity for a PD project shall not exceed that which is permitted by the land use category in which the parcel is located (as per the adopted future land use map of the Tampa Comprehensive Plan). Density/intensity bonuses, up to the maximum permitted in the plan, may be achieved by providing certain amenities or design features, as outlined in section 27-140.

(d) Dimensional regulations. Building (structure) setbacks and height shall be designed using those prescribed in section 27-156(c) Table 4-2, as a guideline. Flexibility in setbacks for nonresidential projects will be allowed provided there is adequate space for site improvements and fire access; that there is no adverse impact on surrounding properties; and there is adequate distance between structures and public or private streets. For residential projects, flexibility in setbacks will be allowed according to section 27-139. Alternative residential development. Flexibility in building height will be allowed provided that they are compatible with the surrounding neighborhood; and provide increased setbacks to compensate for added building height.

(e) Specific requirements.

(1) Site area and phasing. Any proposed planned development for which phased or incremental development over five (5) years is contemplated and which is greater than fifty (50) acres, may undergo the PD(A) review and approval process. Proposed planned developments which are less than fifty (50) acres shall be required to undergo the PD review and approval process, per this article.

(2) Conceptual site development plan. The petitioner for a PD(A) District shall provide the land development coordination division with a conceptual site development plan which shall meet, at minimum, the informational requirements of section 27-138.

The site plan informational requirements under section 27-138 are intended to permit the reviewing city staff to make informed decisions on the approval or denial of a proposed PD(A) District without requiring the applicant to provide detailed information such as lot layout, location of local streets, location of projected utility lines or improvements, location of drainage facilities and other site specific information required under section 27-227(c) through 27-227(e), for general PD Districts.

(3) Detailed site development plan.

a. Prior to the commencement of development on any portion of a PD(A) Zoning District, the developer shall submit a detailed site development plan for approval by the zoning administrator or designee. A detailed site development plan may be submitted either for the entire development, or on any portion thereof. The
developer, or his authorized agent, shall submit the following materials:

1. A completed, typewritten application, on a form provided from the land development coordination division.

2. A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative.

3. Fifteen (15) copies of a dimensional detailed site plan meeting those requirements outlined in section 27-227(e).

b. The zoning administrator or designee shall review the detailed site plan to determine its compliance with the conceptual site development plan and with the guidelines and standards established in the plan and established by the city council at the time of site development plan approval. If requested, developer shall provide transportation data to show compliance with conceptual site development plan. Following the review, the zoning administrator or designee shall either approve or disapprove said plan.

c. In the event of administrative disapproval, the detailed site development plan may be revised and resubmitted to the staff for further review, or may be submitted upon appeal to the city council of the City of Tampa for final determination. The city council may approve the detailed site development plan, may approve it with changes, or disapprove it.

d. Any change to a detailed site development plan subsequent to detailed site development plan approval must be filed with the zoning administrator or designee in accordance with section 27-138, substantial changes.

e. At his own risk, a developer of a project of single-family attached or detached dwelling units, may waive the detailed site plan procedure. Compliance with the conceptual site plan and other zoning criteria will be assessed during the subdivision and commercial plan review processes. In such cases it is in the applicants best interest to ensure that drawings for both the subdivision and commercial plan process meet all applicable regulations of the land development code.

Secs. 27-229, 27-230. Reserved.

ARTICLE IV. OVERLAY DISTRICTS

DIVISION 1. INTENT AND DISTRICT TYPES

Sec. 27-231. Intent and declaration of public policy.

(a) The purpose of an overlay district is to allow for the application of specific regulations to a distinct geographic area. The geographic area warrants special consideration due to a unique situation or practical difficulties resulting from the historic development pattern. Existing conditions and development are such that it is impractical to comply with underlying district regulations without causing substantial hardship to the public good.

(b) The overlay district concept is discussed in the Comprehensive Plan as a method of preserving the character of an area. It will encourage development to occur that is compatible with the existing scale and pattern of surrounding properties.

(c) The effect of an overlay district will be to encourage property development which will maintain the unique characteristics of the area.

(d) It is the intent of this article to provide an instrument for establishing different types of overlay districts.
Sec. 27-232. Residential overlay districts.

(a) Purpose. The purpose of the residential overlay district is to preserve original precedent patterns of development in areas where the underlying zoning regulations could potentially disrupt the existing, desired scale, spatial pattern and character of an area. The residential overlay district is also intended to stabilize and improve property values and foster civic pride.

(b) Scope of the residential overlay district regulations. The provisions of the overlay district apply to new construction, additions or structural alterations on all land within the designated overlay district. These provisions shall serve to supplement underlying zoning regulations in order to support the stated purpose of the district, and shall control in the event of conflict. Depending on the existing character of the specific area and the recommendation of the Tampa City Council, overlay regulations may include, but are not limited to, items such as:

- Height
- Floor area ratio
- Setbacks
- Lot dimensional regulations
- Parking
- Building orientation and separation

(c) Starting the designation process. Any resident of the city, any owner of property in the city or any organization in the city may request the Tampa City Council to consider the designation of a residential overlay district. City council may direct the department of business and housing development to analyze the request and make a recommendation.

(1) Recommendation. The department of business and housing development shall make a recommendation to city council regarding the designation of a residential overlay district. The recommendation must document the existence of distinct and precedent development patterns of an area that justify the establishment of special development regulations. The BHD recommendation shall include a boundary map of the district along with such other documentation which may include:

a. A staff report verifying that the area is of sufficient compactness and exhibits a distinctive development pattern or character.

b. A staff analysis of the existing historical building pattern of the area.

c. Evidence that property development or redevelopment consistent with the original precedent pattern in the area may require variances to development regulations in order for new construction, alterations or rehabilitation to occur.

d. The presence of a neighborhood organization or other such localized group civic group demonstrating an interest in such an overlay district.

(d) Report to the planning commission. The planning and development department shall forward to the Hillsborough County City-County Planning Commission the recommendation of the establishment of a residential overlay district. The Hillsborough County City-County Planning Commission shall report within sixty (60) days to the city council, with information on the relationship between the proposed designation and the adopted Tampa Comprehensive Plan.

(e) Public hearing by the city council. The city council shall hold a public hearing on a proposed designation of an overlay district within ninety (90) days after the receipt of the recommendation from the planning and development department staff. Notice of the hearing on the proposed historic conservation overlay district shall be given pursuant to the requirement for a text amendment and area rezoning contained in this chapter.

(f) Discussion by the city council. The city council shall approve, modify or disapprove the proposed designation of the overlay district within sixty (60) days after its public hearing. The city council may reduce the size of the proposed overlay district, and it may add additional properties to the proposed overlay district provided it holds a further public hearing with notice on the addi-
tional properties in accordance with this chapter. If a designation is made, the official zoning atlas shall be amended to contain the overlay district designation.

(g) Effect of the overlay district designation. After designation by the city council, no building or site development permit involving any building or other structure shall be erected, rehabilitated or moved into the overlay district in conflict with the established district regulations. It is the responsibility of the zoning administrator to ensure that development within the designated area complies with those regulations established for the district.

(h) Appeal of decision on designation. Any appeal to city council action within the procedures established in this article shall be to the circuit court, and shall be in the form of a petition for writ of certiorari.

(i) Application for variance. A variance may be allowed by the variance review board when substantial evidence is presented through the public hearing process established in section 27-81.

Sec. 27-233. Commercial overlay districts.

(a) Purpose. The purpose of the commercial overlay district is to preserve existing patterns of development in areas characterized by a distinct grouping of commercial and residential land uses, the destruction of which would disrupt the historical scale, spatial pattern and character of an area. In addition, the commercial overlay district designation allows for the development of specific design guidelines for future growth in the area, thereby enhancing the unique qualities of the district. Furthermore, the commercial overlay district is intended to provide a framework for cooperative integration of residential and commercial business uses in the district, stabilize and improve property values and foster civic pride.

(b) Scope of Commercial Overlay District regulations. The provisions of the overlay district apply to new construction, additions or structural alterations on all land within the designated commercial overlay district. These provisions shall serve to supplement underlying zoning regulations in order to support the stated purpose of the district, and shall control in the event of conflict. Depending on the unique characteristics of a specific overlay district, overlay regulations may include:

- Landscape
- Streetscape
- Height
- Floor Area Ratio
- Setbacks
- Lot Dimensional Regulations
- Parking
- Building Orientation and Separation

(c) Starting the designation process. Any resident of the city, any owner of property in the city or any organization in the city may request the Tampa City Council to consider the designation of a Commercial Overlay District. City council may direct the planning and development department (PDD) to analyze the request and make a recommendation.

(1) Recommendation. PDD shall make a recommendation to city council regarding the designation of a Commercial Overlay District. The recommendation must document the existence of distinct development patterns in an area that justify the establishment of special development regulations. The recommendation shall also contain a boundary map of the district along with any other relevant documentation which may include:

a. A staff report containing an analysis of the historical building pattern of the area which illustrates that the existing configuration of commercial and residential activities in the area has created a distinct and unique environment.

b. Evidence that in order for property development or redevelopment to be consistent with the existing and historic pattern in the area, variances to development regulations would be required for new construction or rehabilitation to occur.
c. When appropriate, evidence that commercial activities in the area are organized, such as the existence of an association or a localized chamber of commerce whose membership consists of a majority of business or property owners in the proposed Commercial Overlay District area.

(2) The PPD shall forward to the Hillsborough County City-County Planning Commission the recommendation of the establishment of a Commercial Overlay District. The Hillsborough County City-County Planning Commission shall report within sixty (60) days to the city council, with information on the relationship between the proposed designation and the adopted Tampa Comprehensive Plan.

(3) Public hearing by the city council. The city council shall hold a public hearing on a proposed designation of an overlay district within ninety (90) days after the receipt of the recommendation of BHD. Notice of the hearing on the proposed commercial overlay district shall be given pursuant to the requirements for a text amendment and area rezoning contained in this chapter.

(4) Discussion by the city council. The city council shall approve, modify or disapprove the proposed designation of the overlay district within sixty (60) days after its public hearing. The city council may reduce the size of the proposed overlay district, and it may add additional properties to the proposed overlay district provided it holds a further public hearing with notice on this additional properties in accordance with this chapter and receives a recommendation from PPD. If a designation is made, the official zoning atlas shall be amended to contain the overlay district designation.

(d) Effect of overlay district designation. After designation by the city council, no building or site development permit involving any building or other structure shall be erected, rehabilitated or moved into the commercial overlay district in conflict with the established district regulations. It is the responsibility of the zoning administrator to ensure that development within the designated area complies with those regulations for the district.

(e) Appeal of decision to designate. Any appeal to city council action within the procedures established in this article shall be to the circuit court, and shall be in the form of a petition for writ certiorari.

(f) Application for variance. A variance may be allowed by the designated variance board, depending on property location, in cases involving practical difficulties or hardships when substantial evidence is presented through the public hearing process established in Chapter 27, Article II.

Secs. 27-234—27-235. Reserved.

DIVISION 2. SPECIFIC OVERLAY DISTRICTS

Sec. 27-236. South Howard Commercial Overlay District Development Design Standards.

(a) Area description. The South Howard Commercial Overlay District is primarily composed of relatively small buildings with an eclectic style of architecture which are located in close proximity to one another, oriented toward the street, and constructed on individually developed properties. In general, parking which serves the commercial uses in the area is located to the side or rear of the buildings, and parking bays and curb cuts are not prevalent on South Howard Avenue. The street and adjacent uses have a pedestrian scale and the basic elements of a walkable environment.

(b) Established boundaries. The South Howard Commercial Overlay District is hereby established as a separate district, the boundaries of which are as follows:

An area approximately one to two blocks in depth along South Howard Avenue, with a north-
ern boundary generally located at Kennedy Boulevard, and a southern boundary at Bayshore Boulevard, and more particularly described as:

That Part of:

NORTH COURIER CITY, a subdivision of record as recorded in Plat Book 4, Page 85; Together With, OSCAWANA, a subdivision of record as recorded in Plat Book 4, Page 85; Together With, AMELIA, a subdivision of record as recorded in Plat Book 4, Page 67; Together With, HOWARD TERRACE, a subdivision of record as recorded in Plat Book 11, Page 11; Together With, ROSEVELT PARK, a subdivision of record as recorded in Plat Book 4, Page 99; Together With, H.J. WATROUS' 2ND ADD'N. TO WEST HYDE PARK, a subdivision of record as recorded in Plat Book 9, Page 57; Together With, NORTH SHORE SUBDIVISION, a subdivision of record as recorded in Plat Book 9, Page 57; Together With, REVISED SUBDIVISION OF BLOCK 1 HOLDEN SUBDIVISION, a subdivision of record as recorded in Plat Book 8, Page 31; Together With, BONGARTS SUBDIVISION, as recorded in Plat Book 9, Page 28; Together With, REVISED MAP HOLDEN'S SUBDIVISION, as recorded in Plat Book 2, Page 19; Together With, FAIRVIEW PLACE, a subdivision of record as recorded in Plat Book 10, Page 23; Together With GEO WEEKS' SUBDIVISION, as recorded in Plat Book 11, Page 49; Together With, REVISED MAP OF LUNA PARK, as subdivision of record as recorded in Plat Book 8, Page 33; Together With, BONGART'S RE-SUBDIVISION OF LOTS 6, 7, & 8, BLOCK 4 OF LUNA PARK, a subdivision of record as recorded in Plat Book 9, Page 53; Together With, A REVISED MAP OF BLOCK 25 OF WEST HYDE PARK, a subdivision of record as recorded in Plat Book 10, Page 5; Together With, HAMNER'S SUBDIVISION, as recorded in Plat Book 9, Page 33; Together With, ULETA, a subdivision of record as recorded in Plat Book 8, Page 12; Together With, HAMNER'S HOWARD AVE. SUBDIVISION, as recorded in Plat Book 9, Page 71; Together With, SWANN AND HOWARD AVENUES SUBDIVISION, as recorded in Plat Book 9, Page 59; Together With, WEST HYDE PARK HENDRY & KNIGHTS SUBDIVISION, as recorded in Plat Book 3, Page 36; Together With, HARBOUR HOUSE CONDOMINIUM, as recorded in Condo Plat Book 2, Page 46; Together With, BAYSHORE ROYAL CONDOMINIUM, as recorded in Condo Plat Book 3, Page 42; Together With, 1508 SOUTH HOWARD CONDOMINIUM, as recorded in Condo Plat Book 12, Page 60, all of the public records of Hillsborough County, Florida, being a part of Sections 23 and 26, Township 29 South, Range 18 East, Hillsborough County, Florida, lying within the following described boundaries, to wit:

Begin at the intersection of the Centerline of John F. Kennedy Boulevard (Grand Central Avenue) and the Northerly projection of the Westerly boundary of the Easterly one-half of Lot 3, Block 6 of said OSCAWANA, a subdivision of record; run thence Easterly along said Centerline to it's intersection with the Northerly projection of the Easterly boundary of the Westerly 54 feet of Lot 3, Block 7 of said OSCAWANA; thence run Southerly along said Northerly projection, Easterly boundary and it's Southerly projection to it's intersection with the Centerline of the East-West alley right-of-way in said Block 7; thence run Westerly along said Centerline to it's intersection with the Northerly projection of the Centerlines of those North-South alley rights-of-way in Blocks 7, 8 and 9 of said OSCAWANA, and Blocks 6, 11 and 22 of said NORTH COURIER CITY, a subdivision of record; thence run Southerly along said Northerly projections and Centerlines and their Southerly projections, across the street rights-of-way of Cleveland Street, Platt Street, Azeele Street, Horatio Street and DeLeon Street, to the Centerline of Swann Avenue; thence run Easterly along said Centerline of Swann Avenue, to it's intersection with the Northerly projection of the Westerly boundary of Block 2 of said SWANN AND HOWARD AVENUES SUBDIVISION, a subdivision of record, said Westerly boundary also herein, the Easterly right-of-way line of vacated Westland Avenue; thence run Southerly along said Northerly projection of said Block 2, and it's Southerly projection across the vacated street right-of-way of Inman Avenue, to and along the Easterly boundary of the Westerly 16.9 feet of Lot 8, Block 3 of
said SWANN AND HOWARD AVENUES SUBDIVISION, to it's intersection with the Southerly boundary of said Lot 8; thence run Westerly along the Southerly boundaries of Lots 8, 7, 6, 5 and 4 to it's intersection with the Easterly boundary of Lot 10, of said HAMNER'S HOWARD AVE, SUBDIVISION, a subdivision of record; thence run Southerly along said Easterly boundary of Lot 10, and it's Southerly projection to it's intersection with the Centerline of Bristol Avenue; thence run Westerly along said Centerline, to it's intersection with the Northerly projection of the Easterly boundary of Lot 14 of said subdivision; thence run Southerly along said Northerly Projection and Easterly boundary, to and along the Easterly boundary of Lots 15 and 16 of said subdivision, and their Southerly projection to it's intersection with the Centerline of that unnamed street, lying Southerly of and abutting Lots 16 through 25 of said subdivision and lying Northerly of and abutting Block 5 of ULETA, a subdivision of record; thence run Easterly along said Centerline of unnamed street, to it's intersection with the Centerline of Eleta Street; thence run Southerly along said Centerline of Eleta Street, to it's intersection with the Centerline of Morrison Avenue; thence run Easterly along said Centerline of Morrison Avenue, to it's intersection with the Northeasternerly projection of the Southeasternly boundary of Block 1, of said ULETA; thence run Southwesterly along said Northeasternerly projection and Southeasternly boundary to it's intersection with the Easternerly right-of-way line of Howard Avenue; thence run Southerly along said right-of-way line, across the Seabord Coast Line Rail Road right-of-way and the Tampa Crosstown Expressway (S.R.618), to it's intersection with the Centerline of Watrous Avenue; thence run Easterly along said Centerline, to it's intersection with the Northerly projection of the Centerlines of those North-South alley rights-of-way in HAMNER'S SUBDIVISION, a subdivision of record; thence run Southerly along said Northerly projection and Centerlines and their Southerly projection, across the street right-of-way of Marjory Avenue, to it's intersection with the Centerline of Southview Avenue; thence run Westerly along said Centerline, to it's intersection with the Northwesterly projection of the Easterly boundary of Lot 8 of said, A REVISED MAP OF BLOCK 25 OF WEST HYDE PARK, a subdivision of record; thence run Southwesterly along said Northwesterly projection to and along the Easterly boundary of said Lot 8 to the Southeast corner of said Lot 8; Thence run Southwesterly along the Southerly boundary of said Lot 8 and it's Southwesterly projection to it's intersection with the Centerline of the North-South alley right-of-way lying Easterly of said BONGART'S REVISED MAP OF BLOCK 25 OF WEST HYDE PARK, a subdivision of record; thence run Southwesterly along said Centerline of North-South alley and it's Southwesterly projection, across the street right-of-way of Dekle Avenue, to and along the Centerline of the North-South alley right-of-way lying Easterly of Block 4, of said REVISED MAP OF LUNA PARK, a subdivision of record, and lying Westerly of said A REVISED MAP OF BLOCK 25 OF WEST HYDE PARK, a subdivision of record; thence run Southwesterly along said Centerline of North-South alley to and along the Centerline of the North-South alley right-of-way lying Easterly of said BONGART'S REVISED MAP OF BLOCK 25 OF WEST HYDE PARK, a subdivision of record; thence run Southwesterly along said Centerline of North-South alley to and along the Centerline of the North-South alley right-of-way lying Easterly of Block 4, of said WEST HYDE PARK HENDRY & KNIGHTS SUBDIVISION, a subdivision of record, to it's intersection with the Easterly projection of the Southerly boundary of Lot 4, of said Block 4 of REVISED MAP OF LUNA PARK; thence run Southwesterly along said Southerly boundary of Lot 4 and it's Westerly projection to it's intersection with the Centerline of Desoto Avenue (Luna Park Avenue); thence run South-esterly along said Centerline across the street right-of-way of Hills Avenue to it's intersection with the Northeasternerly projection of the Southerly boundary of Lot 11, Block 2 of said REVISED MAP OF LUNA PARK; thence run Southwesterly along said Northeasternerly projection and Southerly boundary, to it's intersection with the Southerly most corner of said Lot 11; thence run Southwesterly along the West-esterly boundary of said Block 2 of REVISED MAP OF LUNA PARK, said Westerly boundary also being the Easterly boundary of GEO WEEKS' SUBDIVISION, to it's intersection with the Northerly right-of-way line for Bayshore Boulevard; thence run Southwesterly along said Northerly right-of-way line, across the street right-of-way of Howard Avenue, to and
along said Northerly right-of-way line for Bayshore Boulevard, to it's intersection with the Westerly boundary of the Easterly 30 feet of Lot 8 of said FAIRVIEW PLACE, a subdivision of record, said Westerly boundary of the Easterly 30 feet, also being the Westerly boundary of said HARBOUR HOUSE CONDOMINIUM, a condominium of record; thence run Northwesterly along said Westerly boundary of the Easterly 30 feet of Lot 8, to and along the Westerly boundary of Lot 4, of said FAIRVIEW PLACE, and its Northwesterly projection to it's intersection with the Centerline of Palm Drive; thence run Northeasterly along said Centerline to it's intersection with the Southerly projection of the Centerline of Alabama Avenue; thence run Northwesterly along said Southerly projection, Centerline and it's Northerly projection across the street rights-of-way of Texas Avenue, Stroud Avenue and Mississippi Avenue to it's intersection with the Centerline of Southview Avenue; thence run Westerly along said Centerline to it's intersection with the Centerline of that vacated North-South alley right-of-way lying Westerly of Lots 24-26, of said HOWARD TERRACE, to its intersection with the Southerly boundary of Lot 17, of said AMELIA, a subdivision of record; thence run Westerly along said Southerly boundary of Lot 17, to it's intersection with the Centerline of that vacated North-South alley right-of-way, lying in said AMELIA; thence run Northerly along said Centerline, to it's intersection with the Centerline of that East-West alley right-of-way lying in said AMELIA; thence run Westerly along said Centerline, to it's intersection with the Southerly projection of the Westerly boundary of Lot 4, of said AMELIA; thence run Northerly along said Southerly projection, Westerly boundary and it's Northerly projection to it's intersection with the Centerline of Swann Avenue; thence run Easterly along said Centerline of Swann Avenue, to it's intersection with the Southerly projection of the Centerlines of those vacated North-South alley rights-of-way in Blocks 10 and 23 of said NORTH COURIER CITY, a subdivision of record, and the Centerlines of those North-South alley rights-of-way in Block 7 of said subdivision and Blocks 4, 5 and 6 of said OSCAWANA, a subdivision of record; thence Northerly along said Southerly projections, Centerlines and their Northerly projections, across the street rights-of-way of De Leon Street, Horatio Street, Azeele Street, Platt Street and Cleveland Street, to and along the Westerly boundary of the Easterly one-half of said Lot 3, Block 6 of OSCAWANA, and it's Northerly projection, to it's intersection with the Centerline of said John F. Kennedy Boulevard, and the Point of Beginning.

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(c) Purpose and intent. The purpose and intent of the South Howard Commercial Overlay District Design Standards are to promote and enhance the pedestrian environment and scale of the district, while creating an active and interest-
ing ambiance, and preserving the unique character of the area. In addition, it is important that development in this district be compatible with surrounding residential neighborhoods.

(d) **Compliance.** Every building or site permit application for new construction or major renovation of an existing structure (as defined in section 27-43) within the South Howard Commercial Overlay District shall comply with all applicable Land Development Regulations and the standards set forth in subsections (e) through (m). These are the minimum requirements which must be met in order to obtain design approval. Specific design criteria will also be applied individually where appropriate (e.g. new signs, request for change of location or increase in amount of parking, new lighting, etc.). Alternative design concepts may be considered by the zoning administrator (and/or his or her designee) if consistent with the above mentioned purpose and intent.

Properties located in the Local Ordinance Hyde Park Historic District must also adhere to specific design guidelines for the area and obtain a Certificate of Appropriateness (CA) from the Architectural Review Commission (ARC) prior to any development or rehabilitation. Where there is a conflict between the Hyde Park Design Guidelines and the South Howard Commercial Overlay District Development Design Standards, the more restrictive regulations shall apply.

(e) **Variances.** Any property owner in the South Howard Commercial Overlay District seeking a variance from these design standards or from those requirements referenced in section 27-114(a) through (c) shall file this application for variance with the ARC staff administrator in accordance with the procedures set forth in section 27-114.

(f) **Appeals.** Persons aggrieved by any order, requirement, decision, or determination made by the zoning administrator with regard to these design standards may appeal that order, requirement, decision, or determination by filing a petition to the ARC for an administrative appeal in accordance with section 27-61(a). The ARC shall hold a public hearing to consider testimony or evidence from the public to better understand the purpose and intent of the overlay district and the character of the surrounding neighborhood.

(g) **Review procedures.**

1. **Pre-application conference.** It is strongly recommended that any property owner or agent thereof required to obtain design approval schedule a courtesy review prior to the submission of an application for design approval.

2. **Submission requirements.** All applications for design approval shall contain the following items:
   a. **Site plan.** Six (6) folded copies of a site plan (if the development is located in the Hyde Park Historic District, it shall be subject to the submittal requirements of the ARC) conforming to the requirements listed below must be submitted as a part of the commercial site review application.

   1. General location and context map indicating the proposed site relative to all building and street rights-of-way lying immediately adjacent to the proposed site perimeter.
   2. North arrow and scale (Scale: one (1) inch = twenty (20) feet to one (1) inch = fifty (50) feet).
   3. Property line boundaries and dimensions.
   4. Name, location, and width of existing street and alleys adjacent to the site.
   5. Location, size, height, and use of all existing principal and accessory buildings, and any proposed additions and/or new buildings.
   6. Vehicle and pedestrian circulation, including ingress, egress, loading, unloading, parking and accessibility for persons with disabilities.
7. Location and dimension of existing and proposed driveways, sidewalks, and parking areas, including typical parking space dimensions.

8. Existing and proposed building setbacks, parking lot landscaping, and buffering from adjacent uses (if applicable).

9. Proposed design and location of lighting fixtures.

b. Landscape plan (may be incorporated into site plan) showing preliminary plant material (existing and proposed) with specific information as to location, size (diameter) and species.

c. Exterior elevations of all sides of the project fronting or visible from South Howard Avenue (include any existing structures abutting the proposed project on the same street wall).

(h) General building design standards.

(1) Unobstructed pedestrian access and shelter, shade, and/or weather protection shall be provided along streets and public rights-of-way or next to areas used by the public through the use of shade trees, awnings, arcades, balconies, overhangs, etc., and shall provide any other appropriate pedestrian amenities (e.g. benches), subject to subsection (m) below.

(2) Doors, windows, and other architectural features shall be used to break large wall planes into smaller components, thereby creating a more pedestrian friendly scale and mass. No more than thirty (30) percent of consecutive front façade may remain without architectural detail.

(3) The principal façade and entry to the building shall front South Howard Avenue (or may be located off the courtyard if applicable) and must be accessible from the sidewalk. At least fifty (50) percent of the ground level of the principal building façade shall be constructed of transparent materials or fenestrated.

(4) Buildings shall be set back no less than ten (10) feet and no more than eighteen (18) feet from the front property line at ground level. However, second floor area(s) and above may be built out to the front property line, creating an arcade. Structural support for the arcade may be located within the front setback however, arced areas may not be enclosed or screened.

(5) Courtyards are permitted within the front setback. If at least two-thirds \( \left( \frac{2}{3} \right) \) of the principal façade is devoted to open courtyard space, the remaining portion of the building may be built out to the front property line, subject to section 27-283.5.

(6) Outdoor cafés. Outdoor cafés are permitted within the front setback, arced areas, and open courtyards, and may be enclosed with a hedge, or a removable decorative fence or wall, with a maximum height of three (3) feet. A minimum of six (6) feet of unobstructed walkway must be maintained along any sidewalk area.

(7) Drive-through window services and queuing lanes for such services may not be located between the front façade of the building and South Howard Avenue, and must be designed so as to have minimal impact on pedestrian traffic along South Howard Avenue.

(8) Chain link fences may not front or be visible from South Howard Avenue.

(9) Lighting. Outdoor light fixtures must complement the design of the building.

(10) Any exterior garbage receptacles, dumpsters, or mechanical equipment must be placed on a suitable slab and screened from view of any right-of-way or residential use with one hundred (100) percent opaque material which is compatible with the front façade of the principal structure. In addition, garbage receptacles and dumpsters must be located on private property and be accessible for service by the Solid Waste Department.
(11) Property owners shall provide a six (6) foot sidewalk along South Howard Avenue, aligned with and connected to that of adjacent and contiguous properties.

(i) Parking.

(1) Surface parking shall be located on the side or rear of the building, on the street if approved by the division of public works, or alternative parking placement may be considered by the zoning administrator (and/or his or her designee) if consistent with the purpose and intent described in section 27-236(c). Alternative parking layouts, which include surface parking abutting right-of-way on South Howard Avenue, must provide increased landscape buffering (e.g., one (1) tree for every twenty (20) feet of vehicular use area (VUA) abutting South Howard Avenue right-of-way and a screen consistent with section 27-285 Vehicular Use Areas, with the exception that planting be done at thirty (30) inches on center). An increase in pedestrian amenities may also be required (e.g., street furniture, decorative paver blocks, planters, etc.)

(2) The façade of freestanding parking structures fronting South Howard Avenue must consist of commercial, retail, or office uses on the ground level. The entrance to freestanding parking structures shall not front South Howard Avenue.

(3) Vehicle access and flow for new development shall have minimal impact on pedestrian circulation, and there must be continuity across the mouth of all curbcuts, subject to section 22-315 of the City of Tampa Code of Ordinances.

(j) Buffers and screening. All development within the South Howard Commercial Overlay District shall comply with section 27-284 Buffers and screening requirements, except that the ten (10) and fifteen (15) foot buffer requirements set forth in the buffer matrix shall be reduced to five (5) feet for all properties located within the district.

(k) Landscaping. All sites within the South Howard Commercial Overlay District shall comply with the tree, site clearing, and landscaping requirements set forth in Chapter 13 of the City of Tampa Code of Ordinances.

(l) General sign standards. The following sign standards shall apply to new signs in the South Howard Commercial Overlay District, and shall be in addition to the sign regulations set forth in this chapter and in Article VI, Division 6. Where regulations are inconsistent, the provisions of this subsection shall apply and control in the district, subject to the provisions of subsection (m) below. The following provisions are intended to allow the creation of unique and informative signs which give a distinct flavor to the area, while maintaining a non-intrusive, pedestrian environment. These guidelines are not intended to prohibit the design of unusual signs that may enhance the character of the building, or reflect the nature of the business.

(1) Parcels permitted to have more than one (1) wall sign per section 27-289.12(c). Regulations for wall signs may not have those wall signs abutting at the corner of a building. A minimum separation of ten (10) feet shall be required between such signs. A minimum separation of four (4) feet shall be maintained between signs on the same façade.

(2) The size of wall and awning signs shall not exceed one-half ($\frac{1}{2}$) square foot per linear foot of building frontage, or twenty-five (25) square feet, whichever is less. Text shall not exceed twelve (12) inches in height.

(3) Pylon signs are prohibited in the South Howard Commercial Overlay District. Ground signs shall be a maximum of fifteen (15) square feet in area, six (6) feet in height, and may be placed at the property line subject to section 27-283.5.

(4) One non-illuminated marquee sign with a maximum dimension of four (4) feet in length, one (1) foot in height, and six (6) inches in thickness, may be located at the main entry of each business. The sign must be located under the awning, at least seven (7) feet above the sidewalk, at a perpendicular angle to the exterior wall. Text may be located on both faces of the sign, with a maximum lettering height of six (6) inches.
(5) Interior illumination of signs ("backlighting") is prohibited in the South Howard Commercial Overlay District.

(m) Encroachments. Encroachments into the public right-of-way for awnings, awning signs, architectural features, streetscape features, or street furniture may be authorized administratively by the department of public works.

A separate encroachment application for awnings or architectural features may not be required provided the projections comply with the criteria listed in section 27-204(g)(1) through (5) of the City of Tampa Code of Ordinances.


(a) Area description. The New Tampa Commercial Overlay District is an area which contains commercial and multi-family development and dedicated community and open space; which spans over numerous planned communities, including Tampa Palms, North Palms Village, Hunter's Green, West Meadows, Tampa Technology Park East, and Heritage Isles.

(b) Established boundaries. The New Tampa Commercial Overlay District is hereby established as an overlay district, the requirements of which shall be applicable to all commercial and multi-family residential properties within the general area bounded by Interstate 275 on the west, Morris Bridge Road on the east, Skipper Road on the south, and the Pasco County line on the north. This will include the commercial and multi-family residential property running along and adjacent to both sides of Bruce B. Downs Boulevard (County Road 581) from Cypress Creek north to the Hillsborough/Pasco County Line, and along Cross Creek (New Tampa) Boulevard, from Heritage Isles to Morris Bridge Road, the junction of Bruce B. Downs and I-75, Tampa Palms Area 8, FDOT Frontage Roads, Commerce Boulevard, Compton Boulevard, Tampa Palms Boulevard, Highwoods Preserve Parkway, and other arterial and collector roads that may be constructed in order to support present and future development, lessing out those parcels not incorporated within the limits of the City of Tampa.

(c) Purpose and intent. The purpose and intent of the New Tampa Commercial Overlay District is to promote, preserve and advance the unique character of the area through the use of vehicular access management techniques, pedestrian and bicycle amenities, abundant landscaping and green spaces and aesthetic design standards, while also providing standards for the advertisement of goods and services. The intent of these standards is also to ensure that commercial development in this district shall be more compatible with surrounding residential neighborhoods.

(d) Compliance. Every application for new construction or major renovations of commercial or multi-family residential projects, as defined in Chapter 27, shall comply with all applicable standards set forth in subsections (e) through (k), as well as those outlined in the adopted site plan and performance standards for the community in which the proposed development is located. In cases of conflict, the more restrictive standard(s) shall apply. Alternative concepts to those standards set forth in subsections (e) through (j) may be considered by the zoning administrator if consistent with the above mentioned purpose and intent. Any person aggrieved by any order, requirement, decision, or determination of the zoning administrator with regard to these design standards may appeal that order, requirement, decision, or determination by filing a petition with the VRB for an administrative appeal in accordance with section 27-61(a). The VRB shall hold a public hearing to consider testimony or evidence from the public to better understand the purpose and intent of the overlay district and the character of the surrounding neighborhood. The VRB shall make the final determination as to whether the proposal is consistent with the development standards of this section and with the above-stated purpose and intent.

(e) Review procedures. Conceptual site plan review for compliance with development standards will occur during the incremental review process, per section 27-228. Final compliance with all site design, building design, and sign standards will be determined during the commercial site plan and building plan review process.
(f) General building design standards.

(1) Drive-through window services must be placed in the side or rear yard of the parcel on which they are located.

(2) The entrance to all service bays for automotive repair and service businesses must be oriented away from view of any arterial or collector roadway(s). All automotive repair and service shall take place within the fully enclosed area of the building in which such use is located.

(3) The use of chain link fences, other than vinyl-clad, is prohibited. Vinyl-clad chain link may be used only when backed with a textile mesh screen.

(4) Unpainted or unfinished block fences or walls are prohibited. All sides and elevations of buildings, walls, or block fences visible at ground level from a public right-of-way or an adjacent parcel must be architecturally finished (i.e. brick, stucco, or textured concrete masonry units).

(5) Doors, windows, or other architectural features shall be used to break large wall planes into smaller components. No more than thirty (30) percent of consecutive façade that is oriented to and visible at ground level from public right-of-way may remain unembellished.

(6) The use of cobra head lighting is prohibited in public use areas adjacent to the building(s) (e.g. entryways, courtyards, parking lots, etc.).

(7) All open storage areas as defined in section 27-43 and mechanical equipment must be screened with one hundred (100) percent opaque material, which is compatible with the materials used on the nearest façade of the principal structure.

(8) Rooftop equipment, excluding vents and stairwell accesses, which is visible at ground level from the centerline of abutting public right-of-way, shall be screened from view through use of parapet walls, screens, or other building elements or design features.

(9) For properties with multiple tenants and/or multiple structures, on site pedestrian circulation shall be provided between tenants and/or structures through the use of a sidewalk, or other suitable pedestrian connection, not less than five (5) feet wide, and where applicable, shall align with and connect to that of adjacent and contiguous properties. Sidewalk paving or other pedestrian connections, where applicable, must continue uninterrupted across the mouth of all curb cuts, subject to section 22-315 of the City of Tampa Code of Ordinances.

(10) Retention ponds smaller than five (5) acres and visible at ground level from public right-of-way or an adjacent parcel shall be landscaped and/or must contain special site features, such as fountains and reflecting pools. Existing natural vegetation may be used in lieu of new planting(s).

(11) Illuminated tubing (e.g. neon) which outlines a building, fence, or other similar structure or part thereof, measuring more than twenty (20) linear feet, or enclosing any area greater than twenty (20) square feet is prohibited.

(g) Landscape buffers and screening.

(1) A landscape buffer with an average width of fifteen (15) feet, and a minimum width of ten (10) feet, shall be provided along the boundary of all vehicular use areas (vua’s) abutting public right-of-way. Said buffer shall contain a minimum eighteen (18) inch high earthen berm and shall be landscaped. Berm and landscape combination shall be eighty (80) percent opaque, and be a minimum of four (4) feet in height at time of planting, and all times thereafter, subject to section 27-283.5. Height shall be measured at finished grade of the vehicular use area. A berm shall not be required within the visibility triangle areas for any driveways or pedestrian walkways.

(2) All portions of each site, which are not devoted to buildings, sidewalks, paving or special landscape features, shall be grassed;
but the use of native plant species and xeriscaping shall be encouraged. However, no more than thirty (30) percent of the required landscape area may be grassed, the balance shall be landscaped in shrub and ground covers. All yard grass planted shall be Hybrid Bermuda or St. Augustine. However, Bahia grass may be used or planted in retention/detention areas, drainage areas, and wetland setback and mitigation areas.

(3) All shade trees used to satisfy landscaping requirements shall be a minimum four (4) inch caliper, per section 27-285.1, Tree & Landscape Code specifications.

(4) All tree trimming and pruning shall be performed in accordance with the standards set forth in the American National Standards Institute (ANSI) Standard A300-1995.

(h) General sign standards. The following sign standards shall apply to new buildings or structures and major renovations, as defined in Chapter 27, and shall be in addition to the sign regulations set forth in Article VI, Division 6, and 27. Where regulations are inconsistent, the provisions of this subsection shall apply and control in the district. The following provisions are intended to establish a coordinated graphic program that provides for occupant identification and directional communication, while allowing the creation of unique and informative signs. These guidelines are not intended to prohibit the design of unusual signs that may enhance the character of the building, or reflect the nature of the business.

(1) Billboards and/or off-site signs are prohibited. Only signs advertising the business conducted, services rendered, or goods sold on the site upon which the sign is erected will be permitted.

(2) Exposed neon tubing on pylon and ground signs is prohibited.

(3) Pylon signs are prohibited.

(4) Ground signs (except multiple occupancy ground signs) shall be limited to a maximum of fifty (50) square feet in dimension per sign face, and a maximum height of eleven (11) feet, subject to the requirements of section 27-283.5. The base of all ground signs shall touch the ground, and continue to the top of the sign without any openings. All ground signs shall be finished in a material(s) consistent with the materials used on the building they serve.

(5) All ground signs shall be set back a minimum of five (5) feet from any property line, subject to section 27-283.5.

(6) If a multiple occupancy parcel is entitled to more than one (1) ground sign, per section 27-289.12(c), then all allowable ground signs may be combined into a single ground sign not to exceed two hundred ten (210) square feet per sign face, or a maximum of four hundred twenty (420) square feet for a double faced sign. Such ground signs are limited to a maximum of twenty (20) feet in height.

(7) The aggregate surface area of all shapes, letters, numbers, symbols or illustrations shall not exceed twenty-five (25) percent of the awning or canopy sign surface. Only awnings and canopies constructed of opaque material may be illuminated.

(8) The maximum allowable display area for each wall or mansard sign shall not exceed one and one-half (1\frac{1}{2}) square feet per linear foot of building frontage facing a public street, or one hundred fifty (150) square feet, whichever is less.

(9) One (1) double-faced or two (2) single-faced on-site identification signs may be located at each entrance to a platted subdivision or multi-family residential development, subject to all other provisions of section 27-289.12(b). The two (2) single-spaced signs must be located on opposite sides of the entrance drive. Interior illumination (i.e. "backlighting") of such residential signs is prohibited.

(10) In addition to those signs prohibited in Article VI, Division 6, City of Tampa Code
of Ordinances, the following signs are prohibited in the New Tampa Commercial Overlay District:

- Roof signs, banners, and inflatable signs, (tethered or free floating).

(i) **Utilities.** All utility transmission lines, including, but not limited to those required for electrical services, telephone, telegraph, CATV and street lighting shall be installed underground.

(j) **Transit stops.** Public transportation facilities shall be provided where appropriate along arterial or collector roadways and/or within commercial developments in coordination with Hillsborough Area Regional Transit (HARTline).

(k) **Curb cuts/access management.** Access to developments within the University North District are internalized through master planned internal roadway systems designed to increase internal trip capture, thereby reducing trip length and encouraging internal trip exchanges between various uses. An increase in internal capture within these developments reduces congestion and preserves capacity on the corridor.

Access to Bruce B. Downs Boulevard, Cross Creek Boulevard, and any other applicable arterial or collector roadways shall be limited to those curb cuts and access points approved on the applicable zoning site master plan, development order and/or DRI master plan.

Requests for additional curb cuts to Bruce B. Downs Boulevard, Cross Creek Boulevard, and any other applicable arterial or collector roadways, including right in and right out driveways, will only be considered in instances of overriding public safety issues. In cases where such a curb cut is approved due to an actual safety need, the petitioner shall be solely responsible for any off-site or site specific improvements which are necessary to facilitate the design of the driveway or curbcut, including, but not limited to, signalization, turn lanes, and acceleration/deceleration lanes. These transportation improvements are in no instance creditable against transportation impact fees.

Any proposed new access points to Bruce B. Downs Boulevard, Cross Creek Boulevard, and any other applicable arterial or collector roadways shall constitute a substantial change to the approved zoning site plan, as well as an amendment to the DRI, where applicable, both of which shall require approval by city council.

### Sec. 27-238. Westshore Overlay District Development Standards.

(a) **Area description.** The Tampa Comprehensive Plan Vision Map describes the Westshore District as an area that stretches from Hillsborough Avenue to the north, Himes Avenue to the east, Kennedy Boulevard to the south and Tampa Bay to the west. The Westshore Overlay District ("the Overlay District") corresponds to the Westshore District as described within the Tampa Comprehensive Plan, but does not include the area known as Rocky Point and other areas west of Eisenhower Boulevard and its imaginary southerly extension to Tampa Bay.

(b) **Established boundaries and applicability.** The "Overlay District" defined more specifically as all parcels of land or portions thereof, lying within, along, or adjacent to an area that commences on the northern boundary of Hillsborough Avenue at the city’s municipal boundary adjacent to Tampa International Airport, thence runs east along the northern boundary of Hillsborough Avenue to the eastern boundary of Himes Avenue, thence runs south along the eastern boundary of Himes Avenue to the southern boundary of Kennedy Boulevard, thence runs west along the southern boundary of Kennedy Boulevard to Interstate 275 where it intersects with the shoreline of Old Tampa Bay, thence runs north along the shoreline of Old Tampa Bay to a point that would intersect with the southern extension of Eisenhower Boulevard at an area commonly known as Fisheating Creek, thence runs north along the eastern boundary of Eisenhower Boulevard to the city’s municipal boundary adjacent to Tampa International Airport, and thence runs northerly along the city’s municipal boundary within Tampa International Airport to the point of commencement; and, less all lands or portions thereof, lying along or adjacent to the western boundary of Eisenhower Blvd.
The Overlay District shall apply within the boundaries established above, to all lands with the following FLU categories, as designated on the Tampa Comprehensive Plan Future Land Use Map, subject to the following parameters:

1. Residential-20 or Residential-35, and lying adjacent to the north or south boundaries of Cypress Street, the east or west boundaries of Himes Avenue, the south boundary of Spruce Street, or the east or west boundaries of Trask Street between Kennedy Boulevard and I-275;

2. Light Industrial, and lying adjacent to Hillsborough Avenue;

3. Urban Mixed Use-60, Community Mixed Use-35, Regional Mixed Use-100, or Municipal Airport Compatibility; and,

4. Community Commercial-35, and not lying adjacent to Dr. Martin Luther King, Jr. Boulevard, W. Woodlawn Avenue, N. Manhattan Avenue, N. Hubert Avenue, or N. Coolidge Avenue.

(c) Purpose and intent. The purpose and intent of the Westshore Overlay District Development Standards is to guide future development by aiding and implementing the Tampa Comprehensive Plan, to establish a Westshore District character, as well as to create an appealing business, commercial and residential development environment and improve the existing condition by promoting the public health, safety, comfort, amenities, prosperity and general welfare of the city. The Overlay District standards will provide for the appropriate advertisement of goods and services, enhance pedestrian connections and increase the public awareness of the Westshore District as a significant economic activity area characterized by the concentration of retail, business, high density residential and mixed-uses. The Overlay District will also continue to protect and preserve the existing lower density residential development in the Westshore District from adverse impacts. This section will regulate the use and development of land through the application of specific regulations to a distinct geographic area and provide for regulations which encourage and allow creativity and flexibility in the design and use of land. The Overlay District shall further the principles of "Crime Prevention Through Environmental Design" (CPTED) through incorporation of the principles of Natural Surveillance, Natural Access Control, and Territorial Reinforcement.

The future land use pattern and growth of the Westshore District is guided by and described within the "Tampa Comprehensive Plan," the implementation strategies and design guidelines outlined in the "Westshore Area Pedestrian System Plan (March 2005) and the Westshore Pedestrian Plan Addendum - Implementation Plan and Design Guidelines (March 2009)"; commonly known as "The Westshore Pedestrian Plan" and the "Westshore Mobility Strategy Action Plan." A Framework Map described and illustrated in the Westshore Pedestrian Plan identifies four (4) distinct street types or categories for the road and pedestrian network within the Overlay District. Graphic illustrations and applicable development standards for each street-type are provided in paragraph (g)(1), Tables 238.2a—238.2d below. The following street classifications (Table 238.1) shall apply:

<table>
<thead>
<tr>
<th>Table 238.1 Westshore Overlay - Street Classifications</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
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<tr>
<td></td>
</tr>
<tr>
<td>Regional Corridors[1]</td>
</tr>
</tbody>
</table>
Table 238.1 Westshore Overlay - Street Classifications

<table>
<thead>
<tr>
<th>Street Classification</th>
<th>Roads and Corridors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kennedy Boulevard</td>
<td>Dale Mabry Highway, Boy Scout Boulevard, Hillsborough Avenue, Spruce Street</td>
</tr>
<tr>
<td></td>
<td>(State regulated segments)</td>
</tr>
<tr>
<td>Local Commercial Streets[2]</td>
<td>All remaining roadways classified as &quot;arterial,&quot; &quot;collector,&quot; or &quot;neighborhood collector&quot;[3]</td>
</tr>
<tr>
<td>Neighborhood Streets</td>
<td>Including those remaining roadways classified as &quot;local&quot;[3]</td>
</tr>
</tbody>
</table>

Notes:
[1] Classification limited to those streets and corridors specifically listed.
[2] Classification does not apply to those streets or corridors identified as "Priority Pedestrian Streets" or "Regional Corridors".
[3] Refer to City of Tampa’s Major Road Network Map for classifications.

(d) Compliance and general administrative procedures.

(1) Applications for new construction and/or change of use shall comply with all applicable Overlay District and underlying zoning district standards.

Alternative design exceptions to these Overlay District standards may be considered and approved by the zoning administrator or designee if consistent with the stated purpose and intent of this section, subject to the procedures set forth in section 27-60. A zoning administrator determination related to an alternative design exception is subject to the review method set forth in section 27-61.

(e) Plan review procedures. Review for final compliance with all applicable city standards will be performed during commercial plan/building permit review process. Review for compliance with the Overlay District design standards as an "alternative design exception" will be performed by the zoning administrator or designee.

(1) Pre-application conference. Any property owner or agent thereof required to obtain site plan and/or design approval pursuant to this section, should schedule a courtesy review with the zoning administrator or designee prior to the submission of any application for design approval. Final compliance with applicable city standards will be determined during commercial plan review process.

(2) Reviewing agencies. All necessary development review staff/departments within the city, including but not limited to zoning, transportation, water and wastewater, stormwater, tree and landscape, and appropriate external reviewing agencies will be consulted to determine the development plan compliance with applicable development standards. The HCAA shall be included in the review of development plans to determine compliance with applicable airport zoning regulations.

(3) Submission requirements for review by the zoning administrator.

a. Site plan. Site plans conforming to the requirements listed below must be a part of the commercial site review application. The zoning administrator shall determine the number of site plan copies required for submission for his/her review.

1. General location and context map that indicates the proposed site relative to all building and street rights-of-way lying immediately adjacent to the proposed site perimeter.
2. North arrow, legend and scale
   (Scale: from one (1) inch equals ten (10) feet up to one (1) inch equals fifty (50) feet).
3. Property line boundaries, topographic contours and dimensions.
4. Name, location, width and condition (paved or unpaved) of existing street and alleys adjacent to the site.
5. Location, size, height, and use of all existing principal and accessory buildings and structures, and any proposed additions and/or new buildings and structures.
6. Vehicular and pedestrian circulation, including ingress, egress, loading and unloading, parking and accessibility for person with disabilities.
7. Location and dimension of existing and proposed driveways and sidewalks.
8. Existing and proposed building setbacks and buffering from adjacent uses (if applicable).
9. Proposed design (typical elevation) and location of exterior lighting.
10. The physical description of the size, location and accessibility of open space or pedestrian amenities.

b. Landscape plan. Recognizing the Overlay District supports a unique Westshore District character and provides regulations which encourage and allow creativity and flexibility in design, the landscaping standards set forth in these Overlay District Development Standards supersede any conflicting standards established within sections 27-285, 27-285.1 and Chapter 13. Except where the Overlay District establishes specific standards of regulations, all other applicable requirements and standards set forth in sections 27-285, 27-285.1 and Chapter 13, City of Tampa Code of Ordinances shall apply. The landscape plan shall be incorporated as part of the overall site plan submittal, and shall include the following:

1. The preliminary plant material (existing and proposed) with specific information as to location, size (diameter) and specie shall be shown.
2. A tree table of credits and debits that demonstrates the true quantity of protected trees that exist, that will be removed, and that are proposed to be planted.
3. All proposed and existing landscape buffers, islands, and planting beds used adjacent to internal pedestrian walkways, public sidewalks, perimeter property lines, and within vehicular use areas.
4. If applicable, alternative landscape design plans and/or in-lieu payment details shall be presented pursuant to section 27-285(e).

c. Exterior elevations. The exterior elevation must show each side of the project fronting or visible from the public right(s)-of-way. They must also include existing structures abutting (photographs allowed) the proposed project which are also visible from the public right(s)-of-way.

(f) Establishment of regulating map (use of land). The regulating map derives its zoning and development authority through section 27-23. The base layer of the regulating map is the zoning atlas, which regulates the use of land by the zoning category established for each parcel within the Overlay District (see section 27-156, Table 4-1, Schedule of Permitted Uses by District, and section 27-171, Table 4-3(1) Schedule of M-AP Permitted Uses, Maximum Floor Area Ratio and
Maximum Coverage Regulations). Determination of uses not listed shall be reviewed according to the provisions of section 27-59.

(g) Establishment of the Overlay District's governing land development regulations. The Overlay District establishes a regulatory mechanism, in addition to the underlying zoning district regulations, that relates to development layout, density or intensity of use, building form and/or design character, geographical location, and relationships of these development characteristics to the public realm. It is the intent of the Overlay District to allow flexibility in the design and use of land while encouraging creativity in land use patterns to implement the Goals, Objectives, and Policies of the Tampa Comprehensive Plan for the Westshore District, which is one (1) of the Plan's recognized Business Centers. The Westshore District has been designated with Future Land Use (FLU) categories that support significant redevelopment potential. In addition, the compilation of documents, referenced herein as "The Westshore Pedestrian Plan," includes many strategies for improving and strengthening the pedestrian environment and relationship of the developed (private) realm to the public realm. The "Westshore Pedestrian Plan" also identifies non-automotive transportation infrastructure projects such as bicycle and transit network enhancements within the Westshore District that are critical to improving the overall mobility and transportation environment of pedestrians, bicyclists, and transit users. The "Westshore Pedestrian Plan" with its series of recommendations and implementation strategies is intended to serve as a guide to City staff and the development community on best practices and preferred design standards that support and enhance the Westshore District's attractiveness. Therefore, a unique set of land development regulations within the district are created based on the FLU categories and specific street classification(s) that abuts a parcel as outlined in the "Westshore Pedestrian Plan". As previously defined, categories have been created for the road network. "Priority Pedestrian Streets" (Westshore Boulevard, Cypress Street, Lois Avenue, Spruce Street [non-state regulated segments] and Himes Avenue); "Regional Corridors" Kennedy Boulevard, Dale Mabry Highway, Boy Scout Boulevard Hillsborough Avenue and Spruce Street [State regulated segments]); "Local Commercial Streets" (those remaining roadways classified as arterial, collector, or neighborhood collector); and "Neighborhood Streets" (those remaining roadways classified as local on the City of Tampa's Major Road Network Map). Each roadway classification establishes the specific land development regulations and framework for design applicable to new construction and/or change of use.

(1) Building setback, height, sidewalk and streetscape standards for roadway classifications per the Westshore Pedestrian Plan and the following provisions as shown in Tables 238.2a—238.2d below:

<table>
<thead>
<tr>
<th>Table 238.2a</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Priority Pedestrian Street</strong></td>
</tr>
<tr>
<td>Building setback</td>
</tr>
<tr>
<td>Front</td>
</tr>
<tr>
<td>Side, corner, rear</td>
</tr>
</tbody>
</table>

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[1] Applies only to new construction.
[2] Applies only to change of use.
[3] A minimum of two trees are required.
Table 238.2a

Graphic Illustration — Priority Pedestrian Street

Notes:
[1] May be increased to 58', only when all other Overlay District parking standards are met, and certain building design features such as arrival amenities (e.g. porticos, visitor drop-off driveways) or pedestrian amenity areas (e.g. courtyards, outdoor cafes) are provided within the increased setback area. A maximum of one (1) row of parking spaces and one (1) drive aisle shall be permitted within the increased setback area; remaining area within increased setback area shall be used for landscaping/tree planting. Intent of the provision is to permit a larger setback to include design features, while also supporting a seamless transition to public realm.
[2] Building setback from property lines adjacent to single-family zone or use shall be a minimum of 15'.
[3] Building heights in the Overlay District shall be controlled by "Airport Zoning Regulations" and "Airport Height Zoning Map" as adopted and administered by the Hillsborough County Aviation Authority (HCAA) under the provisions of Chapter 333, Florida Statutes and Chapter 2003-370. Laws of Florida, in-lieu of Section 27-156. Table 4-2.
[4] In cases where a zoning lot or parcel abuts land that is zoned or used for single-family residential use, any building that exceeds thirty (30) feet in height shall setback an additional one (1) foot for each foot of building height above thirty (30) feet.
[5] The minimum sidewalk width shall be provided regardless of the width of the public right-of-way. An applicant may elect to either: (i) install the sidewalk and provide an easement to the Transportation Division, or (ii) pay the applicable in-lieu fee per section 22-103.
### Table 238.2b
Regional Corridors

<table>
<thead>
<tr>
<th>Building setback</th>
<th>Building Height</th>
<th>Public Sidewalk</th>
<th>Streetscape Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>10’ min/20’ max[1]</td>
<td>[3]</td>
<td>6’—10’[5]</td>
</tr>
<tr>
<td>Side, corner, rear</td>
<td>6’[2,4]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### Notes:

[1] May be increased to 58’, only when all other Overlay District parking standards are met, and certain building design features such as arrival amenities (e.g. porticos, visitor drop-off driveways) or pedestrian amenity areas (e.g. courtyards, outdoor cafés) are provided within the increased setback area. A maximum of one (1) row of parking spaces and one (1) drive aisle shall be permitted within the increased setback area; remaining area within increased setback area shall be used for landscaping/tree planting. Intent of the provision is to permit a larger setback to include design features, while also supporting a seamless transition to public realm.

[2] Building setback from property lines adjacent to single-family zone or use shall be a minimum of 15’.

[3] Building heights in the Overlay District shall be controlled by "Airport Zoning Regulations" and "Airport Height Zoning Map" as adopted and administered by the Hillsborough County Aviation Authority (HCAA) under the provisions of Chapter 333, Florida Statutes and Chapter 2003-370, Laws of Florida, in-lieu of Section 27-156, Table 4-2.

[4] In cases where a zoning lot or parcel abuts land that is zoned or used for single-family residential use, any building that exceeds thirty (30) feet in height shall setback an additional one (1) foot for each foot of building height above thirty (30) feet.

[5] The minimum sidewalk width shall be provided regardless of the width of the public right-of-way. An applicant may elect to either: (i) install the sidewalk and provide an easement to the Transportation Division, or (ii) pay the applicable in-lieu fee per section 22-103.
<table>
<thead>
<tr>
<th>Building setback</th>
<th>Building Height</th>
<th>Public Sidewalk</th>
<th>Streetscape Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>10' min/20' max[1]</td>
<td>[3]</td>
<td>6’—10’[5]</td>
</tr>
<tr>
<td>Side, corner, rear</td>
<td>0'[2,4]</td>
<td></td>
<td>30’ interval; planted within the public right-of-way</td>
</tr>
</tbody>
</table>

Notes:

[1] May be increased to 58’, only when all other Overlay District parking standards are met, and certain building design features such as arrival amenities (e.g. porticos, visitor drop-off driveways) or pedestrian amenity areas (e.g. courtyards, outdoor cafes) are provided within the increased setback area. A maximum of one (1) row of parking spaces and one (1) drive aisle shall be permitted within the increased setback area: remaining area within increased setback area shall be used for landscaping/tree planting. Intent of the provision is to permit a larger setback to include design features, while also supporting a seamless transition to public realm.

[2] Building setback from property lines adjacent to single-family zone or use shall be a minimum of 15’.

[3] Building heights in the Overlay District shall be controlled by “Airport Zoning Regulations” and “Airport Height Zoning Map” as adopted and administered by the Hillsborough County Aviation Authority (HCAA) under the provisions of Chapter 333, Florida Statutes and Chapter 2003-370. Laws of Florida, in-lieu of Section 27-156, Table 4-2.

[4] In cases where a zoning lot or parcel abuts land that is zoned or used for single-family residential use, any building that exceeds thirty (30) feet in height shall setback an additional one (1) foot for each foot of building height above thirty (30) feet.

[5] The minimum sidewalk width shall be provided regardless of the width of the public right-of-way. An applicant may elect to either: (i) install the sidewalk and provide an easement to the Transportation Division, or (ii) pay the applicable in-lieu fee per section 22-103.
Table 238.2d

<table>
<thead>
<tr>
<th>Neighborhood Streets</th>
<th>Building setback</th>
<th>Building Height</th>
<th>Public Sidewalk</th>
<th>Streetscape Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>Per underlying zoning district[1]</td>
<td>[3]</td>
<td>5’—8’[5]</td>
<td>30’ interval; planted within the public right-of-way</td>
</tr>
<tr>
<td>Side, corner, rear</td>
<td>0’[2,4]</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**

[1] Typically between 10’ and 25’.
[2] Building setback from property lines adjacent to single-family zoning or use shall be a minimum of 15’.
[3] Building heights in the Overlay District shall be controlled by “Airport Zoning Regulations” and “Airport Height Zoning Map” as adopted and administered by the Hillsborough County Aviation Authority (HCAA) under the provisions of Chapter 333, Florida Statutes and Chapter 2003-370. Laws of Florida, in-lieu of Section 27-156. Table 4-2.
[4] In cases where a zoning lot or parcel abuts land that is zoned or used for single-family residential use, any building that exceeds thirty (30) feet in height shall setback an additional one (1) foot for each foot of building height above thirty (30) feet.
[5] The minimum sidewalk width shall be provided regardless of the width of the public right-of-way. An applicant may elect to either: (i) install the sidewalk and provide an easement to the Transportation Division, or (ii) pay the applicable in-lieu fee per section 22-103.

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(2) **Intensity of use and bonus opportunities.** The base densities and intensities of land use for properties not located in the M-AP Airport Compatibility Plan Category are regulated by the Tampa Comprehensive Plan Future Land Use Plan (hereinafter referred to as FLU), and not those referenced in section 27-156 Table 4-2. Densities and intensities may be increased from the base levels provided in the FLU to the maximum permitted by the FLU through the application of bonus amenities, as described and regulated by the Overlay
District’s governing land development regulations in this section. In no case shall development levels exceed the maximum densities for residential use and intensities (floor area ratios—FARs) for non-residential use as set forth and defined by the FLU.

The intensity of property (FAR) located within an M-AP airport compatibility district shall be as provided for in the FLU and specifically regulated by section 27-171, Table 4-3(1) Schedule of M-AP Permitted Uses, Maximum Floor Area Ratio and Maximum Coverage Regulations.

a. Base densities/intensities. The FLU establishes the base densities or intensities of use permitted by the FLU without the requirement to provide bonus amenities.

b. Bonus densities/intensities; methodology and calculation. An applicant may seek additional density or intensity through the use of bonus amenities up to the maximum level permissible by the FLU. Application to seek an increase over base densities or intensities of use shall be reviewed and approved through the plan review process. The opportunity to achieve density/intensity bonuses shall be based on the regulations set forth in this section and adherence to the methodology and calculations, but not the bonus criteria, set forth in section 27-141. Developments that may achieve bonuses per the provisions of this section shall not exceed the maximum density/intensity levels set forth in the FLU.

c. Review procedures for bonus densities/intensities. The applicant shall submit the proposed bonus amenities to the zoning administrator for review and evaluation during the plan review process. The zoning administrator shall determine compliance with the provisions set forth in this section and report his/her findings as part of the administrative review process. Subsequent to a bonus density/intensity approval and prior to the issuance of the first permit for vertical construction for the project, applicable documents, costs of materials or any other relevant information shall be presented to the zoning administrator to determine compliance with the bonus related conditions.

d. List of bonus amenities. The following list represents bonus amenities which may be provided to achieve increases in density and intensity in the Overlay District. The provisions outlined herein do not mandate or guarantee the award of a bonus to the applicant. Total bonuses shall not exceed the maximum density/intensity levels set forth by the FLU. Each bonus item listed includes the “bonus cost ratio” utilized within the formulas and calculations outlined in section 27-141. The list also includes, in some cases, provisions which signify the priority of a bonus item within the district to achieve such amenities, which significance can affect the level of bonus which may be achieved.

1. Workforce Housing (as defined by the State of Florida) (Bonus Cost Ratio 20:1, plus an additional 0.10 FAR)

2. Provision of public open space and/or enhancements such as parks, plazas and indoor or outdoor performance space available to the public (Bonus Cost Ratio 20:1, plus an additional 0.10 FAR)

3. Mid-block pedestrian connectors through buildings (Bonus Cost Ratio 10:1)

4. Bicycle accommodations such as lockers, shower facilities, etc. (Bonus Cost Ratio 10:1)
5. Provision of public facilities deemed acceptable to the applicable receiving agency of city department (Bonus Cost Ratio 20:1, plus an additional 0.10 FAR)

6. Provision, construction, and maintenance of public access to water resources and amenities through trails, marinas or greenways (Bonus Cost Ratio 10:1)

7. Transit support subsidy or facilities (Bonus Cost Ratio 10:1, plus an additional 0.10 FAR)

8. Leadership in Energy and Environmental Design (LEED) Certified Construction (Bonus Cost Ratio 10:1, plus an additional 0.10 for Silver Certification, 0.20 for Gold Certification or 0.30 for Platinum Certification)

9. Energy Star Certification (Bonus Cost Ratio 10:1, plus an additional 0.10 for an 80% score, 0.20 for a 90% score or 0.30 for a 100% score)

10. Public art pursuant to City of Tampa Code Chapter 4 Public Art (Bonus Cost Ratio 20:1)

11. Child care center (Bonus Cost Ratio 10:1)

12. Enhanced or increased streetscape, sidewalk and pedestrian designs accessible to the public (Bonus Cost Ratio 20:1)

(3) Streetscape lighting standards: Light poles and fixtures within the Kennedy Boulevard corridor shall follow the street lighting standards set forth in section 27-243. Light poles and fixtures along all other street corridors within the district shall follow the standards set forth in the Westshore Pedestrian Plan. Streetscape lighting shall be aimed away, or otherwise shielded, from residential uses so as not to create a negative impact on the adjacent residential uses.

(4) Building and site standards.

a. Pedestrian amenities shall be provided next to areas used by the public, including, but not limited to shade trees, public open space, water features, sitting areas and mass transit stops.

b. At least thirty (30) percent of the ground level of all principal building façades(s) fronting and visible from the public right-of-way shall be constructed of transparent material.

c. Drive-through window services and queuing lanes shall be placed in the side or rear yard of the parcel on which it is located. Drive through window services and queuing lanes shall be located no closer than fifty (50) feet to residentially zoned properties. Speaker systems shall not be aimed towards residually zoned properties and the owner of the speaker shall provide evidence that the noise levels created by the speaker system do not exceed noise levels allowed by the city. Queuing lanes areas should incorporate natural surveillance techniques.

d. Chain link and wooden fences are prohibited on parcels regulated in the Overlay District, except during construction. Construction fencing shall be removed prior to obtaining any certificate of occupancy. Decorative fencing for the purposes of implementing CPTED principles is encouraged. Any existing chain link or wooden fencing shall be removed prior to the issuance of any site or building permit for new construction and/or change of use as defined in Chapter 27, City of Tampa Code of Ordinances. In the event of destruction, damage or deterioration of a non-conforming fence that has occurred
in the amount of fifty (50) percent of its material value, that compromises the fence, such fence may only be repaired or reconstructed in conformity with the requirements of this section.

e. Unpainted or unfinished block fences or walls are prohibited. All sides and elevations of buildings, walls, or block fences visible from public right-of-way or an adjacent parcel must be architecturally finished (i.e. brick, stucco, or textured concrete masonry units) and maintained.

f. At least seventy (70) percent of continuous front façade that is oriented to and visible at ground level from public rights-of-way shall be embellished with doors, windows and other architectural features as methods to break large wall planes into smaller components.

g. All outdoor onsite light fixtures must light all public use areas adjacent to the building (e.g. entryway, courtyards, parking lots, etc.) to a recommended 0.5 to 1.0 foot candle level of illumination. Light fixtures shall be aimed away, or otherwise shielded, from residentially zoned properties and shall be of an intensity that does not create a negative impact on the adjacent residential properties.

h. Any exterior garbage receptacles, dumpsters, open storage areas (as defined in section 27-43) or mechanical equipment must be screened from view from public rights-of-way and residential single-family zoned property with opaque or solid materials similar to those utilized by the principal structure. Additionally, garbage receptacles, dumpsters, open storage areas and/or mechanical equipment must be a minimum twenty-five (25) feet from any property zoned for single-family residential uses.

i. Rooftop equipment, excluding vents and stairwell access, shall be screened from view as visible from a pedestrian on any adjacent public right-of-way by use of parapet walls or architecturally compatible screens.

j. Continuous sidewalks shall be provided along the entire length of street frontage, and shall be aligned with and connected to that of adjacent and contiguous properties.

k. For properties with multiple tenants and/or multiple structures on site, pedestrian circulation shall be provided between tenants and/or structures through the use of a sidewalk or other suitable pedestrian connections, not less than five (5) feet wide and where applicable, shall align with and connect to that of adjacent and contiguous properties. Sidewalk paving or other pedestrian connections, where applicable, must continue uninterrupted across the mouth of all curb cuts, subject to section 22-315 of the City of Tampa Code of Ordinances.

l. Retention ponds shall be maintained and screened with landscaping or fencing or must contain special site features, such as fountains or reflecting pools.

m. The entrance to all service bays for automotive repair and service businesses must be oriented away from view of any arterial or collector roadway(s) and residentially zoned properties. All automotive repair and service shall take place within the fully enclosed area of the building in which such use is located.

n. All buildings shall have pedestrian access oriented toward the public sidewalk adjacent to the street.

o. Illuminated tubing which outlines a building, fence or other similar structure or part thereof, measuring more
than twenty (20) linear feet or enclosing any area greater than twenty (20) square feet is prohibited.

p. The numerical address of each building should be clearly displayed and easily observed from the public right-of-way.

(5) Parking standards:

a. Existing surface parking areas (vehicular use areas) shall be improved pursuant to the requirements of this section if any site or grading permit is issued, if the pavement materials have to be repaired or replaced due to physical deterioration, or a redesign of said area occurs.

b. Vehicle access shall have minimal impact on pedestrian circulation. Sidewalk paving must continue uninterrupted across the mouth of all curb cuts, subject to section 22-315 of the City of Tampa Code of Ordinances. Decorative pavers, other textured material, or similar permanent delineations shall be used across the mouth of all curb cuts to provide a pedestrian conveyance.

c. The façade of parking structures which are within twenty (20) feet of a priority pedestrian street right-of-way must consist of commercial, retail, or office uses on the ground level.

d. Parking structures shall provide landscaping adjacent to those areas which are visible from the street right-of-way. When the parking structure is abutting land zoned or used for single-family residential use, the façade of the parking structure shall be made opaque (to the extent possible without installation of forced ventilation) pursuant to Life Safety and Building Code requirements.

e. A minimum of eighty (80) percent of all surface parking for commercial properties shall be located in the side or rear yard of the property. All surface parking for other non-single-family residential properties shall be located in the rear or side yard of the property, unless it can be demonstrated that the rear yard of the property can not accommodate such parking, then the side yard may be used to provide the additional parking required. CPTED techniques should be incorporated in the design and security of all parking areas (i.e., visibility, access and security).

f. Vehicular use areas shall not be closer than twenty-five (25) feet from property zoned for single-family uses and shall be screened from said residential uses with a six-foot high masonry wall and fifteen (15) feet landscaped buffer.

g. It is recommended that parking facility lighting maintain a minimum onsite illumination as published in the "Illumination Engineering Society, IES Lighting Handbook" (edition current at the time of permit application). Parking facility lighting shall be aimed away, or otherwise shielded from residential uses, so as not to create a negative impact on such uses.

h. Parking structures should have sufficient security measures and will be reviewed by a certified CPTED practitioner.

i. Applicable off-street parking and loading ratios by use shall comply with Article VI, Division 3, Off-Street Parking and Loading. However, alternative parking ratios and design for mixed-use developments or unique development circumstances may be permitted pursuant to procedures set forth in section 27-60, Alternative Design Exceptions. Regarding off-street loading, every use requiring a loading berth(s) for the receipt and distribution by vehicles of materials and merchandise shall only be required to have one (1) loading berth.
When the off-street loading space requirements of a specific use or development can be shown to require anything less than the requirements of this section, a reduction to these standards may be authorized pursuant to section 27-283.15.

j. The aisle width between stall lines for ninety (90) degree parking shall be reduced from twenty-six (26) feet to twenty-four (24) feet.

(6) Landscaping, buffers, screening and protected tree standards.

a. An eight-foot landscape buffer shall be provided along the boundary of all vehicular use areas abutting public right-of-way. Said buffer shall adhere to the following:
   1. One (1) four-inch caliper tree per thirty (30) linear feet of vehicular use area abutting a right-of-way;
   2. A two-foot hedge planted twenty-four (24) inches on center;
   3. All plants shall meet or exceed the requirements of Chapter 13;
   4. Trees adjacent to surface parking areas should be trimmed to maintain a six-foot clear height, hedges and shrubs should be trimmed to maintain a maximum of two (2) feet in height.

Through the alternative design exception process, pursuant to section 27-60, the zoning administrator or designee may consider the following:

5. Buffer trees may be grouped and larger diameter trees may be substituted at a rate of two (2) inches for every one (1) inch required; consideration of this alternative shall be considered on a case by case basis;
6. Reduction in the width of a landscaped buffer to no less than three (3) feet, for those vehicular use areas that abut priority pedestrian streets and where pedestrian areas (sidewalks or pedestrian/bicycle paths) are proposed and provided payment in-lieu of landscaping is made pursuant to section 27-285(e).

b. The standards set forth in section 27-285 shall apply for the calculation of the minimum amount of landscaped area required for a development. If the minimum amount of landscaped area cannot be provided, reduction of the landscaped area (regardless of the percentage being requested) may be considered through an alternative design exception review, and shall be subject to the in-lieu payment procedure set forth in section 27-285(e)(2); however, all portions of each site that are not devoted to building or paving shall be landscaped. No more than thirty (30) percent of any landscaped area may be grassed; the balance shall be landscaped in shrub and ground covers. All types of Bahia grasses shall be prohibited in front yard setbacks or any other grassed areas visible to a pedestrian from an adjacent public right-of-way.

c. Properties adjacent to residentially zoned properties shall maintain a fifteen-foot landscaped buffer and six-foot high masonry wall. Said buffer shall consist of at least one (1) tree per sixty (60) linear feet of abutting property.

d. All landscaping must be maintained in good order and all applicants for new construction or change of use shall provide a schedule of maintenance for the installed landscaping.

e. No more than seventy-five (75) percent of protected trees on a parcel may be removed from the development parcel. For purposes of the Overlay District, protected trees shall be defined as any protected tree that
is ten (10) inches or greater in diameter at breast height (d.b.h.). This standard shall not apply to development proposals where the proposed use is principal parking. Mitigation for tree removal (i.e., five (5) inches or greater for trees other than palms and ten (10) inches or greater for palms) shall be in accordance with the criteria established in Ch. 13-165 (f) Schedule E - Tree Equivalency Table.

f. The removal of grand trees shall only be permitted in accordance with the regulations and processes established in Chapter 13.

(7) **General sign standards.** The following standards shall apply to new signs. The following provisions are intended to establish a distinct character for the Overlay District by creating an appealing environment, reduce distractions to motorists and pedestrians and reduce visual blight.

a. The sign standards provided herein offer a coordinated graphic program that provides for occupant identification and directional communication, while allowing the creation of unique and informative signs that give a distinct and aesthetically pleasing flavor. These standards are not intended to prohibit unusual signs that may enhance the character of the building, or reflect the nature of the business. Also, these standards are intended to provide additional or supplemental sign regulations to Article VI, Division 6, Signs, City of Tampa Code of Ordinances. Reference shall be made to Article VI, Division 6 for any other sign requirements.

1. Billboards, are prohibited. Only signs that advertise the business conducted, services rendered, occupant names/symbols, or primary goods sold on the site upon which the sign is erected will be permitted. Signs vested under previous agree-ments between the City of Tampa and the sign owner will not be affected by this district.

2. No sign on a parcel adjacent to or within three hundred (300) feet of a residence shall be illuminated from 11:00 p.m. to 7:00 a.m., except where the premises that the sign advertises is open for business. At no time shall the light from a sign be directed towards a residence.

3. Freestanding signs for single occupancy parcels shall be limited to a maximum of fifty (50) square feet in dimension per sign face. Such signs are limited to a maximum height of ten (10) feet at a setback of five (5) feet, subject to the requirements of section 27-283.5.

4. Freestanding signs for multiple occupancy parcels which are entitled to one (1) sign shall be limited to a maximum of one hundred (100) square feet in dimension per sign face. Such signs are limited to a maximum height of ten (10) feet, subject to the requirements of section 27-283.5.

5. Freestanding signs shall be subject to the following additional provisions: for every one (1) foot of additional setback provided, the height of the freestanding sign may be increased by one (1) foot to a maximum of twenty (20) feet. The freestanding sign shall consist of a single pier or pillar with a minimum diameter or horizontal dimension of twenty-four (24) inches, or alternatively, by two (2) piers or pillars each with a minimum diameter or horizontal dimension of twelve (12) inches. The sign structure shall be made of materials consistent with and
maintain compatible architectural design with the principal building it serves. Furthermore, the sign shall have a decorative base with a minimum height of two (2) feet and a minimum length of not less than eighty (80) percent of the maximum length of the sign face.

6. If a multiple occupancy parcel is entitled to more than one (1) freestanding sign, per Article VI, Division 6, then all allowable freestanding signs may be combined into a single freestanding sign not to exceed one hundred (100) square feet per sign face. Ground signs are limited to a maximum height of fifteen (15) feet and pylon signs shall be limited to twenty (20) feet.

7. The surface area of all shapes, letters, numbers, symbols or illustrations on a marquee, canopy or awning sign shall not exceed twenty-five (25) percent of the marquee, canopy or awning sign surface. Only awnings and canopies constructed of opaque material may be illuminated.

8. Building signs shall not exceed more than one (1) square foot per one (1) linear foot of building frontage facing a public street. No wall sign shall extend more than twelve (12) inches out from the wall to which it is attached nor shall it extend more than eighteen (18) inches into the public right-of-way.

9. Multi-family residential dwelling identification signs must comply with section 27-289.12(b), and shall not exceed fifteen (15) feet in height.

10. Pylon signs are prohibited along Kennedy Boulevard, and shall be located no closer than one hundred (100) feet from the Kennedy Boulevard right-of-way.

11. Signs shall be prohibited on transit shelters, with the exception of government signs, as defined in Article VI, Division 6.

12. Any sign deemed nonconforming per the sign standards set forth in this section or Article VI, Division 6 shall not be enlarged or altered in a way which increases its degree of nonconformity. Such signs shall not be structurally altered as to prolong the life of the sign; however, reasonable repair and maintenance, including change of copy, is permitted. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include the replacement of structural materials, such as changing a metal sign to a wooden sign, or changing the overall height of the sign, or enhancing the visibility of the sign copy, or the addition of changeable sign faces, or the addition of artificial lighting apparatus.

(h) Transit stop provisions. Wherever possible, development within the Westshore Overlay District shall be designed to maximize the efficiency of mass transit. The developer shall coordinate with the City of Tampa and the Hillsborough Area Regional Transit (HART line) system to determine if the site warrants transit stop improvements such as easement dedication or transit shelters. These improvements may be considered for justification for the reduction of up to ten (10) percent of the required parking spaces.

(i) Curb cuts/access management. Requests for additional curb cuts, for existing development, will only be considered in instances of public
safety issues. In cases where such a curb cut is approved, the petitioner shall be solely responsible for any off-site or site specific improvements which are necessary to facilitate the design of the driveway or curb cut, including but not limited to signalization, turn lanes, and accel/decel lanes. These transportation improvements are not creditable against transportation impact fees.

(j) Roadway landscaping guidelines. All roadway improvements within the district plus SR 60 from the western city limits to Kennedy Blvd. which serve as gateways into the Westshore Overlay District, shall dedicate a minimum of one (1) percent of the total cost of the improvement for landscaping and irrigation within or adjacent to the improvement area. The design of such landscaping and irrigation should be reviewed and approved by the City of Tampa.
(Ord. No. 2012-127, § 1, 11-1-2012)

Sec. 27-239. Seminole Heights Residential Overlay District Development Design Standards.

(a) Area description and boundaries. The Seminole Heights Residential Overlay District is comprised of residential properties within the Seminole Heights neighborhoods. A Historic District has been established within the central core of the area, and this overlay is separate and distinct both in purpose and geographic location from the historic district.

The established boundaries of the district are as follows:

Begin at the intersection of the centerline of North 15th Street and Dr. Martin Luther King, Jr. Boulevard; thence Westerly along said centerline of Dr. Martin Luther King, Jr. Boulevard, to the centerline of the Hillsborough River; thence meandering Northerly along said centerline of Hillsborough River to the centerline of the Northerly projection of the Easterly boundary of Lot 7, Block A, Riverbend Manor a subdivision of record as recorded in Plat Book 17 Page 1 of the public records of Hillsborough County, Florida; thence Southerly along said Northern Projection and Easterly boundary of Lot 7, to the centerline of Park Circle; thence Westerly along said centerline of Park Circle to the centerline of Mentone Street; thence Southerly along said centerline of Mentone Street to the centerline of Crawford Circle; thence Northerly along said centerline of Crawford Circle to the centerline of 15th Street; thence Southerly along said centerline of 15th Street to the centerline of Dr. Martin Luther King, Jr. Boulevard and the point of beginning.

(b) Purpose and intent. The purpose and intent of the Seminole Heights Residential Overlay is to ensure that infill residential development and additions thereto are compatible in building and structural orientation, height, lot dimensional requirements and other site spatial relationships to the precedent within the established neighborhood. Nonresidential properties are not subject to the provisions of the overlay district.

(c) Compliance. Every application for new residential dwellings and accessory structures, and for additions thereto of five (5) percent or more, shall comply with all applicable overlay district and underlying zoning district standards or those standards outlined in their city council approved site plans. In cases of conflict, the more restrictive standard(s) shall apply. These are the minimum requirements that must be met in order to obtain approval. Alternative concepts to those standards may be considered by the zoning administrator if consistent with the above mentioned purpose and intent. Any person aggrieved by any order, requirement, decision, or determination of the zoning administrator with regard to these design standards may appeal that order, requirement, decision, or determination by filing a petition with the VRB for an administrative appeal in accordance with section 27-61(a). The VRB shall hold a public hearing to consider testimony or evidence from the public to better understand the purpose and intent of the overlay district and the character of the surrounding neighborhood. The VRB shall make final determination as to whether the proposal is consistent with the development standards of this section and with the above stated purpose and intent.

(d) Review procedures. Final compliance with all site and building design standards will be determined during the site plan review process.
(e) **General building standards.**

(1) **Orientation:** The building fronts of all new residential structures shall be oriented towards the front yards of the zoning lot. Front yards shall be determined as defined in section 27-161.

   a. Consideration may be given by the zoning administrator for an alternate orientation when building front orientation is requested to follow the precedent pattern of development on the subject and immediately adjacent blocks and the alternate orientation shall be in character with that pattern.

   b. Newly created zoning lots shall have their front, rear, side and corner yard orientations follow the precedent pattern of development on the subject and immediately adjacent blocks. Any newly created zoning lot which demonstrates an alternative lot orientation to that which is original and precedent shall be reviewed as a Special Use 1 and meet the additional criteria identified in section 27-132.

(2) **Setbacks:** Front yard setbacks shall be determined by block averaging. The underlying zoning district shall define all other setback requirements. Variances may be given by the zoning administrator when the precedent pattern of development on the subject and immediately adjacent blocks is less than the current setback requirement.

(3) **Carports:** One-story, unenclosed carports constructed as part of the principal structure ("porte-cochere") may be placed within three feet of the side yard property line.

(4) **Attached garages:** The structural edge of the vehicular entrance to the garage, carport, or other vehicular storage area, when oriented to the front yard, shall be constructed no closer to the street than the front wall of the principal structure.

(5) **Fencing:** The erection of chain link fencing within the front yards of residentially zoned lots is prohibited.

(6) **Alley access:** If an existing lot is adjacent to an open and used public alley, vehicular access to the site may be provided from the alley as the primary access point.

(7) **Roof pitch:** Minimum roof pitch for new principal structures shall be a minimum of 6:12 (ratio of rise to run). Flat roofs with parapet walls shall be permitted on new principal structures. Roof pitches for additions which increase the gross square footage of the principal structure shall match the pitch of the existing roof. Open porches and dormers are excluded from this requirement.

(8) **Floor height:** The intent of requiring an elevated finish floor for residential development is to encourage compatible design with the historic housing styles which are characteristic of the Seminole Heights area. The finished floor height of all new single detached, single-family semi detached, single-family attached shall be a minimum of eighteen (18) inches above the finish grade as measured along all sides of the structure. The finished grade shall not be the result of trenching or regrading around the structure for the purpose of satisfying this requirement and the site must meet all applicable stormwater requirements. The zoning administrator may consider a front yard encroachment for stairs reaching a height greater than thirty-six (36) inches above finished grade, that provide access to a front porch or front entry, where it is clearly demonstrated that the natural topography of a site, in combination with the minimum finished floor and front setback average requirements, as stated in this section, causes a design conflict.

(9) **Parking:** No driveway shall be constructed from the road to the front yard face of the principal structure unless providing vehicular access to an attached garage or carport in accordance with the other sections of this ordinance.
(10) Accessory structure: Except as set forth in subsection (a) below, the maximum height of an accessory structure shall be twenty-two (22) feet six (6) inches. Except as set forth in subsection (b) below, the requirements of the underlying zoning district shall govern the distance separation requirements from the principal structure to detached garages and other accessory structures, as well as the setback requirements.

a. The zoning administrator may approve a higher height limit if it can be shown that higher accessory structures are a precedent characteristic of the subject block and of the immediately adjacent blocks within the district.

b. The zoning administrator may reduce the distance separation requirement between accessory structures and principal structures, and setback requirements, when it is demonstrated that such a reduction is the precedent characteristic of the subject block and of the immediately adjacent blocks within the district. In no case may the distance be less than that required in public safety, building safety or fire safety codes.

(11) Ribbon driveways: Single car "ribbon driveways" may be constructed at a minimum overall width of nine (9) feet with six (6) feet wide apron flares on the right-of-way. For properties located along local roads which have a posted speed limit of twenty-five (25) miles per hour or less, the driveway may be constructed with an overall width of seven (7) feet with three (3) feet wide apron flares.

Sec. 27-240. East Tampa Overlay District Design Standards.

(a) Area description and boundaries. The East Tampa Overlay District is an area consisting of residential neighborhoods, regional and local commercial centers and industrial areas. Within the district, there are major roadways which serve as the commercial and industrial corridors for the area, with the residential development primarily situated on the local streets.

That Part of Sections 1, 12 and 13, Township 29 South, Range 18 East, AND Sections 31, 32 and 33, Township 28 South, Range 19 East AND Sections 4, 5, 6, 7, 8, 9, 10, 16, and 17, Township 29 South, Range 19 East, all lying within the City of Tampa, Hillsborough County, Florida, lying within the following described boundaries to wit:

Beginning at the intersection of the centerline of Hillsborough Avenue (State Road 600) and the centerline of 50th Street, said intersection also being a point on the Easterly boundary of the corporate limits of the City of Tampa, as established by House Bill 734, approved by the Governor of Florida on, April 28, 1953, filed in the office of the Secretary of the State on, April 29, 1953; thence Southerly along said Easterly boundary of the corporate limits of the City of Tampa, to its intersection with the centerline of Dr. Martin Luther King, Jr. Boulevard (State Road 574); thence Easterly along said centerline of Dr. Martin Luther King, Jr. Boulevard and corporate limits of the City of Tampa, to its intersection with the centerline of 56th Street; thence Southerly along said centerline of 56th Street and corporate limits of the City of Tampa, to its intersection with the centerline of Interstate Highway 4 (State Road 400); thence Southwesterly and Westerly along said centerline of Interstate Highway 4, to its intersection with the with the Easterly boundary of the existing local Ybor City Historic District, as established per City of Tampa Ordinance 9324-A; thence Northerly along said Easterly boundary of the local Historic District, to the Northeasterly corner thereof; thence meandering Westerly and Southerly along said existing Historic District boundary, to its intersection with the centerline of Interstate Highway 4 (State Road 400); thence Westerly along said centerline of Interstate Highway 4, to its intersection with the Interstate Highway 275 (State Road 93); thence Northerly along said centerline of Interstate Highway 275, to its intersection with the centerline of Dr. Martin Luther King, Jr. Boulevard (State Road 574); thence Easterly along said centerline of Dr. Martin Luther King, Jr.
Boulevard, to its intersection with the centerline of 15th Street; thence Northerly along said centerline of 15th Street, to its intersection with the centerline of Comanche Avenue; thence Easterly along said centerline of Comanche Avenue, to its intersection with the centerline of 22nd Street; thence Northerly along said centerline of 22nd Street, to its intersection with the centerline of Henry Avenue; thence Easterly along said centerline of Henry Avenue, to its intersection with the centerline of 30th Street; thence Southerly along said centerline of 30th Street, to its intersection with centerline of Comanche Avenue; thence Easterly along said centerline of Comanche Avenue, to its intersection with the Westerly boundary of the Southerly 291.00 feet of the Easterly 500.00 feet of the Southeast 1/4 of the Southwest 1/4 of said Section 33, Township 28 South, Range 19 East; thence Northerly along said Westerly boundary, to its intersection with the Southerly boundary of Lot 19, of said NORTHVIEW TERRACE SUB.; thence Southerly along said Northerly projection and Easterly boundary, to and along the Easterly boundary of said Lot 19, to the Southeast corner of said Lot 19, said Southeast corner, also being a point on the Northerly boundary of the following described parcel: Beginning at the intersection of the West boundary of Lot 60 of PLAT OF FUNK’S HOME PARK SUBDIVISION, as recorded in Plat Book 19, Page 9 of the public records of Hillsborough County, Florida, and the north right-of-way line of Hillsborough Avenue, said point lying 17.00 feet North of the Southwest corner of said Lot 60, thence Northerly along Easterly boundary of vacated alley abutting on the East of Block 2 of REVISED MAP OF RUBENSTEINS SUBDIVISION, as recorded in Plat Book 8, Page 38 of the public records of Hillsborough County, Florida, and the Northerly projection of said boundary, a distance of 532.70 feet, to a point lying 66.00 feet, more or less, Southerly of the Northerly boundary of the Southwest 1/4 of the Southwest 1/4 of the Southeast 1/4 of said Section 33, Township 28 South, Range 19 East, thence Westerly 632.00 feet, thence Southerly to the north right-of-way line of Hillsborough Avenue, thence Easterly 632.00 feet, to the Point of Beginning, of said parcel; thence Easterly along said Northerly boundary, of the above described parcel, to a point on the Westerly boundary of Lot 50 of said, PLAT OF FUNK’S HOME PARK SUBDIVISION; thence Northerly along said Westerly boundary of Lot 50, to and along the Westerly boundary of Lot 49, of said PLAT OF FUNK’S HOME PARK SUBDIVISION, to the Northwest corner of said Lot 49, said Northwest corner, also being a point on the Northerly boundary of said PLAT OF FUNK’S HOME PARK SUBDIVISION; thence Easterly along said Northerly boundary of PLAT OF FUNK’S HOME PARK SUBDIVISION, and its Easterly projection, across the street right-of-way of 47th Street, to and along the Easterly boundary of the South 1/2 of the Southeast 1/4 of the Southeast 1/4 of said Section 33, Township 28 South, Range 19 East, to its intersection with said Easterly boundary of the corporate limits.
of the City of Tampa, said intersection also being a point on the centerline of said 50th Street; thence Southerly along said Easterly boundary of the corporate limits of the City of Tampa and centerline of 50th street, to its intersection with the centerline of Hillsborough Avenue (State Road 400), said intersection being the Point of Beginning.

(b) **Purpose and intent.** The purpose and intent of the East Tampa Overlay District is to promote a sustainable and economically viable mixed-use community, while protecting and preserving those areas that are predominately residential. The development and redevelopment of the area will need to meet specific design standards to preserve the unique character of the existing community. The Overlay District shall further the principles of Crime Prevention through Environmental Design (CPTED) through the incorporation of the principles of natural surveillance, natural access control, and territorial reinforcement.

(c) **Compliance.** Each application for new construction or major renovation, as defined in Chapter 27, City of Tampa Code of Ordinances, and/or any development undergoing a change of use/increase of intensity review, shall comply with all applicable overlay district and underlying zoning district standards and, if applicable, those specific standards outlined in the city council approved site plan. In cases of conflict, the more restrictive standard(s) shall apply. These are the minimum requirements that must be met in order to obtain design approval. Each application for residential or non-residential project which requires approval by the city council or the variance review board, through the public hearing process, is required to be submitted for review by the East Tampa Community Revitalization Partnership (CRP). A copy of the application, including a site plan, shall be required to be filed with the East Tampa CRP as part of the application submittal requirement.

Alternative design concepts that allow for sustainable development, as defined in section 27-43, may be considered and approved by the zoning administrator (and/or designee) if consistent with the above stated purpose and intent. Any person aggrieved by any order, requirement, decision, or determination of the zoning administrator may be considered and approved by the zoning administrator (and/or designee) if consistent with the above stated purpose and intent. Any person aggrieved by any order, requirement, decision, or determination of the zoning administrator with regard to these design standards may appeal that order, requirement, decision, or determination by filing a petition with the variance review board for an administrative appeal in accordance with section 27-61(a). The variance review board shall hold a public hearing and is not limited in its review to those matters reviewed by the zoning administrator, but may consider testimony or evidence from the applicant, the city staff and the public to better understand the purpose and intent of the overlay district and the character of the surrounding neighborhood. The variance review board shall make final determination as to whether the alternative design concept is consistent with the development standards of this section and with the above stated purpose and intent.

(d) **Review procedures.** Final compliance with all site design, building design, and sign standards will be determined during the commercial site plan and building plan review process.

(e) **Density and setback.**

(1) **Residential.**

a. **Density:** Any residential lot of record, existing as of January 1, 2000, which is located within the East Tampa Overlay District, shall be deemed to be a conforming lot and may be developed for any use permitted in the underlying zoning district. The proposed development may not exceed the maximum density allowed by the adopted City of Tampa Comprehensive Plan.

b. **Setbacks:** All structures must meet all land development regulations with the exception of the yard setback requirements set forth below. The following yard setback requirements shall apply within this overlay district:
### Side:

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<tr>
<th>Side</th>
<th>5'</th>
</tr>
</thead>
</table>

| Rear   | 15' |

| Corner: | 5', except garage or carport openings which must maintain a minimum setback of 15' |

### Front Yard Setbacks

- **Front yard setbacks** shall be determined by block averaging. Variances may be given by the zoning administrator when the precedent pattern of development on the subject and immediately adjacent blocks is less than the current setback requirement.

### Orientation

- **Orientation:** The building fronts of all new residential structures shall be oriented towards the front yards of the zoning lot. Front yards shall be determined as defined in section 27-161. Consideration may be given by the zoning administrator for an alternate orientation when building front orientation is requested to follow the precedent pattern of development on the subject and immediately adjacent blocks and the alternate orientation shall be in character with that pattern.

### Garages, Carports, Vehicle Storage Areas

- **Garages, carports, vehicle storage areas:** The structural edge of the vehicular entrance to the garage, carport, or other vehicular storage area, when oriented to the front yard, shall be constructed no closer to the street than the front wall of the principal structure.

### Parking

- **Parking:** No driveway shall be constructed from the road to the front yard face of the principal structure unless providing vehicular access to an attached garage or carport in accordance with the other sections of this ordinance. All other development standards of the underlying zoning district must be met.

### Building Design

- **Building design:** Unpainted or unfinished block building walls, fences, or other walls are prohibited. All sides and elevations of buildings, walls, or block fences visible from public right-of-way or an adjacent parcel must be architecturally finished and maintained with congruous materials, such as brick, stucco, or textured concrete masonry units. For residential structures, paint over non-textured block shall not be considered architecturally finished.

### Nonresidential

- **Nonresidential.** Any nonresidential lot of record existing as of January 1, 2000, which is located within the East Tampa Overlay District, shall be deemed to be conforming and may be developed for any use permitted in the underlying zoning district. All development shall adhere to the standards of the underlying zoning district and other land development regulations.

### General Building Design Standards (Nonresidential)

1. Unobstructed pedestrian access and shelter, shade and/or weather protection shall be provided along streets and public rights-of-way through the use of shade trees, awnings, arcades, balconies, overhangs, etc., and shall provide any other appropriate pedestrian amenities (e.g. benches), subject to subsection (i) below. Additionally, mass transit stops, when appropriate, shall be provided.

2. Drive-through window services and queuing lanes shall be placed in the side or rear yard of the parcel on which it is located. Drive through window services and queuing lanes shall be located no closer than fifty (50) feet to residentially zoned properties. Speaker systems shall not be aimed towards residentially zoned properties and the owner of the speaker shall provide evidence that the noise levels created by the speaker system do not exceed levels allowed by the city.
(3) Unpainted or unfinished block building walls, fences or other walls are prohibited. All sides and elevations of buildings, walls, or block fences visible from public right-of-way or an adjacent parcel must be architecturally finished and maintained with congruous materials, such as paint, brick, stucco, or textured concrete masonry units.

(4) Doors, windows, and other architectural features shall be used to break large wall planes into smaller components. No more than thirty (30) percent of consecutive front façade that is oriented to and visible at ground level from public rights-of-way may remain unembellished.

(5) All outdoor light fixtures must be installed in order to light all public use areas adjacent to the building (e.g. entryway, courtyards, parking lots, etc.). Light fixtures shall be aimed away from residentially zoned properties and shall be of an intensity that does not create a negative impact on the adjacent residential properties.

(6) Continuous sidewalks shall be provided along the entire length of street frontage, and shall be aligned with and connected to that of adjacent and contiguous properties.

(7) For properties with multiple tenants and/or multiple structures on site, pedestrian circulation shall be provided between tenants and/or structures through the use of a sidewalk or other suitable pedestrian connection (e.g. striping paved area to show pedestrian connectivity), not less than five (5) feet wide and where applicable, shall align with and connect to that of adjacent and contiguous properties. Sidewalk paving or other pedestrian connections, where applicable, must continue uninterrupted across the mouth of all curb cuts, subject to section 22-315 of the City of Tampa Code of Ordinances.

(8) The entrance to all service bays for automotive repair and service business must be oriented away from view of any arterial or collector roadway(s) and residentially zoned properties. All automotive repair and service shall take place within the fully enclosed area of the building in which such use is located.

(9) Chain link and wooden fences are prohibited except during construction. Such construction fencing shall be removed prior to obtaining any certificate of occupancy. Zoning lots that do not have frontage on an arterial or collector road may use black, vinyl-clad chain link or decorative wire fencing material, except along property lines subject the requirements of section 27-284. Decorative fencing for the purposes of implementing CPTED principles is encouraged.

(g) Landscape, buffers and screening.

(1) Residential development shall meet the landscaping and buffering requirements of this chapter and Chapter 13, Tree and Landscaping Code.

(2) Nonresidential landscaping standards shall be as follows:
   a. An eight-foot landscape buffer shall be provided along the boundary of all vehicular use areas abutting public right-of-way. Said buffer shall contain one (1) four-inch caliper tree per thirty (30) linear feet of vehicular use area abutting a right-of-way, and a two-foot hedge planted requirements of section 27-285. Buffer trees may be grouped and larger diameter trees may be substituted on a two-inch for one-inch basis within an alternative design concept and considered on a case by case basis. Trees adjacent to surface parking areas should be trimmed to maintain a six-foot clear height, hedges and bushes should be trimmed to maintain a maximum of two (2) feet in height.
   b. All portions of each site that are not devoted to building or paving shall be landscaped. No more than thirty (30) percent of the landscaped area
may be grassed, the balance shall be landscaped in shrub and ground covers.

c. Properties adjacent to residentially zoned properties shall maintain a fifteen-foot landscaped buffer and six-foot high masonry wall. Said buffer shall consist of at least one tree per sixty (60) linear feet of abutting property.

d. All landscaping must be maintained in good order.

(h) **General sign standards.** The following sign standards shall apply to new signs

1. Billboards and/or off-site signs are prohibited. Only signs that advertise the business conducted, services rendered, occupant names/symbols, or primary goods sold on the site upon which the sign is erected will be permitted.

2. No sign on a parcel adjacent to or within one hundred (100) feet of a residence shall be illuminated from 11:00 p.m. to 7:00 a.m., except where the premise that the sign advertises is open for business. At no time shall the light from a sign be directed towards a residence.

3. Signs shall meet all other requirements of Article VI, Division 6.

(i) **Encroachments.** Encroachments into the public right-of-way for awnings, awning signs, architectural features, streetscape features or street furniture may be authorized by the department of public works.

A separate encroachment application for awnings and architectural features may not be required provided the projections comply with the criteria listed in section 27-204(g)(1) through (5) of the City of Tampa Code of Ordinances.

(j) **Transit stops provisions.** Wherever possible, development within the East Tampa Overlay District shall be designed to maximize the efficiency of mass transit. The developer shall coordinate with the City of Tampa and the Hillsborough Area Regional Transit (HARTline) system to determine if the site warrants transit stop improvements such as easement dedication or transit shelters. These improvements may be considered for justification for the reduction of up to twenty (20) percent of the required parking spaces.

**Sec. 27-241. West Tampa Overlay District Development Design Standards.**

(a) **Area description and boundaries.** West Tampa is a diverse area comprised of commercial, multi-family, and single family uses existing side by side. A national historic district was mapped in the early 1980's for continuity of structures developed in the 1920's and earlier. The development patterns and physical and dimensional character created by the structures and roadway network built at that time, is the precedent development pattern which this overlay district seeks to maintain. The area is generally bound by Tampa Bay Boulevard and the Hillsborough River on the north, North A and North B streets on the south, Rome Avenue and North Boulevard on the east, and Habana & MacDill Avenues on the west. More specifically described as the area bounded by:

That part of Sections 10, 11, 14, 15, 22 and 23, Township 29 South, Range 18 East, all lying within the City of Tampa, Hillsborough County, Florida, lying within the following described boundaries to wit:

Beginning at the intersection of the centerline of North "A" Street and the centerline of Habana Avenue, run thence northerly along said centerline of Habana Avenue, to it's intersection with the centerline of Cypress Street; thence westerly along said centerline of Cypress Street, to it's intersection with the centerline of Saint John Street; thence easterly along said centerline of Saint John Street, to it's intersection with the centerline of Habana Avenue; thence northerly along said centerline of Habana Avenue, to it's intersection with the centerline of Tampa Bay Boulevard; thence easterly along said centerline of Tampa Bay Boulevard, to it's intersection with the centerline of Armenia Avenue; thence southerly along said centerline of Armenia Avenue, to it's intersection with the centerline of...
Dewey Street; thence easterly along said centerline of Dewey Street, to it’s intersection with the centerline of Howard Avenue; thence southerly along said centerline of Howard Avenue, to it’s intersection with the centerline of Abdella Street; thence easterly along said centerline of Abdella Street, to it’s intersection with the westerly shoreline of the Hillsborough River; thence meandering southerly, along said westerly shoreline of the Hillsborough River, to it’s intersection with the centerline of Columbus Drive; thence westerly along said centerline of Columbus Drive, to it’s intersection with the centerline of Rome Avenue; thence southerly along said centerline of Rome Avenue, to it’s intersection with the centerline of Interstate 275 (State Road 400); thence easterly along said centerline of Interstate 275, to it’s intersection with the centerline of Boulevard; thence southerly along said centerline of Boulevard, to it’s intersection with the centerline of the C.S.X. Railroad; thence Southwesterly along said centerline of the C.S.X. Railroad, to it’s intersection with the easterly projection of the centerline of North "B" Street; thence westerly along said easterly projection and centerline of North "B" Street, to it’s intersection with the centerline of Rome Avenue; thence southerly along said centerline of Rome Avenue, to it’s intersection with the centerline of North "A" Street; thence westerly along said centerline of North "A" Street, to it’s intersection with the centerline of Habana Avenue, said intersection being the point of beginning.

(b) Purpose and intent. The purpose of the overlay district is to insure that all types of new in fill development and major additions thereto are compatible in building and structural orientation, design elements, height, lot dimensional requirements, public safety, and other site spacial relationships precedent within the area. The City of Tampa supports a crime prevention through environmental design (CPTED) philosophy as a way to reduce crime, improve neighborhood and business environments and improve the quality of life of its citizens and has incorporated CPTED principles throughout the regulatory review process. The various regulatory elements of the overlay district are used during the site plan review process. Their purpose is to provide an aesthetic framework for design to encourage development that creates a sense of interest, promotes a physically attractive and functionally integrated environment and compatibility with pedestrian access.

(c) Compliance. Each application for new construction or major renovation, as defined in Chapter 27, City of Tampa Code of Ordinances, and/or any development underground a change of use/increase of intensity review, shall comply with all applicable overlay district and underlying zoning district standards and, if applicable, those specific standards outlined in the city council approved site plan. In cases of conflict, the more restrictive standard(s) shall apply. These are the minimum requirements that must be met in order to obtain design approval.

Alternative design concepts may be considered and approved by the zoning administrator (and/or designee) if consistent with the above stated purpose and intent. Any person aggrieved by any order, requirement, decision, or determination of the zoning administrator with regard to these design standards may appeal that order, requirement, decision, or determination by filing a petition with the VRB for an administrative appeal in accordance with section 27-61(a). The VRB shall hold a public hearing to better understand the purpose and intent of the overlay district and the character of the surrounding neighborhood. The VRB shall make the final determination as to whether the alternative design concept is consistent with the development standards of this section and with the above stated purpose and intent.

(d) Variances. Any owner of property located within the boundaries of the West Tampa Overlay District seeking a variance from the dimensional requirements established in this section shall file an application for variance with the variance review board (VRB) staff administrator in accordance with the procedures set forth in Chapter 27, Article II, Division 3, City of Tampa Code of Ordinances.

(e) Review procedures.

(1) Compliance with all standards will be determined during the site plan review
process. The document "West Tampa Overlay District Illustrated Design Standards," as adopted by the city council by resolution, shall be used as the illustrated guide for evaluating compliance. In the event of a conflict between the standards or requirements of this section and the standards or requirements as illustrated in the "West Tampa Overlay District Illustrated Design Standards," the standards or requirements of this section shall apply.

(2) Pre-application conference. Any property owner or agent thereof required to obtain site plan and/or design approval, should schedule a courtesy review with land development coordination staff prior to the submission of any application for design approval. Final compliance with all site design, building design and sign standards will be determined during residential or commercial plan review.

(f) General building standards.

(1) Commercial properties.

a. Lot of record established. Any non-residential lot of record, as defined by this Code, existing as of January 1, 2004 and located within the boundaries of the West Tampa Overlay District, shall be deemed to be conforming and may be developed for any use permitted in the underlying zoning district.

b. Submission requirements.

1. Site plan. Six (6) folded copies of a site plan conforming to the requirements listed below must be submitted as a part of the commercial site review application.

i. General location and context map indicating the proposed site relative to all building and street rights-of-way lying immediately adjacent to the proposed site perimeter.

ii. North arrow and scale (Scale: from one (1) inch = ten (10) feet up to one (1) inch = fifty (50) feet).

iii. Property line boundaries and dimensions.

iv. Name, location, width and condition (paved or unpaved) of existing street and alleys adjacent to the site.

v. Location, size, height, and use of all existing principal and accessory buildings and structures, and any proposed additions and/or new buildings and structures.

vi. Vehicular and pedestrian circulation, including ingress, egress, loading and unloading, parking and accessibility for persons with disabilities.

vii. Location and dimension of existing and proposed driveways and sidewalks.

viii. Existing and proposed building setbacks and buffering from adjacent uses (if applicable).

ix. Proposed design and location of exterior lighting.

x. The physical description of the size, location and accessibility of public open space or pedestrian amenities.

xi. Plan or project details which are sufficient to demonstrate compliance with "West Tampa Overlay District Illustrated Design Standards".

2. Landscape plan. All sites within the boundaries of the West Tampa Overlay District shall comply with the tree, site clear-
The preliminary plant material (existing and proposed) with specific information as to location, size (diameter) and specie shall be shown.

ii. Landscape buffer used adjacent to a pedestrian walkway or sidewalk shall be designed to provide shade as well as a buffer. All shade trees used to satisfy landscaping requirements shall be a minimum of four (4) inch caliper at time of planting.

iii. Overhead light poles may not be placed in interior vehicular use area islands planted with shade trees or other canopy producing specie. Only basic ground cover, including but not limited to hedges and shrubs, may be used.

iv. All newly planted trees and hedges shall maintain a visual clearance between twenty-four (24) inches above grade and seventy-two (72) inches above grade. No more than thirty (30) percent of this visual clearance area shall be obstructed by opaque materials.

3. Exterior elevations. The exterior elevation of each side of the project fronting or visible from the public right(s)-of-way. Include existing structures abutting the proposed project which are also visible from the public right(s)-of-way.

c. Site and building standards. The following specific design standards shall be used for all projects located within the boundaries of the West Tampa Overlay District.

1. Unobstructed pedestrian access and shelter, shade, and/or weather protection shall be provided along streets, public right(s)-of-way and next to areas used by the public through the use of shade trees, awnings, arcades, balconies, overhangs, etc. A contribution toward other appropriate pedestrian amenities (e.g. benches, public art, public open space and street furniture) shall be demonstrated as well. These pedestrian amenities shall be integrated between the street/sidewalk to the building entry.

2. Doors, windows, and other architectural features shall be used to break large wall planes into smaller components, thereby creating a more pedestrian friendly scale and mass. No more than thirty (30) percent of consecutive front façade may remain unembellished without fenestration or architectural detail. Unpainted or unfinished block fences or walls are prohibited. All sides and elevations of building walls, or block fences visible at ground level from a public right-of-way parcel must be architecturally finished (i.e. brick, stucco, or textured concrete masonry units).
3. The principal façade and entry to the building shall front the public right(s)-of-way (or may be located off the courtyard if applicable) and must be accessible from the sidewalk. The relationship of the street frontage to business shall assure pedestrian safety and retail visibility. At least fifty (50) percent of the ground level of the principal building front façade and corner façade, if there is a main entry to a principal use of the building, shall be constructed of transparent materials or fenestrated. The required fifty (50) percent transparency must be equally distributed on the wall plane.

4. The zoning administrator or designee may approve a waiver of the required front yard setback when the historical pattern of development on the subject block face is less than the current requirement. At no time may the waiver exceed the average front setback of the two adjacent properties; however, if the subject property is vacant, the applicant may submit historical maps and/or reference materials to the zoning administrator for administrative review. It will be the responsibility of the party requesting the waiver to provide a survey that identifies the existing setbacks on the adjacent properties. Consideration shall be given to the existing setbacks on the blocks immediately adjacent to the subject property. Second floor area(s) and above may be set back behind the averaged front setback, or in front of the averaged front setback, up to the front property line, to create an arcade feature. A separate encroachment application will not be required provided the projection(s) comply with the following criteria:
   i. Such features shall be at least eight (8) feet above grade and have a maximum projection into the right-of-way of six (6) feet.
   ii. Building columns are allowed as support columns only and may not project into vehicular portion of public right-of-way.
   iii. Encroachments shall leave street corners free of obstruction to allow for safe traffic movement and proper placement of utilities.
   iv. Proper lighting underneath overhangs shall be provided and maintained by the property owner.
   v. A hold harmless agreement must be signed by the owner and submitted to, and approved by, the city attorney's office prior to issuance of building permits.

Land development coordination shall review for the encroachments. Arcade areas may not be enclosed or screened.

5. Courtyards and outdoor cafés are permitted with no more than two-thirds ($\frac{2}{3}$) of the principal façade devoted to open courtyard space. The remaining portion of the building must be built out to the front property line, subject to section 27-283.5, Visibility at intersections.

6. Drive-through window services and queuing lanes for such services may not be located between the front façade of the
building on the public right(s)-of-way, and must be designed so as to have minimal impact on pedestrian movement.

7. Any exterior garbage receptacles, dumpsters, or mechanical equipment must be placed on a suitable slab and screened from view of any public right(s)-of-way or residential use with one hundred (100) percent opaque material which is compatible with the front façade of the principal structure. However, the entry doors to the receptacle area must be no more than fifty (50) percent opaque. In addition, garbage receptacles and dumpsters must be located on private property and be accessible for service by the solid waste department.

8. Property owners shall provide a six (6) foot sidewalk in the public right(s)-of-way of arterial and/or collector roads. Said sidewalk shall align with and connect to that of adjacent and contiguous properties.

9. All open storage areas, as defined in Chapter 27, City of Tampa Code of Ordinances, and mechanical equipment must be screened with one hundred (100) percent opaque material, which is compatible with the materials used on the nearest façade of the principal structure.

10. Rooftop equipment, excluding vents and stairwell accesses, which is potentially visible at ground level from the centerline of abutting public right(s)-of-way, shall be screened from view through use of parapet walls, screens, or other building elements or design features.

11. On site pedestrian circulation shall be provided between tenants and/or structures, for properties with multiple structures, through the use of a sidewalk, or other suitable pedestrian conveyance. Such interconnectedness shall be established through the use of consistent paving materials (i.e. textured or colored pavement, paver blocks).

12. The entrance to all service bays for automotive repair and service must be oriented away from view of any arterial or collector roadway(s). All automotive repair and service shall take place within the fully enclosed area of the building in which such use located.

d. Parking. On site surface parking for non-residential uses shall be located in the rear or side yard of the property. Crime prevention through environmental design (CPTED) techniques shall be incorporated in the design of all parking areas (i.e. visibility, access, and security).

1. An alternative parking placement may be considered by the zoning administrator (and/or his or her designee) if consistent with the purpose and intent described of this section. Alternative parking layouts must provide increased landscape buffering (e.g., one (1) tree for every twenty (20) feet of vehicular use area (VUA) abutting the public right(s)-of-way and a screen consistent with section 27-285, Vehicular use areas, with the exception that planting be done at thirty (30) inches on center), and increase pedestrian amenities (e.g., street furniture, decorative paver blocks, planters, etc.).

2. The façade of freestanding parking structures fronting public
right(s)-of-way way must consist of commercial, retail, or office uses on the ground level.

3. Vehicle access and flow shall be designed to have minimal impact on pedestrian circulation, and there must be continuity across the mouth of all curbcuts, subject to section 22-315, Same—Number permitted.

4. The Business Core District of West Tampa (East of Tampania Avenue, South of Columbus Drive, West of Albany Avenue, and North of Cypress Street) is characteristic of historic downtown districts like the Ybor City Core along 7th Avenue. Historic structures occupy much of the land area, leaving little space for off-street parking. Therefore, within the Business Core District of West Tampa, the following provision of parking shall be allowed:

i. No off-street parking spaces shall be required for neighborhood serving uses occupying existing structures. Neighborhood serving uses shall include all uses allowed in the CN zoning district (refer to section 27-156, Table 4-1), with the following limitation: this exception does not apply to restaurant uses with greater than a one hundred-person occupant load, as determined by the Life Safety Code, or to medical uses with greater than three thousand (3,000) square feet of gross floor area.

ii. All other changes of use shall comply with section 27-283.2 with the following exception: Those properties that have parking spaces wholly located on private property, do not impede public sidewalks, and have historically maneuvered within the public right-of-way, may continue to use these parking spaces, contrary to the provisions of 27-283.12 and provided that the maneuver does not occur within a drive lane on Armenia Avenue or Howard Avenue. Furthermore, existing paved area within the public right-of-way which has been historically used for parking may be maintained, unless the transportation manager determines its maintenance is contrary to the public safety and welfare.

e. General sign standards. The following sign standards shall apply to new signs in the West Tampa Overlay District, and shall be in addition to the sign regulations set forth in Article VI, Division 6, City of Tampa Code of Ordinances. Where regulations are inconsistent, the provisions of this subsection shall apply and control in the district, subject to the provisions below. The provisions are intended to allow the creation of unique and informative signs that give a distinct flavor to the area, while maintaining a non-intrusive, pedestrian environment. They are not intended to prohibit the design of unusual signs that may enhance the character of the building or overlay district, or reflect the nature of the business.

1. Parcels permitted to have more than one (1) building sign per Article VI, Division 6, City of Tampa Code of Ordinances, may
not have those signs abut at the corner of a building. A minimum separation of ten (10) feet shall be required between such signs. A minimum separation of four (4) feet shall be maintained between signs on the same façade.

2. Total sign area for all building signs shall not exceed that prescribed by Article VI, Division 6. However, no individual building sign shall exceed twenty-five (25) square feet. Text shall not exceed twelve (12) inches in height.

3. Freestanding signs shall be a maximum of fifteen (15) square feet in area, six (6) feet in height, and may be placed at the property line subject to section 27-283.5, Visibility at intersections.

4. Billboards and/or off-site signs, as defined in Article VI, Division 6, City of Tampa Code of Ordinances, are prohibited. Only on-site signs, as defined in Article VI, Division 6, City of Tampa Code of Ordinances, will be permitted.

f. Lighting. New construction and redevelopment must provide lighting design for open (surface) parking, covered (garage/parking structure) parking, on street parking, the associated sidewalks and grounds, garbage receptacles, and all pedestrian/open/public areas. Lighting design shall follow the "Recommended Illumination" table from the Illumination Engineering Society, IES Lighting Handbook, 2000.

<table>
<thead>
<tr>
<th>Recommended Illumination</th>
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<th>Vertical</th>
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<tbody>
<tr>
<td>Public Space</td>
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<td>.5 — .8 fc 5' above ground</td>
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<tr>
<td>Parking Facilities:</td>
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<tr>
<td>covered</td>
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<tr>
<td>sidewalks &amp; grounds</td>
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<td>.3 fc at 5' above ground</td>
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<td>minimum 6 fc on pavement</td>
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<td>.6 fc at 5' above ground</td>
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<tr>
<td>minimum 5 fc at ground level</td>
<td></td>
<td>minimum 1.2 fc at 5'</td>
</tr>
</tbody>
</table>

fc = footcandle

Source: IES Lighting Handbook, 2000
g. *Fencing.* Chain link fences may not front or be visible from the public right(s)-of-way except during construction. Such construction fencing shall be removed prior to obtaining any certificate of occupancy. Decorative fencing for the purposes of implementing CPTED principles is required. The following are examples of approved CPTED fencing:
(2) Residential properties

a. Lot of record established. Any residential lot of record, existing as of January 1, 2004 and located within the boundaries of the West Tampa Overlay District, shall be deemed to be a conforming lot and may be developed for any use permitted in the underlying zoning district. The proposed development may not exceed the maximum density allowed by the adopted City of Tampa Comprehensive Plan.

b. Submission requirements.

1. Site plan. Six (6) folded copies of a site plan conforming to the requirements listed below must be submitted as a part of the residential site review application.
   i. General location and context map indicating the proposed site relative to all building and street right(s)-of-way lying immediately adjacent to the proposed site perimeter.
   ii. North arrow and scale (Scale: from one (1) inch = twenty (20) feet up to one (1) inch = fifty (50) feet).
   iii. Property line boundaries and dimensions.
   iv. Name, locations, width of existing street and alleys adjacent to the site.
   v. Location, size, height, and use of all existing principal and accessory structures, and any proposed additions and/or new buildings.
   vi. Location and dimension of existing and proposed driveways and sidewalks.
   vii. Existing and proposed building setbacks and buffering from adjacent uses (if applicable).

2. Exterior elevations. The exterior elevation of each side of the project fronting or visible from the public right(s)-of-way, include existing structures abutting the proposed project which are also visible from the public right(s)-of-way.

c. Site and building standards.

1. Orientation. The building fronts of all new principle structures shall be oriented towards the front yard of the zoning lot. Front yards are defined in Chapter 27, City of Tampa Code of Ordinances. Consideration may be given by the zoning administrator for an alternate orientation when front yard orientation is requested to follow the precedent pattern of development on the subject and immediately adjacent blocks and the alternate orientation is keeping in character with that pattern. (Newly created zoning lots shall have their front, rear, side and corner yard orientations follow the precedent pattern of development on the subject and immediately adjacent blocks)

   viii. Plan or project details which are sufficient to demonstrate compliance with the "West Tampa Overlay District Illustrated Design Standards."

   ix. The approximate location of trees, or tree groupings, which may be by reference to aerial photographs at a scale of not less than one inch equals on hundred feet (1" = 100 feet) or less.
2. **Density and setbacks.** Setback dimensions shall be determined as described below. However, the zoning administrator may review and approve setback reductions when the precedent pattern of development on the subject and immediately adjacent blocks is less than the current requirement. It will be the responsibility of the party requesting the reduction to provide a survey, or other suitable documentation (such as Sanborn Maps or other historical records), which verifies the existing or historical setbacks on the adjacent and/or subject properties. The following yard setback requirements shall apply within the West Tampa Overlay District:

- **Side yard:** Five (5) feet.  
- **Rear yard:** Fifteen (15) feet for the main structure, six (6) feet for a garage or carport structure, including entrance (when garage or carport is accessed via the rear alley).  
- **Corner yard:** Five (5) feet, except garage or carport openings, which must maintain a minimum setback of fifteen (15) feet.  

Front yards shall be determined by block averaging.  
A variance to the above setbacks will be reviewed and may be granted by the zoning administrator if the owner or developer can show through historic maps that their setback dimensions are consistent with the historic nature of the property and are in compliance with all building, fire and life safety codes.

3. **Carports:** One-story, unenclosed carports constructed as part of the principal structure may be placed within three feet of side yard property line, if in compliance with all life safety codes.

4. **Fencing:** The erection of chain link fencing within the front yards is prohibited. New construction and replacement of chain link fencing shall be prohibited. However where there is an existing chain link fence it shall be permitted and any repairs to that existing chain link fence may also be permitted as long as it is in good standard.

5. **Alley access:** If an existing lot is adjacent to an open and used public alley, vehicular access to the site may be provided from the alley as the primary, vehicular access point provided it meets minimum standards referenced in 27-283.12, Off-street parking space standards. For subdivided, condominiums or multi-family development, where units are designed with principal entrance orientation toward the alley, there must be provided pedestrian access to the street right(s)-of-way, to and from each unit on the zoning lot.

6. **Roof pitch:** Minimum roof pitch for new residential structures shall be a minimum for porches of 4:12 or houses 6:12 (Ratio of Rise to Run). Flat roofs with parapet walls shall be permitted when precedent on the subject and immediately adjacent blocks. Roof pitches for additions to principal structures shall match the pitch of the existing roof.

7. **Floor height:** The intent of requiring an elevated finish floor for residential development is to encourage compatible design
with the historic housing styles which are characteristic of the West Tampa community. The finished floor height of all new single detached, single-family semi detached, single-family attached and multi-family residential structures shall be a minimum of twenty-four (24) inches above the finish grade, measured along all sides of the structure. The finished grade shall not be the result of trenching or regrading around the structure for the purpose of satisfying this requirement and the site must meet all applicable stormwater requirements. The zoning administrator may consider a front yard encroachment for stairs reaching a height greater than thirty-six (36) inches above finished grade, that provide access to a front porch or front entry, where it is clearly demonstrated that the natural topography of a site, in combination with the minimum finished floor and front setback average requirements, as stated in this section, causes a design conflict.

8. Parking: Off-street parking requirements as stated in Article VI, Division 3, Off-Street Parking and Loading shall be met, except as follows:

i. For property within the West Tampa National Historic District, a residential dwelling shall be required one (1) off-street parking space per unit.

ii. For single-family detached dwellings, the vehicular entrance to an enclosed garage must be setback a minimum eight (8) feet greater from the front façade of the building.

iii. For two-dwelling, single-family semi-detached, single-family attached and multi-family residential uses, the following standards shall apply:

ia. On site common surface parking area shall be located in the rear or side yard of the property. Crime prevention through environmental design (CPTED) techniques shall be incorporated in the design of all parking areas (i.e. visibility, access, and security).

ib. An alternative parking placement may be considered by the zoning administrator (and/or his or her designee) if consistent with the purpose and intent described of this section. Alternative parking layouts must provide increased landscape buffering (e.g., one (1) tree for every twenty (20) feet of vehicular use area (VUA) abutting the public right(s)-of-way and a screen consistent with section 27-285 Vehicular Use Areas, with the exception that planting be done at thirty (30) inches on center), an increase pedestrian amenities (e.g., street furniture, decorative paver blocks, planters, etc.).
ic. The façade of free-standing multi-family parking structures fronting public right(s)-of-way and in a commercial zoning district must comply with section 27-241(f)(1)d.2. above or be designed so residential units front the public right(s)-of-way.

id. Vehicle access and flow shall be designed to have minimal impact on pedestrian circulation, and there must be continuity across the mouth of all curbcuts, subject to section 22-315, Same-Number permitted.

ie. The vehicular entrance to an enclosed garage for single-family semi-detached or attached dwelling unit must be setback a minimum two (2) feet greater from the front façade of the building. When parking is provided from the front, a minimum of one (1) parking space shall be provided in a garage or a carport, either of which must be structurally integrated within the principal dwelling unit. Section 27-282.9(c)(2) shall not apply within the West Tampa Overlay District. Structures shall not be designed with a two-car (side by side) garage where access to the garage is on the front façade of the structure.

iv. For all residential uses, no driveway shall be constructed from the road to the front yard face of any single-family attached, semi detached or detached structure unless providing vehicular access to an attached carport or garage and no driveway shall be constructed from the road to the front yard face of any single-family use structure with a lot width dimension of thirty-three (33) feet or less where there is a non-vacated alleyway, unless providing vehicular access to an attached carport where there is a non-vacated alleyway.

9. Accessory structure: The maximum height and separation from single family residential structures and detached garages or other accessory structures shall be governed by the underlying zoning district.

i. However, if it can be shown that two (2) story accessory structures are a precedent characteristic of the subject block and immediately adjacent blocks within the district, the zoning administrator may approve a higher height limit. In no case may the height exceed that of the existing principal structures.

ii. The zoning administrator may also reduce the separation requirement between accessory structures
and principal structures when it is demonstrated that it is the precedent characteristic of the subject block and immediately adjacent blocks within the district.

(g) Encroachments. Encroachments into the public right(s)-of-way for awnings, awning signs, architectural features, streetscape features, or street furniture may be authorized after an administrative review by the planning and development department.

A separate encroachment application for awnings or architectural features may not be required provided the projections comply with the criteria listed in section 27-204, Development design standards.

(h) Transit stops. Development within the West Tampa Overlay District shall be designed to maximize the efficiency of mass transit. The developer shall coordinate with the City of Tampa and the Hillsborough Area Regional Transit (HART line) system to determine if the site warrants transit stop improvements such as easement dedication and transit shelters. These improvements may be considered for justification for the reduction of up to twenty (20) percent of the required parking spaces.

(i) Curb cuts/access management. Requests for additional curb cuts, for existing development, will only be considered in instances of public safety issues. In cases where such a curb cut is approved, the petitioner shall be solely responsible for any off-site or site specific improvements which are necessary to facilitate the design of the driveway or curb cut, including but not limited to signalization, turn lanes, and acceleration/deceleration lanes. These transportation improvements are in no instance creditable against any applicable transportation impact fees.

Sec. 27-242. Parkland Estates Overlay District.

(a) Area description and boundaries. The Parkland Estates Overlay District is comprised of the Revised Plat of Parkland Estates, a subdivision of record as recorded in Plat Book 1, Page 156, of the Public Records of Hillsborough County, Florida.

(b) Purpose and intent. The purpose and intent of the Parkland Estates Overlay is to ensure that infill development and additions thereto are in compliance with Chapter 29126 Laws of Florida, as amended by House Bill 0731 enacted by the Florida Legislature in 2003, hereafter referred to as the "Amended Act," relating to the Parkland Estates Subdivision and the underlying zoning district regulations.

(c) Compliance. Every application for new construction or additions to existing structures shall comply with the overlay district standards and requirements, underlying zoning district standards and requirements, and the Amended Act standards or those standards outlined in their city council approved site plans. In cases of conflict, the provisions of the Amended Act shall apply. These are the minimum requirements that must be met in order to obtain approval.

(d) Review procedures. Final compliance with all site and building design standards will be determined during the site plan review permit process.

(e) Conforming and nonconforming uses, lots and structures.

(1) Single-family residential.

a. All lots within Parkland Estates as platted per Plat Book 1, Page 156 shall be used and are zoned for use as a single-family residential dwelling purpose only, unless otherwise noted in the Parkland Estates Overlay District and the Amended Act. Any lot that is not as originally platted must meet the underlying residential zoning district regulations regarding lot size.

b. In the Parkland Estates Overlay District all platted lots as recorded in Plat Book 1, Page 156 can be developed as a single-family residential detached dwelling regardless of the underlying zoning district lot size standards, provided they meet the setback requirements of the district. All other nonconforming lots must
comply with Article VII, section 27-295 of the Zoning Code regarding nonconforming lots.

c. If substantial and competent evidence is provided to city council at the time of the Parkland Estates Area Rezoning regarding nonconforming single-family residential structures that existed as of December 31, 2002, then those structures shall be granted legal conforming status through an approved PD site plan. All other nonconforming single-family residential structures must comply with Article VII, Section 27-298 of the Zoning Code regarding nonconforming structures.

(2) Non single-family residential.

a. Lots 1, 2, 3, 4, 5, 31, 32, 33, 34, 35, 36, and 37 of Block 16 of Parkland Estates as platted per Plat Book 1, Page 156 may be developed and used for church purposes by the erection of place of religious assembly buildings and other improvements. Said lots shall conform either to the conditions as set forth under Article II, Division 5, "Special Use Permits" pertaining to "Place of religious assembly" in Chapter 27 of the Code, or any PD site plan approved for the church by city council in connection with said lots during the Parkland Estates Area Rezoning. Existing church structures shall conform to the conditions as set forth in Article VII, "Nonconformities," Section 27-294 if no PD site plan is approved.

b. Any property on Block B of Parkland Estates as platted per Plat Book 1, Page 156 that was developed with non single family residential uses and/or structures between July 1, 1953 and December 31, 2000, shall constitute a legal nonconforming use and/or structure on the condition that substantial and competent evidence of the foregoing (including the existence, specific nature and the extent of any use, and the configuration and dimensions of any structure) is provided and approved by city council in accordance with a PD site plan approved by city council as part of the Parkland Estates Area Rezoning. If approved by city council, said properties shall conform to the provisions outlined in the city council approved PD site plan; however the legal nonconforming uses and/or structures must comply with all other applicable regulations provided in Article VII, sections 27-296, 27-297, and 27-299, "Nonconformities," and cannot at any time be enlarged, extended, intensified, or changed, except for a change to a residential single-family use, only. If the specific legal nonconforming use and/or structure identified for each property ceases for 180 days or more then the
property must revert back to the underlying zoning district regulations.

d. Any non single-family residential uses and/or structures developed on any portion of Block B after December 31, 2000 are declared illegal in conformance with the Amended Act; and no PD site plan, rezoning, variance or other approval may be given in connection with said uses and/or structures.

(f) **Setbacks.**

(1) Minimum main structure setbacks required per the Amended Act.

*Front:* Thirty (30) feet; however a porch may setback twenty (20) feet from the front property line.

*Side:* Seven and one-half (7.5) feet.

*Rear:* Per underlying zoning district.

*Corner:* Per underlying zoning district.

No variances are permitted to the front or side yard minimum setback requirements for the main dwelling or structure per the Amended Act.

(2) All other structures and equipment shall maintain the required setbacks established in this chapter. The variance review board may consider variances consistent with the provisions in Chapter 27, Article II, Division 3.

**Sec. 27-243. Kennedy Boulevard Corridor District Development Design Standards.**

(a) *Area description and boundaries.* The Kennedy Boulevard Corridor District is unique in that it provides a scenic and direct transportation link between the Westshore Commercial District and the Central Business District. Historically, the uses ranged from residential to manufacturing. Currently the land use and zoning classifications designate the corridor for office, general commercial and higher density residential uses. Kennedy Boulevard is a divided highway, which lends itself to the potential for increased median landscaping, bicycle lanes, and wider and more inviting pedestrian paths. The boundaries for the purpose of this district are as follows:

The "district" or "corridor" consists of all parcels of land, or portions thereof that lie adjacent to the Kennedy Boulevard right-of-way, from the Hillsborough River west to the eastern boundary of the Himes Avenue right-of-way, abutting the Westshore Commercial Overlay District thereon.
(b) **Purpose and intent.**

The Kennedy Boulevard Corridor District is unique in its history and social and economic lineages. It serves as a gateway corridor that connects diverse neighborhoods within the City and exhibits special scenic characteristics. The standards set forth in this district shall improve the aesthetic appearance of Kennedy Boulevard, connect roadways through the use of enhanced landscaping and buffering, and create form-based parameters to ensure compatible architectural elements are implemented throughout the corridor as a whole. Providing a form-based, aesthetic framework that promotes development that creates a sense of interest and promotes a physically attractive, functionally integrated environment is essential. Additionally, provisions are introduced that establish pedestrian and transit friendly design standards for this corridor. This district shall ensure that all types of new infill development, major renovations, and major additions thereto, are compatible in building and structural orientation, location, height, public safety, and other site specific relationships present within the corridor.

Generally, new development and redevelopment is vital to the future stability and vitality of the City of Tampa as a whole. Redevelopment and infill brings with it new homes, employment opportunities, and economic development, which in turn, helps to increase overall tax revenues to fund needed capital improvement projects and important government services, such as police and fire services. For development and safety purposes, the City of Tampa supports a Crime Prevention through Environmental Design (CPTED) philosophy as a way to reduce crime, advance neighborhood and business environments, and improve the overall quality of life of its citizens. These CPTED principles have also been incorporated throughout the regulatory review process within this district to ensure safe, quality development. Refer to the "Kennedy Boulevard Vision Perspective" incorporated herein.

(c) **Compliance.** Each application for new construction and/or major renovation as defined in Chapter 27, City of Tampa Code of Ordinances, shall comply with all applicable overlay district and underlying zoning district standards and, if applicable, those specific standards outlined in the city council approved site plan. In cases of conflict, the more restrictive standard(s) shall apply. These are the minimum requirements that must be met in order to obtain design approval for non-residential or mixed-use projects. Please note that additional compliance standards may be stated within this document, which further restrict the permitting and/or construction process for various site elements.
Alternative design concepts may be considered and approved by the zoning administrator or designee, only if consistent with the stated purpose and intent. If denied, an applicant shall file an application for a site plan controlled zoning district with the land development coordination office, in accordance with the procedures set forth in this chapter. The city council shall then make the determination as to whether the alternative design concept is consistent with the development standards of this section and with the above stated purpose and intent.

(d) Review procedures.

(1) Compliance with all standards will be determined during the site plan review process. The regulations herein include graphics that shall be utilized to visually represent the intent of this section.

(2) Pre-application conference. It is recommended that any property owner, developer, or agent thereof required to obtain site plan and/or design approval, schedule a plan review with land development coordination division prior to the submission of any application for design approval. Final compliance with all design standards will be determined during residential or commercial plan review.

(3) Submission requirements:

a. Site plan. Six (6) folded copies of a site plan conforming to the requirements listed below must be submitted as a part of the commercial site review application.

1. General location and context map that indicates the proposed site relative to all building and street rights-of-way lying immediately adjacent to the proposed site perimeter.

2. North arrow and scale (Scale: from one (1) inch = ten (10) feet up to one (1) inch = fifty (50) feet).

3. Property line boundaries and dimensions.

b. Landscape plan. All sites within the boundaries of the Kennedy Boulevard Corridor District shall comply with the standards set forth in this section, in addition to tree, site clearing, and landscaping requirements set forth in Chapter 13 and Chapter 27, sections 27-285 and 27-285.1, City of Tampa Code of Ordinances. The landscape plan shall be incorporated as part of the overall site plan submittal, and shall include the following:

1. The plant material (existing and proposed) with specific informa-
tion as to location, size (diameter), and specie shall be shown.

2. A tree table of credits and debits that demonstrates the true quantity of protected trees that exist, that will be removed, and that are proposed to be planted.

3. All proposed and existing landscape buffers, islands, and planting beds used adjacent to internal pedestrian walkways, public sidewalks, perimeter property lines, and within vehicular use areas.

c. Exterior elevations. The exterior elevations must show each side of the onsite buildings and demonstrate their relationship both internal and external to the project site.

(e) Design Standards (Building and Site Standards). The following specific design standards shall be used for all projects located within the boundaries of the Kennedy Boulevard Corridor District:

(1) General building design standards.

a. The principal building façade and functional pedestrian entry to the building shall be oriented towards Kennedy Boulevard and shall maintain a direct pedestrian connection to the public sidewalk.

b. A minimum of thirty (30) percent of the ground floor level of the principal building façade shall be constructed of transparent materials. This required transparency must be equally distributed on the wall plane of the ground floor level.

c. A maximum of twenty-five (25) percent of any building façade that faces a public street right-of-way shall remain unembellished and/or without architectural detail or accent. Doors, windows, and other decorative architectural features or elements shall be used to break large wall planes into smaller components, thereby creating a more pedestrian friendly scale and mass.

d. Rooftop equipment, including features such as stairwell accesses, elevator housing, etc., shall be screened from view of any adjacent public street right-of-way through use of parapet walls, screens, or other decorative building elements or features. These items shall be architecturally compatible with the principal structure.

e. Parking structure standards.

1. The façade of freestanding or attached parking structures fronting Kennedy Boulevard shall incorporate commercial and/or residential uses on the ground level, and these uses must occupy one hundred (100) percent of the wall plane at ground level of the structure.

2. The façade of freestanding or attached parking structures fronting any other public street right-of-way shall incorporate commercial and/or residential uses on the ground level, and these uses must occupy a minimum of fifty (50) percent of the wall plane at ground level of the structure. For purposes of this specific provision, the petitioner may use features such as window boxes and/or art displays, up to 50% of the area as required herein.

f. Use specific building standards.

1. Drive-through window services, including pneumatic devices, other associated mechanical equipment, and any structural canopies or building elements, shall not be located between the front building façade and Kennedy Boulevard. These uses
must be designed to have minimal impact on safe pedestrian movement.

2. The entrance to all vehicle service bays shall not be oriented directly towards Kennedy Boulevard. All vehicle repair and service shall take place within a fully enclosed area of the building in which such use is located.

3. All open storage areas, air-conditioning, and mechanical equipment must be screened with one hundred (100) percent opaque material, which is compatible with the materials used on the nearest façade of the principal structure. The screen shall reach a height necessary to fully screen the storage area and all equipment therein, as visible from a pedestrian level located on any adjacent public right-of-way.

(2) Accessory structure building standards. Accessory structures shall adhere to those design standards set forth in this section and those stated in this chapter; where design conflicts may occur, the most restrictive standard shall apply.

(3) General site layout standards. All site layouts shall adhere to section 27-283.5, Visibility at Intersections.

a. All developments shall be required to place any and all utility lines (e.g. electrical, cable, telecommunications, etc.) underground on the subject parcel and within adjacent right(s)-of-way.

b. Build-to lines (setbacks) from all public street right(s)-of-way (at ground level): Five-foot minimum to ten-foot maximum.

c. Ground level building façade setbacks may be increased to thirty (30) feet from public street right(s)-of-way for areas created to provide courtyards, outdoor cafés, or similar pedestrian amenities. These features shall not occupy more than fifty (50) percent of the building façade along any one (1) street right-of-way.

d. The 2nd floor level and above may be set back beyond ten (10) feet for design purposes.

e. The zoning administrator or designee may consider alternative build-to (setback) lines for the principal structure, if clearly demonstrated to meet the purpose and intent of this overlay district.

f. Onsite pedestrian circulation shall be provided between tenants and/or structures, for properties with multiple structures, through the use of a sidewalk, or other suitable, ADA compliant, pedestrian conveyance. Such interconnectedness shall be established through the use of consistent paving materials (i.e. textured or colored pavement, decorative paving blocks, or the like).

g. For purposes of this district, refuse bins, containers, and compactors shall be setback a minimum of thirty (30) feet from Kennedy Boulevard right-of-way.

h. Onsite surface parking shall maintain a minimum thirty-foot setback from the property line located adjacent to Kennedy Boulevard right-of-way.

(4) Vehicle access management.

a. Vehicle access and flow shall be designed to have minimal impact on pedestrian circulation, and there must be continuity of sidewalk materials across the mouth of all curb cuts.

b. Vehicle access standards.

1. Alley access. Vehicular access may be provided from a contiguous, public alley. The portion of the alley adjacent to the subject site through to the closest
intersection shall be improved to meet city driveway design standards, as set forth in this Chapter and Chapters 22, 25, and the City of Tampa "Department of Public Works, Transportation Technical Manual," as amended.

2. Local street access. In all cases, efforts should be made to provide vehicular access that promotes safe pedestrian movement along Kennedy Boulevard. Access to local streets from commercial uses, subject to review by the transportation manager or designee, and the zoning administrator or designee, may be granted. However, all new access points must adhere to the applicable city driveway design standards, as set forth in this chapter and chapters 22, 25, and the City of Tampa "Department of Public Works, Transportation Technical Manual," as amended, and not create any unnecessary hazards or impacts to pedestrians or adjacent neighborhoods. In no case shall a driveway be granted, at a distance greater than one hundred (100) feet from the intersection of the local street and Kennedy Boulevard, without approval by city council through the site plan controlled rezoning process.

(5) General onsite lighting standards.

a. Projects shall provide a lighting design for open (surface) parking, covered (garage/parking structure) parking, internal sidewalks and grounds, garbage receptacles, and all pedestrian, open, and public areas, for all uses. All onsite lighting must be designed to be directed away from any abutting residential use.

b. Overhead light poles shall not be placed within interior vehicular use area islands planted with shade trees or other canopy producing species, nor within the canopy drip-line of an onsite or offsite tree. Only basic ground cover shall be used, including but not limited to hedges and shrubs. All onsite overhead light poles shall be limited to a twelve (12) feet maximum height as measured from grade. The light fixtures must be shielded and directed away from all adjacent properties.

c. Lighting design shall adhere to the standards for required minimum onsite illumination as shown below in the "Required Minimum Illumination" table, from the Illumination Engineering Society, IES Lighting Handbook, 2000.

<table>
<thead>
<tr>
<th>Public Space</th>
<th>Horizontal</th>
<th>Vertical</th>
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<tbody>
<tr>
<td></td>
<td>1—5 fc</td>
<td>.5—.8 fc 5’ above ground</td>
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<tr>
<td>Parking Facilities</td>
<td></td>
<td></td>
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<tr>
<td>open parking</td>
<td>minimum 3 fc on pvmnt</td>
<td>.3 fc at 5’ above ground</td>
</tr>
<tr>
<td>covered</td>
<td>minimum 6 fc on pvmnt</td>
<td>.6 fc at 5’ above ground</td>
</tr>
<tr>
<td>sidewalks, grounds</td>
<td>minimum 6 fc on pvmnt</td>
<td>.6 fc at 5’ above ground</td>
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<td>Fast food restaurants</td>
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<tr>
<td>parking lot, sidewalks</td>
<td>minimum 3 fc at g.l.</td>
<td>3 fc at 5’ above ground</td>
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<tr>
<td>drive-up window</td>
<td>minimum 6 fc at g.l.</td>
<td>3 fc at 5’ above ground</td>
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<td>Convenience stores</td>
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<tr>
<td>parking lots</td>
<td>minimum 6 fc at g.l.</td>
<td>minimum 1.2 fc at 5’</td>
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</table>
### Required Minimum Illumination

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<th>Public Space</th>
<th>Horizontal</th>
<th>Vertical</th>
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<tbody>
<tr>
<td>sidewalks, refuse area</td>
<td>minimum 3 fc at g.l.</td>
<td>minimum 1.2 fc at 5′</td>
</tr>
<tr>
<td>storefront exit</td>
<td>minimum 5 fc at g.l.</td>
<td>minimum 1.2 fc at 5′</td>
</tr>
</tbody>
</table>

fc = footcandle  
provmt = pavement  
g.l. = ground level  
(Source: IES Lighting Handbook, 2000)

(6) **General fence and wall standards.**

a. Accepted fence materials: masonry, decorative stone, wrought-iron (aluminum) style, PVC (picket or lattice style), decorative combination style made of masonry or stone with metal or PVC, as described above. Chain link fences are strictly prohibited on any property or development within the Kennedy Boulevard Corridor District, except during any permitted construction activity. Such construction fencing shall be removed prior to obtaining any certificate of occupancy.

b. Unpainted or unfinished block fences or walls are prohibited. All sides and elevations of block walls or fences visible from a public right-of-way shall be architecturally finished (i.e. brick, stucco, or textured concrete masonry units).

c. Maximum fence or wall height adjacent to Kennedy Boulevard right-of-way: Two (2) feet above finished grade. The two (2) feet fence or wall may be designed to accommodate public seating.

d. Maximum fence or wall height adjacent to other public street right(s)-of-way: Four (4) feet above finished grade.

e. Maximum fence or wall height adjacent to a public alley: Four (4) feet above finished grade. If the public alley separates the subject property from any residential use, the maximum allowable height shall be increased to six (6) feet above finished grade.

f. Maximum fence or wall height adjacent to any residential use: Six (6) feet above finished grade.

(7) **General sign standards.**

a. The provisions are intended to allow the creation of unique and informative signs that give a distinct flavor to the corridor, while maintaining a non-intrusive, pedestrian environment. They are not intended to prohibit the design of unusual signs that may enhance the character of the building or district, or reflect the nature of the business. Refer to Article VI, Division 6, City of Tampa Sign Code, for any additional sign requirements beyond those noted herein.

1. Freestanding sign standards.
   i. Pylon signs are prohibited in the Kennedy Boulevard Corridor District.
   
   ii. Ground signs for single-occupant sites: Signs shall be a maximum of thirty-two (32) square feet in area, four (4) feet in height, and may be placed at the property line subject to Section 27-283.5, Visibility at Intersections.
iii. Ground signs for multi-occupant sites: Signs shall be a maximum of one hundred (100) square feet in area, six (6) feet in height, and may be placed at the property line subject to Section 27-283.5, Visibility at Intersections.

iv. Each ground sign must be numbered with the property address displayed in a conspicuous manner from the street right-of-way. Said numbers shall consist of dark numerals on a light background or light numerals on a dark background and shall be at least four (4) inches in height.

iv. Billboards and/or off-site signs, as defined in Article VI, Division 6, City of Tampa Sign Code, of Ordinances, are prohibited. Only on-site signs, as defined in Article VI, Division 6, City of Tampa Sign Code, shall be permitted.

2. Standards for signs attached to buildings.

   i. Wall signs shall not exceed more than one-half ($1/2$) square foot per one (1) linear foot of building frontage facing Kennedy Boulevard, for structures standing two (2) stories or less.

   ii. Wall signs shall not exceed more than one (1) square foot per one (1) linear foot of building frontage facing Kennedy Boulevard, for structures possessing more than two (2) stories. No wall sign shall extend more than twelve (12) inches out from the wall to which it is attached.

   iii. Parcels permitted to have more than one (1) wall sign per Article VI, Division 6, City of Tampa Sign Code, may not have those signs abut at the corner of a building. A minimum separation of ten (10) feet shall be required between such signs. A minimum separation of four (4) feet shall be maintained between signs on the same façade.

   iv. One non-illuminated marquee sign with a maximum dimension of twelve-inches height, thirty-six-inch length, and six-inch thickness, may be located at the main entry of each business. The sign must be located completely under the awning, canopy, or overhang, at least seven (7) feet above the sidewalk, at a perpendicular angle to the exterior wall. Text may be located on both faces of the sign.

   (f) Streetscape design standards. The following specific streetscape design standards shall be required for all projects located within the boundaries of the Kennedy Boulevard Corridor District. Refer to the "Streetscape Plan View," "Sidewalk Adjacent to Road Cross Section," "Streetscape Lighting," and "Sidewalk Design Specification" exhibits depicted herein for dimensional, placement, materials, and planting requirements.

   (1) Streetscape-sidewalk standards (Kennedy Boulevard right-of-way only). Minimum public sidewalk width shall be ten (10) feet adjacent to Kennedy Boulevard right-of-way.
   a. The sidewalk shall be made with scored concrete and textured paving.
bricks. The bricks shall be laid perpendicular to Kennedy Boulevard right-of-way in a banded pattern at twelve-foot intervals, and parallel to Kennedy Boulevard right-of-way in a two-foot wide strip located adjacent to the curb line.

b. Site plans shall depict adjacent portions of sidewalk to demonstrate design consistency in layout and pattern.

(2) Streetscape landscape standards (along all street right(s)-of-way).

a. Streetscape trees shall be planted within planting beds measuring a minimum of four (4) feet by six (6) feet located on private property, immediately adjacent to the public right-of-way. A decorative border fence, no taller than eighteen (18) inches in height, shall be placed around the perimeter of the planting bed. The property owner and/or developer shall be responsible for all costs associated with design, permitting, installation, replacement, irrigation, pruning, and general maintenance of the streetscape trees and any decorative materials related streetscape plantings.

b. Streetscape trees shall be live oak, (*Quercus virginiana*), East Palatka holly, (*Ilex X attenuate*), or Chinese elm, (*Ulmus parvifolia*). The zoning administrator or designee shall consult the city's urban forester on any alternative selections.

c. Streetscape trees shall possess the following minimum specifications at time of planting: Four-inch caliper, one hundred-gallon, eight- to ten-foot spread.

d. Streetscape trees shall be planted in direct alignment with the perpendicular brick bands that lie within the public sidewalk, and at an interval of twenty-eight (28) feet on-center based on that brick band pattern.

(3) Streetscape lighting standards (Kennedy Boulevard right-of-way only).

a. The property owner and/or developer shall be responsible for all costs associated with design, permitting, installation, replacement, and general maintenance of the streetscape lighting.

b. The property owner and/or developer shall select lighting fixtures, poles, and related equipment of a style as depicted in the "Streetscape Lighting" exhibit or design equivalent, as approved by the zoning administrator or designee.

c. Light poles shall be placed on private property immediately adjacent to the public right-of-way/public sidewalk, in direct alignment with the perpendicular brick bands that lie within the public sidewalk, and at an interval of fifty-six (56) feet on-center based on that brick band pattern.

d. Light poles shall stand approximately thirteen (13) feet in height, as measured from finished grade, and shall be designed to provide safe pedestrian scale lighting.
Streetscape Plan View
Sidewalk Adjacent to Road Cross Section
Note: The illustrations above depict the style of lighting required for the Kennedy Boulevard Corridor District. Per the zoning administrator's approval (or designee), design equivalents may be accepted. Please refer to section 27-243(f)(3) for lighting placement, spacing, and maintenance standards.
Sidewalk Detail Specifications
(g) Encroachments. Encroachments into public right(s)-of-way under the City of Tampa’s jurisdiction for awnings, awning signs, architectural features, streetscape features, or street furniture may be authorized after an administrative review by the planning and development department, department of public works, and any other applicable jurisdictional agency, as required.

Encroachments into Kennedy Boulevard right-of-way require a separate encroachment application and additional approval from the Florida Department of Transportation.

(h) Transit stops. Development within the Kennedy Boulevard Corridor District shall be designed to maximize the efficiency of mass transit. The developer shall coordinate with the City of Tampa and the Hillsborough Area Regional Transit (HARTline) system to determine if the site warrants decorative, architecturally compatible transit stop improvements, such as easement dedication, transit shelters, or other related features.

Secs. 27-244, 27-245. Reserved.

ARTICLE V. HISTORIC PRESERVATION

DIVISION 1. GENERALLY

Sec. 27-246. Intent and declaration of public policy.

Refer to intent and declaration of public policy as set forth in section 27-111.


Refer to provisions as set forth in section 27-112.

Sec. 27-248. Barrio Latino Commission.

Refer to provisions as set forth in section 27-112.

Secs. 27-249, 27-250. Reserved.

DIVISION 2. CITIZENS ADVISORY COMMITTEE FOR EL CENTRO ESPANOL DE YBOR

Sec. 27-251. Citizens Advisory Committee for El Centro Espanol de Ybor generally.

(a) Establishment of committee. The Citizens Advisory Committee for the El Centro Espanol de Ybor building (“El Centro CAC”) is hereby established.

(b) Composition; appointment; terms of members; removal; vacancies.

(1) The El Centro CAC shall consist of seven (7) members appointed by the mayor and confirmed by city council. All members shall serve for a term of three (3) years. The initial appointments to the committee shall be as follows:

a. Two (2) members appointed for a term of two (2) years;

b. Three (3) members appointed for a term of three (3) years; and

c. Two (2) members appointed for a term of four (4) years.

Thereafter, all appointments shall be made for terms of three (3) years. All members shall serve until the appointment and qualification of a successor.

(2) No member shall serve more than two (2) consecutive terms on the El Centro CAC.

(3) Appointments to fill a vacancy shall be for the unexpired term of office and shall be made within ninety (90) days.

(4) Members of the El Centro CAC shall be residents of the City of Tampa.

(5) Any member who misses three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall be automatically removed and the vacancy filled as provided herein, unless such absence is approved by the chairman.

(6) Appointments shall be made on the basis of demonstrated experience and interest.
in the fields of historic preservation, construction, architecture, property management or the entertainment or retail/restaurant industries. At least one architect and one historic preservationist/architectural historian shall fill two (2) of the seven (7) positions.

(c) Organization; conduct of meetings; legal counsel to the committee.

(1) Organization of the El Centro CAC. The presence of four (4) or more members shall constitute a quorum. A simple majority vote of members present and voting is required for official action by the El Centro CAC.

(2) Conduct of meetings. The El Centro CAC shall adopt rules for governing the conduct of its affairs not inconsistent with the provisions of this division, and specifically:

a. The officers of the El Centro CAC shall be Chairman and a Vice-Chairman who shall be elected by the El Centro CAC.

b. The El Centro CAC shall meet in regularly scheduled monthly meetings during the design and rehabilitation of the El Centro Espanol De Ybor building ("El Centro") and at least once a year after the certificate of occupancy is issued for the El Centro. The El Centro CAC, upon motion or notice by the Chairman may set meetings more frequently as needed. The El Centro CAC may, at any properly noticed meeting, set a future meeting date.

c. Minutes shall be kept of all members specifically including the vote of each member upon each question before the El Centro CAC and all meetings shall be publicly noticed and open to the public.

d. The El Centro CAC shall have an administrator who shall be the ARC Administrator and who shall bear the responsibility to implement the powers and duties of the El Centro CAC.

e. Any recommendation to the city shall be by motion and approved by a majority of those present and voting, except that at least four (4) members must vote for the action to be official.

f. The El Centro CAC shall have an agenda for each meeting which shall be posted and mailed to the affected parties. If, after issuance of the Certificate of Occupancy for the El Centro Espanol de Ybor building, no agenda items are pending, the chairman may cancel a meeting.

(3) Legal counsel to the committee. The city legal department shall provide legal counsel as may be reasonably required by the El Centro CAC for the proper performance of its duties.

(d) Compensation. The members of the El Centro CAC shall not be entitled to compensation, pension, or other retirement benefits by virtue of serving on the El Centro CAC, but shall be entitled to receive their travel expenses and other actual El Centro CAC expenses while outside of the city which are incurred in the performance of their duties of office in an amount equal to and computed in the same manner as the amount allowed to officials of the City of Tampa for travel and subsistence while traveling on public business.

e. Conflict of interest. No matter of the El Centro CAC shall vote on any matter that may directly affect the prosperity, income or business of that member. Any member who abstains from voting under this subsection shall not be counted as a part of the total membership for voting purposes on the vote.

Sec. 27-252. Powers and duties of the El Centro CAC.

The El Centro CAC shall have the power and duty to:

(a) Adopt rules for the conduct of its meetings;
(b) As its principal duty, provide guidance to the mayor and the city council by reviewing the physical characteristics, management, use, and ownership of the El Centro, and any changes thereto, and recommend a course of action with regard to the same;

(c) Specific tasks and projects to be undertaken by the El Centro CAC shall be determined in accordance with the sublease between the city and the Florida Department of State, Division of Historical Resources ("division") with the advice and direction of the mayor;

(d) The El Centro CAC may recommend studies and analysis of any projected change in use, management or ownership as such affects the historical integrity of the El Centro; and

(e) Carry out all other duties relating to the El Centro as required.

DIVISION 3. CITY OF TAMPA PRESERVATION BOARD

Sec. 27-253. Historic preservation commission—Generally.

(a) Creation. There is hereby established the historic preservation commission (HPC) of the city which shall consist of seven (7) members and two (2) alternate members. Four (4) members and one (1) alternate member shall be appointed by the mayor and approved by the city council and three (3) members and one (1) alternate member shall be appointed by the city council. The members shall have a demonstrated interest, competence, experience or knowledge in historic preservation, architecture, history, architectural history, planning, archaeology, development, real estate appraisals, real estate marketing, law or other related disciplines. Four (4) of the members shall be architects, architectural historians, historic preservationists, urban planners, historians or archaeologists with at least one (1) architect and one (1) architectural historian or historic preservationist. Members of the HPC shall not sit as officers or board members of local preservation related organizations.

(b) Term and eligibility. All appointments shall be made for terms of three (3) years. No member, including alternate members, shall serve more than two (2) consecutive terms on the HPC. Appointments to fill a vacancy shall be for the unexpired term of office, which term shall not count toward the two (2) consecutive term limit. Upon the expiration of a term, members may continue to serve until replaced by the appropriate appointing authority. Upon the expiration of a term and replacement by the appropriate appointing authority, a former member is not eligible to be re-appointed to the HPC unless a minimum of one (1) year has transpired. Members of the HPC shall be residents of the City of Tampa. Any member who misses three (3) consecutive regular meetings or more than half of the regular meetings in a calendar year shall be automatically removed from the HPC, unless such absence is approved by the chairman.

(c) Officers. The HPC shall each year elect members to serve as chair and vice-chair. The chair shall preside at meetings of the HPC and shall have the right to vote. In the absence or disability of the chair, the vice-chair shall perform the duties of the chair. In the absence or disability of the chair and vice-chair, a temporary chair shall be elected on an as-needed basis from the members present.

(d) Staff. There shall be an administrator, who shall be designated by the director of planning and development, who shall be responsible to assist the HPC in the implementation of its duties as provided in section 27-254, Powers and duties of the HPC and HPC staff. The HPC administrator and staff shall not sit as officers or board members of local preservation related organizations.

The HPC administrator and staff shall act in an impartial manner in all matters involving the HPC. Except with respect to being compensated by the city for carrying out their official duties, the HPC administrator and staff shall be prohibited from receiving any remuneration in connection with any matters that are filed with the HPC. Except with respect to their official duties, the
HPC administrator and staff shall not participate in activities relating to matters filed with the HPC.

(e) Meetings. The HPC shall meet at least quarterly at a regularly scheduled time with advance notice given and an agenda available prior to the meeting. The chairman may cancel a regularly scheduled meeting if there is no business or quorum to conduct the meeting. If a meeting is cancelled due to a lack of quorum, all matters on the agenda shall automatically carry over to the next regularly scheduled public meeting unless addressed sooner at an emergency meeting. Additional meetings may be called by the chairman or upon the request of four (4) members of the HPC. All meetings of the HPC shall be open to the public. Applicants shall be given notice of the HPC’s meetings, as required pursuant to section 27-262, and its decisions on their applications.

(f) Rules of procedure. The HPC shall adopt and make public rules for the transaction of its business. A quorum shall consist of four (4) members of the HPC. A majority of those HPC members present shall be required for official action.

(g) Minutes and annual report. The HPC staff and administration shall prepare and keep on file, available for public inspection, minutes of its meetings and a written annual report to the mayor and city council of its activities, cases, decisions, workplan, qualification of members and other work. The minutes shall include the reasons for the decisions of the HPC.

(h) Compensation. The members of the HPC shall not be entitled to compensation, pension, or other retirement benefits by virtue of serving on the HPC, but shall be entitled to receive their travel expenses and other actual HPC expenses, as approved by the director of growth management and development services, while outside of the city which are incurred in the performance of their duties of office in an amount equal to and computed in the same manner as the amount allowed to officials of the City of Tampa for travel and subsistence while traveling on public business.

(i) Conflict of interest. HPC members shall comply with the state code of ethics and the city code of ethics, as applicable, to appointed officials. Any member who abstains from voting due to a conflict of interest shall not be considered as part of the total membership for that vote.

Sec. 27-254. Powers and duties of the HPC and HPC staff.

(a) Power and duties of the HPC.

(1) Adopt rules for the conduct of its meetings;

(2) Develop an annual work program including survey and research activities, the development of design standards, training and education programs and appropriate staffing levels;

(3) Develop and recommend to city council design standards for designated historic districts, multiple property designations, landmarks and landmark sites, after obtaining a recommendation from the applicable design review commission;

(4) Work with and advise the federal, state, and county governments and other departments or commissions of city government regarding issues related to historic preservation within the city;

(5) Review the provisions of this chapter and other city ordinances and regulations, including the Tampa Comprehensive Plan, in order to recommend amendments that will promote the preservation of landmarks, landmark sites, multiple property designations, historic conservation overlay districts, and historic districts;

(6) Review and advise in the preparation of National Register of Historic Places proposals;

(7) Review and make recommendations to city council on nominations received by the HPC for the designation of landmarks, landmark sites, multiple property designations, historic conservation overlay districts, and historic districts;
(8) Advise the city in the administration of the city's certified local government program, including other responsibilities that may be delegated to the city under the National Historic Preservation Act of 1966, as amended from time to time;

(9) Advise the city in the administration of the designated historic landmarks, landmark sites, and contributing buildings in historic districts, historic conservation overlay districts, and multiple property designations owned by the city;

(10) Report violations of the city historic preservation ordinance to the appropriate city department for action;

(11) Review initial designations of contributing status and change in status when requested to do so by an applicant;

(12) Review demolition permit applications for historic properties located within the city excluding those which fall under the jurisdiction of the Architectural Review Commission ("ARC") or the Barrio Latino Commission ("BLC");

(13) Direct HPC administrator and staff to regularly update the official historic district building inventory to include all amendments or rescissions to designations that do not result in changes to the perimeter boundary of a historic district;

(14) Make any recommendation regarding preservation issues; and,

(15) Exercise such other powers and perform such other duties as are required elsewhere by this chapter, this code and state statutes.

Sec. 27-255. Proposed additions to the National Register of Historic Places.

(a) Proposed additions to the National Register of Historic Places. Under the Florida Certified Local Government Guidelines, published by the Florida Department of State, Division of Historical Resources, Bureau of Historic Preservation, as may be amended from time to time, the city is delegated the responsibility to review and, if deemed appropriate, to comment on proposed additions to the National Register of Historic Places.

(b) Review by the HPC. The HPC may obtain comments from the public that shall be included in its report making its recommendation. When the HPC considers a proposed listing on the National Register of Historic Places that would normally be evaluated by a professional in a specific discipline and that discipline is not represented on the HPC, the HPC may seek professional expertise in this area before rendering a decision. If the HPC recommends against National Register designation, the HPC shall, within fifteen (15) days after its hearing, forward to the state historic preservation officer its recommendation regarding the proposed listing on the Na-
Sec. 27-256. Local designation of landmarks, landmark sites, multiple property designations, historic conservation overlay districts, and historic districts.

(a) Application for designation. When a person or entity wishes to designate a landmark, landmark site, multiple property designation, historic conservation overlay district, or historic district (known collectively as "HPC applications"), that person or entity shall file an application for designation with the HPC's staff administrator on forms provided by the city. The administrative review fee for such applications shall be as prescribed by city council resolution.

(b) Public hearing by the HPC regarding recommendations to city council on proposed designations.

(1) Public notice. The procedures for required public notice shall be governed by section 27-149, with supplemental notice provided per sections 27-149(c)(1)a. (mailed notice to property owner), (c)(1)c. (mailed good neighbor notice), and (c)(2) (posted notice). Mailed notice to the property owner shall include mailed notice to the owner of every parcel of land which is subject to the proposed HPC application. Per section 27-149(c)(3), the applicant shall file the required affidavit of compliance with the HPC administrator. If the HPC administrator is serving as the applicant, the HPC administrator shall submit the required affidavit of compliance to the chair of the HPC.

(2) Standard of review. The HPC shall consider the proposed HPC application at a public hearing in which the HPC shall take testimony and consider evidence in rendering a recommendation to city council on the proposed HPC application. The HPC shall apply the criteria established in section 27-257 herein when making a recommendation to the city council on a designation.

(c) Review by the planning commission. Upon receipt of the HPC's full report and analysis concerning a proposed HPC application the HPC administrator shall forward the report and analysis to the planning commission staff for an administrative review. The planning commission shall, within thirty (30) days of receipt, submit its report to city council giving information on the relationship between the proposed designation and the adopted City of Tampa Comprehensive Plan.

(d) Designation process. The designation of a landmark, landmark site, multiple property designation, historic conservation overlay district, or historic district may only be considered by city council upon the recommendation of the HPC. Upon receipt of the HPC’s recommendation either in support of or in opposition to the designation and a copy of the full report and analysis of the proposed landmark, landmark site, multiple property designation, historic conservation overlay district, or historic district under the criteria established in section 27-257 herein, the city council shall hold the public hearing pursuant to section 27-262.

Sec. 27-257. Criteria to qualify as a landmark, landmark site, multiple property designation, historic conservation overlay district, or historic district.

When designating a landmark, landmark site, multiple property designation, historic conservation overlay district, or historic district, the HPC and city council shall apply the following criteria:

(a) The building, site, structure, object, or district:

(1) Was constructed or achieved its significance during the period of historic significance as delineated in the National Register of Historic Places guidelines or as established in the nomination pursuant to those guidelines; and
(2) Has a quality of significance in American, state or local history, architecture, archaeology, engineering, and culture which is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

i) That are associated with events that have made a significant contribution to the broad patterns of our history (otherwise known as criterion "A" of the National Register criteria);

ii) That are associated with the lives of persons significant in our past (otherwise known as criterion "B" of the National Register criteria);

iii) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (otherwise known as criterion "C" of the National Register criteria); or

iv) That have yielded, or may be likely to yield, information important in prehistory or history (otherwise known as criterion "D" of the National Register criteria); and

(c) In addition to the criteria set forth in subsections (a) and (b) above, the HPC and city council shall consider the following factors for a landmark, landmark site, or multiple property designation:

1) Whether the owner(s) supports the designation.

2) Whether the owner(s) has timely applied for and adequately established an economic hardship in accordance with the requirements set forth in section 27-259, and, if so whether economic incentives are applicable to adequately offset any economic hardship.

(Ord. No. 2007-156, § 8, 7-26-07)

Sec. 27-258. Landmark site.

The designation of a building, site, structure, or object as a landmark shall be accompanied by the designation of a landmark site. There shall be a rebuttable presumption that the entire parcel or parcels of land upon which the proposed landmark is situated is contributing and necessary for the proper appreciation of the historic property, provided, however, the HPC shall consider the context and configuration at the time the building, site, structure, or object achieved historical significance. A landmark site may be designated without the designation of a landmark, if the landmark site has significance other than being the previous location of a landmark.

(Ord. No. 2007-156, § 9, 7-26-07)

Sec. 27-259. Economic hardship.

(a) Application for determination of economic hardship. An owner of property recommended by the HPC for designation as a landmark, landmark site, or multiple property designation may be entitled to initiate, at the owner's discretion, a request for determination by the HPC of whether an economic hardship exists in order to abate the designation of the landmark, landmark site, or multiple property designation as provided for in section 27-256(c)(4). If such property owner has
elected to initiate an economic hardship determination pursuant to section 27-256(c)(4), the property owner shall file an application for determination of economic hardship with the HPC administrator in accordance with this section 27-259(b) within sixty (60) days after the city clerk receives the owner’s notice of election as set forth in section 27-256(c)(4). The HPC shall schedule a hearing on the matter within sixty (60) days of receipt of a complete application. The filing of an application for an economic hardship determination shall stay all related proceedings, permits or approvals. Failure to file a complete application, within the time period set forth herein, shall result in the city council proceeding with its consideration of the proposed nomination for designation, provided however, one (1) extension for good cause, not to exceed sixty (60) days, may be granted by the HPC administrator. The request for extension of time shall be in writing, received by the HPC administrator prior to expiration of the deadline provided herein, and shall state the reason(s) for which an extension of time is necessary.

(b) Application form. The application for determination of economic hardship shall be sworn to by affidavit and should be on forms provided by the city and shall include the following:

(1) The following mandatory information, the absence of which could be a basis for denial absent the showing of good cause:

i) The amount paid for the property, the date of purchase and the party from whom purchased, including any reasonably available information necessary to establish that it was an arms-length purchase between the owner of record or applicant and the person from whom the property was purchased, and any terms of existing financing between the seller and buyer;

ii) The assessed value of the land and improvements thereon according to the three (3) most recent assessments by the Hillsborough County Property Appraiser;

iii) Real estate tax bills for the previous three (3) years;

iv) All appraisals of the property in the possession of owner or its agents, whether performed for the owner or for third parties (including for, example, appraisals performed by owner, a lender, or a prospective purchaser);

v) Estimated market value of the property: (a) in its current condition; (b) after being designated;

vi) Estimated costs, fees, and expenses, as appropriate, of the costs of demolition, relocation, removal, rehabilitation, or restoration of the property including any analysis obtained from qualified professionals within the previous three (3) years and any increase or decrease in the costs and expenses of operation and maintenance of the property after completion thereof;

vii) Itemized cost and expense of all maintenance and improvements within the prior three (3) years and any estimates of increases or decreases thereto by virtue of designation;

viii) Credible information from qualified professionals or the property owner regarding the structural soundness of the structure(s) and suitability for rehabilitation;

ix) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous three (3) years; and

x) Form of ownership or operation of the property.

xi) Any offers received to purchase or lease the property within the prior three (3) years, and any listing of the property for sale or lease made within the prior three (3) years including any listing agreement or advertisements;
xii) All existing reports in the possession of owner or its agents relating to the economic feasibility of restoring or rehabilitating the property obtained within the previous three (3) years, including any market studies or evaluation of alternative adaptive reuses of the property;

xiii) For income-producing property:
1. Annual gross income from the property for the previous three (3) years;
2. Itemized operating and maintenance expenses for the previous three (3) years;
3. Annual cash flow, if any, for the previous three (3) years; and
4. Depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years.

(2) The following additional information, while not mandatory, may be very significant in establishing that an economic hardship exists:

i) A reasonably current appraisal by a qualified professional expert setting forth the current fair market value of the property as currently zoned, both undesignated and designated;

ii) Any other information, including the adjusted basis of the property, which would assist in making a determination as to whether the property currently yields or may yield after rehabilitation or restoration a reasonable return to the owners, e.g., a pro forma financial analysis;

The determination of economic hardship must be based on substantial competent evidence. The weight given to the evidence provided pursuant to sections 27-259(b)(1) and (2), in determining whether an economic hardship exists, shall be within the sound discretion of the factfinder(s).

(3) The administrative review fee for such application shall be as prescribed by city council resolution.

(c) Independent reports. The HPC or its administrator may obtain report(s) from independent qualified professionals knowledgeable as to any matters relevant to the HPC’s evaluation of the application.

(d) Administrator’s report. The HPC administrator may provide a written report to the HPC as to matters relevant to the application. The administrator shall provide a copy of the report to the HPC and the affected property owner at least fifteen (15) days before the public hearing on the application, together with any independent reports that have been obtained by the administrator.

(e) Public hearing by the HPC. The HPC shall hold a public hearing on the application within sixty (60) days after the receipt of the complete economic hardship application, or any amendment thereof. Notice of the HPC hearing shall be pursuant to section 27-262(a). Upon the written request of the affected property owner, the public hearing date may be continued for thirty (30) days, and upon mutual agreement of the HPC and the affected property owner, for an additional thirty (30) days thereafter. The affected property owner shall be given an opportunity to present evidence and witnesses, to cross-examine witnesses, and the right of rebuttal. The affected property owner shall have the burden to prove that, if designated, it would subject the property owner to an economic hardship. The HPC, after consideration of the evidence submitted and testimony provided during the public hearing, may request additional documentation to assist in its determination. Depending on the nature of the request, the HPC may continue the public hearing in order to allow a reasonable period of time for preparation and submittal of the requested documentation.

(f) Decision on an application for determination of economic hardship. At its public hearing, the HPC shall review the application, the city staff report, testimony and other evidence to determine if the affected property owner has demonstrated that the property, if designated,
would subject the property owner to an economic hardship. If the HPC does not find that economic hardship has been demonstrated, the economic hardship application shall be denied and the designation process shall proceed, unless timely appealed in accordance with section 27-263(b). In making its determination, the HPC shall consider the information set forth in the application, the application materials, the professional qualifications, expertise, and credibility of the witness(es) and the evidence presented, giving greatest weight to the following factors:

(1) Testimony from the property owner or qualified professional or expert, such as an architect, engineer, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of any existing structure on the property or other matter relevant to the determination of economic hardship;

(2) Any other information, including the adjusted basis of the property, which would assist in making a determination as to whether the property does yield or may yield a reasonable return to the owner(s) commensurate with the risk of restoration or rehabilitation, e.g., a pro forma financial analysis.

(3) The relation of the fair market value of the property in its current condition plus rehabilitation expenditures to the fair market value of the property upon rehabilitation;

(4) The costs, expenses and time requirements of rehabilitation;

(5) Economic incentives applicable to the owner or property if designated;

(6) Whether the property was allowed to fall into a state of disrepair by the current owner or a prior related owner and the extent to which that neglect may have caused the value of the property to decline or the costs of rehabilitation to escalate; and,

(7) Whether or not the property is or is not in compliance with Chapter 5 and Chapter 19, City of Tampa Code of Ordinances. An affidavit from the City of Tampa Building Official or the CE Director, is admissible in this regard.

(8) The likely effect of designation on property value.

The weight given to the factors to be considered pursuant to section 27-259(f), in determining whether an economic hardship exists, shall be within the sound discretion of the factfinders.

(Ord. No. 2007-156, § 10, 7-26-07)

Sec. 27-260. Emergency actions to protect buildings, sites, structures or objects meeting the criteria for designation.

(a) Review by the staff of the threat. The city shall notify the HPC administrator within five (5) working days of receipt of an application for a demolition permit to any building, site, structure, or object that is fifty (50) years or older. The HPC administrator shall have twenty (20) working days from receipt of notice of an application for a demolition permit to review same and determine whether the building, site, structure, or object either meets the criteria included in section 27-260(b) below, or is listed on the HPC's workplan. If the building, site, structure, or object does not meet the criteria included in section 27-260(b) below or is not listed on the HPC's workplan, the HPC administrator shall immediately advise the city that there are no objections to the application for demolition permit. The approval of a demolition permit is in effect for one (1) year from the date of approval. If the HPC administrator determines that the building, site, structure, or object does meet the criteria included in section 27-260(b) below or is listed on the HPC's workplan, the HPC administrator shall schedule the application for demolition permit for review by the HPC during its next regularly scheduled meeting.

(b) HPC public hearing and findings of fact. Within sixty (60) days of receipt by the city of an application for a demolition permit, the HPC may after a duly noticed public hearing pursuant to
the provisions of this chapter, request the city council to take emergency action to review a threat to:

(1) A building, site, structure, or object of architectural, historical or archaeological significance:
   i) that is listed individually in the National Register of Historic Places; or
   ii) that meets the criteria for individual listing on the National Register of Historic Places, but which has not been locally designated under the provisions of this chapter; or
   iii) that is identified as contributing to a historic district that either is pending for listing on or is listed on the National Register of Historic Places, but which is has not yet been designated under the provisions of this chapter.

Such a request stays all action to issue or obtain a permit for demolition or permit for exterior construction activity for the building, site, structure, or object. The HPC shall submit written information to the city council supporting its statement that irreparable harm will be done to the building, site, structure, or object if a demolition permit for the building, site, structure, or object is issued. The HPC administrator shall submit to the city council all information available regarding the building's, site's, structure's, or object's eligibility for designation. If the HPC determines that the building, site, structure, or object does not meet the criteria for designation, the HPC shall approve the issuance of the demolition permit for the building, site, structure, or object. The approval of a demolition permit is in effect for one year from the date of approval.

(c) City council public hearing and findings of fact. Within fourteen (14) days of the city council's receipt of the HPC's request for emergency action, the city council shall schedule a public hearing to consider such emergency designation. The city council shall provide the applicant for the permit, the owner of the property and the HPC administrator with a minimum of ten (10) days notice of the scheduled public hearing. All exterior construction activity requiring building permits or the processing of a demolition permit application relating to the building, site, structure, or object shall be stayed until the city council action is taken on the threatened property.

At the public hearing, the HPC administrator shall report to the city council on the architectural, historical or archaeological significance of the threatened building, site, structure, or object, evaluating same under the criteria for designation set forth in this section 27-257 herein. The city council shall hear testimony from the owner, the applicant and all other interested parties. The city council shall not hear any evidence that was not presented at the public hearing before the HPC. If new evidence is presented before the city council, the city council shall refer the matter back to the HPC for reconsideration based upon the new evidence. At the close of the public hearing, the city council shall determine whether to set a public hearing for local designation. In the event the applicant or property owner denies the city access to the property for the purpose of preparing the required report and analysis pursuant to section 27-260(b) above, the city council may extend the stay until the applicant or property owner allows such access.

(d) Decision by city council. If the city council determines that the building, site, structure, or object does not meet the criteria for designation, the city council shall approve the issuance of the demolition permit for the building, site, structure, or object. The approval of a demolition permit is in effect for one (1) year from the date of approval. If the city council determines that the building, site, structure, or object meets the criteria for designation, the city council shall commence the designation process of the building, site, structure, or object as a landmark or landmark site under the procedures set forth in section 27-256 herein. When an emergency designation is initiated by the city council under this section, the HPC and city council shall make every effort to complete the designation process in the most timely fashion. In every other respect, the designation shall follow the procedure for designation set forth in section 27-256 herein.
Sec. 27-261. Applications to review initial designation of contributing status, redesignation of buildings, structures, or objects relocated into or within historic districts or historic conservation overlay districts and change in designation status of building, structure, or object as contributing or noncontributing.

(a) Application for initial designation of contributing status for buildings, structures or objects located within an historic district or historic conservation overlay district. When the owner of property located within an historic district desires to have the property designated as "contributing", the owner of the property shall file an application with the HPC administrator on forms provided by the city. The owner of the property shall provide the following information:

(1) The setting and environment of the site of the building, structure or object;

(2) Photographs of the location and a detailed site plan showing all existing buildings, structures and objects located on the site and identifying each as such;

(3) Evidence that the building, structure, or object has retained its historical and architectural integrity and is appropriate to the period of significance of the historic district or historic conservation overlay district.

(4) Scale drawings of the existing building, structure, object, or site, if available;

(5) Photographs of the existing building, structure, object, or site in its current state;

(6) Photographs of the existing building, structure, object, or site at the time originally constructed and during the period of historic significance, if available; and,

(7) Historical information about the building, structure, object, or site, its evolution and its designation as part of the historic district or historic conservation overlay district in which it is located.

(b) Application for re-designation of contributing status for buildings, structures or objects relocated into or within an historic district or an historic conservation overlay district. When the owner of a property desires to relocate a building, structure or object into or within an historic district or historic conservation overlay district and to retain its status as "contributing," the owner of the property shall file an application with the HPC administrator on forms provided by the city. The owner of the property shall provide the following information:

(1) The reason(s) for the relocation;

(2) The setting and environment of the current site of the building, structure, or object;

(3) The proposed setting and environment of the building, structure or object, including evidence that the proposed site does not possess historical or archaeological significance that would be adversely affected by the intrusion of the relocated building, structure, or object onto the property;

(4) Photographs of the proposed location and a detailed site plan showing all existing and proposed building(s), structure(s), or object(s) to be located on the site and identifying each as such; and,

(5) Evidence that the building, structure or object has retained its historical and architectural integrity, and is appropriate to the period of significance of the historic district.

(c) Application for change in designation status of building, structure, or object as contributing or non-contributing. When the owner of a property located in a historic district or historic conservation overlay district desires to have the designation status of a building, structure or object changed from contributing to non-contributing, the owner of the property shall make an application for change in designation status to the HPC administrator on forms provided by the city. The owner of the property shall provide the following information:

(1) The setting and environment of the site of the building, structure or object;
(2) Photographs of the location and a detailed site plan showing all existing buildings, structures and objects located on the site and identifying each as such;

(3) Evidence that the building, structure, or object has retained its historical and architectural integrity and is appropriate to the period of significance of the historic district or historic conservation overlay district.

(4) Scale drawings of the existing building, structure, object or site, if available;

(5) Photographs of the existing building, structure, object, or site in its current state;

(6) Photographs of the existing building, structure, object, or site at the time originally constructed and during the period of historic significance; and,

(7) Historical information about the building, structure, object, or site, its evolution and its designation as part of the historic district in which it is located.

(d) Filing of application. An application permitted to be filed under this section shall not be considered complete until all required information has been submitted and the application has been accepted by the HPC administrator. The administrative review fee for such applications shall be as prescribed by city council resolution.

(e) Independent reports. The administrator may obtain report(s) from independent experts to assist the HPC in its evaluation of any application filed under this section 27-261.

(f) Administrator’s report. The administrator shall provide a written report evaluating the application and the building, structure, object, or site, including a recommendation to the HPC, and provide a copy of the report to the HPC and to the property owner at least fifteen (15) days in advance of the public hearing on the application.

(g) Notice. Notice of the public hearing shall be pursuant to section 27-262(a) herein.

(h) Action on an application. The HPC shall hold a public hearing on each application once the application is complete and accepted by the HPC administrator. The applicant shall have the burden of proof.

(i) Criteria for review of applications. The criteria to be applied by the HPC in approving or not approving an application filed hereunder shall be the criteria set forth in National Register Bulletin No. 15 or any amendment or replacement thereof.

(j) Decision. The HPC shall approve or disapprove each application including in its decision its reasons using the criteria contained in this section. The HPC may reconsider or rescind an approval or denial and any conditions attached at the meeting in which the motion was made. The HPC may not rescind motions adopted at previous meetings. Following the public hearing(s) and the HPC’s decision on the application, staff shall forward written notice of the decision to the applicant and the HPC shall direct the HPC staff to update the official historic district building inventory to reflect any amendments necessary as a result of its decision.

Sec. 27-262. Scheduling of city council public hearings; notices.

(a) The HPC administrator will schedule the date for the public hearing on the HPC application consistent with city council rules of procedure and forward the application to the city clerk for inclusion on the requested agenda.

(b) Public notice. The procedures for required public notice shall be governed by section 27-149, with supplemental notice provided per sections 27-149(c)(1)a. (mailed notice to property owner), (c)(1)c. (mailed good neighbor notice), and (c)(2) (posted notice). Mailed notice to the property owner shall include mailed notice to the owner of every parcel of land which is subject to the proposed HPC application. The required mailed notice shall also include the following in substantially the same form:

(1) The city council has received a recommendation from the HPC to designate the property as a landmark, landmark site or as a part of a historic district, historic
conservation overlay district, or multiple property designation under the City of Tampa Historic Preservation Ordinance (a copy of the nomination, HPC recommendation and a legal description of the property is enclosed);

(2) The city council will consider such proposed designation at a public hearing on (date, time and place);

(3) The designation of the property as a landmark, landmark site or property within a historic district, historic conservation overlay district, or multiple property designation would make the property subject to the provisions of the City of Tampa Historic Preservation Ordinances;

(4) If the owner wishes to abate the designation process for a landmark, landmark site or multiple property designation, pending the HPC’s determination of whether the designation would result in an economic hardship pursuant to section 27-259 herein, the owner must do so by filing a written notice with the city clerk, with a copy to the HPC administrator, electing to initiate an economic hardship determination. The written notice must be filed with the city clerk within fourteen (14) days of the date of the HPC’s written recommendation for designation. If an owner of a property nominated for landmark, multiple property designation or landmark site designation does not initiate an economic hardship determination, the procedures and criteria set forth in section 27-259 herein shall apply.

Per section 27-149(c)(3), the applicant shall file the required affidavit of compliance with the city clerk.

Sec. 27-263. Appeal from decision of the HPC.

(a) Decisions of the HPC, which are limited to recommendations regarding designation of a landmark, landmark site, multiple property, historic conservation overlay district, or historic district pursuant to section 27-256; recommendations on proposed design standards, including proposed changes thereto, pursuant to section 27-264; and, recommendations on proposed additions to the National Register of Historic Places pursuant to section 27-255.

(b) For decisions under section 27-259, any aggrieved person who participated during the public hearing may appeal the HPC’s decision to the Circuit Court in and for Hillsborough County, Florida. Such appeal shall be by writ of certiorari and shall be filed within 30 days of the HPC’s decision. An appeal under this section shall stay all further designation proceedings until the appeal has been resolved.

(c) For decisions other than those identified in subsection 27-263(a) and subsection 27-263(b) herein, any aggrieved person who participated during the public hearing may appeal a decision of the HPC to the city council in accordance with section 27-61(c).

Sec. 27-264. Design standards.

(a) New district. The HPC shall notify the property owners in a district recommended for designation of its intent to recommend development of design standards consistent with the Secretary of Interior’s Standards for that district and shall request comments from the affected property owners and other interested persons. A draft of the proposed design standards will be available for review and/or purchase at the City of Tampa Historic Preservation office and the city clerk's office at the time the district is recommended for designation.

The HPC shall hold at least one (1) public hearing to hear comments on the proposed design standards. Notice of the public hearing(s) shall be sent to the property owner(s), according to the latest ad valorem tax records, for each parcel of land within the proposed district. This notice shall be mailed to such property owners at their usual post office address, by regular U.S. mail, a minimum of fifteen (15) days prior to date of the HPC's public hearing. After receiving public com-
ments and the applicable regulatory board comments on the proposed design standards at the public hearing(s), the HPC shall, at a regularly scheduled public hearing, make a recommendation to city council to adopt, or adopt with changes, the proposed design standards.

(b) Existing district. The HPC shall periodically review the design standards for each district in a public hearing with notice given to the property owners within that district. At the time of any proposed change to the design standards for the district, the HPC shall conduct a public hearing with notice given to the property owners within that district. Notice of the public hearing shall be sent to the property owner, according to the latest ad valorem tax records, of each parcel of land within the district. This notice shall be mailed to such property owners at their usual post office address, by regular U.S. mail, a minimum of fifteen (15) calendar days prior to the date of the public hearing. After receiving the public comments and the applicable regulatory board comments on the proposed change(s) to the design standards at the public hearing(s), the HPC, may at a regularly scheduled public hearing, recommend to city council to adopt, or adopt with changes, the proposed change(s) to the design standards.

Sec. 27-265. Workplan.

(a) Generally. The HPC, on an annual basis or more often if deemed necessary, shall update the list of properties for inclusion in its workplan and submit to the city council for approval. The purpose of the workplan is to identify those properties that require further study and investigation of their architectural or historical significance for possible landmark designation.

(b) Priorities. The HPC, during its consideration of requests for inclusion in the workplan, shall apply the following system for prioritizing workplan items:

1. Priority I items include those properties where there is a:
   a. Perceived threat to a historic property;
   b. Pending or proposed grant application for a historic site;
   c. Pending or proposed redevelopment of a site where property tax incentives are requested;
   d. Need for community recognition of a significant historic site; or,
   e. Participation by property owner or community in research.

2. Priority II items include those properties where there is a need for community recognition of a significant historic site and none of the criteria in subsection 27-265(b)(1) apply.

(c) Notice. With the exception of proposed historic districts, the HPC administrator shall send written notice, at least fifteen (15) days in advance of the public hearing, to the owner(s) of property being considered for inclusion in the HPC's workplan. The owner(s) of the property shall be allowed to participate during the public hearing.

Sec. 27-266. Property maintenance required.

The owner of any building, site, structure, or object recommended for designation by the HPC as such that is subject to a pre-designation stay of permit issuance or of any building, site, structure, or object included on the HPC's workplan, shall comply with all applicable codes, laws and regulations governing the maintenance of property as provided in Chapter 19, Property Maintenance and Structural Standards.

Sec. 27-267. Interstate Historic Preservation Trust Fund.

(a) Generally. There is hereby established an Interstate Historic Preservation Trust Fund. All proceeds derived by the city in connection with the sale of the sites and rehabilitated homes impacted by the Florida Department of Transportation's expansion of Interstate-4 and Interstate-275 shall be placed in a designated trust fund account for use by the city in connection with public improvement projects or for historic preservation purposes in the Ybor City National His-
toric Landmark District, the Tampa Heights National Register Historic District, or the West Tampa National Register Historic District.

(b) **Advisory committee.** The mayor shall create an advisory committee to the Interstate Historic Preservation Trust Fund, which shall consist of three (3) regular members and one (1) alternate member. The advisory committee shall adopt rules and procedures to determine eligibility for participation in the historic preservation trust fund programs. The advisory committee shall also make recommendations to the mayor and city council as to disbursements from the historic preservation trust fund.

(c) [Reserved.]

(d) **Administration.** The historic preservation trust fund shall be administered by the HPC administrator and staff.

(e) **Fee.** Applicants seeking funding from the trust fund shall pay, at the time of filing, a fee as established by the city council by resolution.

(f) **Appeals.** An appeal from a decision or determination of the HPC administrator shall be filed with the historic preservation trust fund advisory committee within thirty (30) days of the date of the decision or determination. The advisory committee shall consider the appeal at its next regularly scheduled meeting, and shall apply a de novo standard of review and shall not be limited in its review to that information, documentation, or evidence upon which the HPC administrator based the determination. Appeals from a historic preservation trust fund advisory committee decision or determination shall be appealed in accordance with section 1-19.

**Secs. 27-268—27-270. Reserved.**

**DIVISION 4. DESIGN STANDARDS ESTABLISHED**

**Sec. 27-271. Authority to establish.**

The various chapters of the City Code provide the official with authority to establish and publish technical standards for use in implementing those land development regulations. Those technical standards are filed with the city clerk and available to the public pursuant to the provisions of each land development code.

**Sec. 27-272. Tampa Heights Historic District Design Guidelines.**

The 2000 Edition of the Tampa Heights Historic District Design Guidelines is hereby adopted by reference, as it may be amended from time to time, and it, therefore, has the force and effect of law.

(Ord. No. 2000-235, § 4, 8-31-00)

**Sec. 27-273. Seminole Heights Historic District Design Guidelines.**

The 1995 edition of the Seminole Heights Design Guidelines is hereby adopted by reference, as it may be amended from time to time, and it, therefore, has the force and effect of law.

(Ord. No. 2002-21, § 2, 1-3-02)

**Sec. 27-274. Hyde Park Historic District Design Guidelines.**


(Ord. No. 2002-22, § 2, 1-3-02; Ord. No. 2002-230, § 1, 10-10-02)

**Sec. 27-275. Ybor City Historic District Design Guidelines.**

The 2003 Edition of the Ybor City Historic District Design Guidelines is hereby adopted by reference, as it may be amended from time to time, and it, therefore, has the force and effect of law.

(Ord. No. 2002-23, § 2, 1-3-02; Ord. No. 2003-152, § 4, 6-26-03)

**Secs. 27-276—27-280. Reserved.**
ARTICLE VI. SUPPLEMENTAL REGULATIONS

DIVISION 1. APPLICABILITY AND EFFECT

Sec. 27-281. Applicability; effect.

The regulations in this article shall apply generally or in groups of districts as indicated, unless district regulations or regulations for particular uses specifically provide to the contrary, and qualify or supplement other regulations appearing in this chapter.

DIVISION 2. REGULATIONS FOR SPECIFIED USES

Sec. 27-282. Mobile homes and construction trailers.

(a) No mobile home shall be permitted within the corporate limits of the city except in a duly licensed mobile home park or in PD districts in which mobile homes are an approved use. No mobile home shall be parked upon any public street right-of-way.

(b) A licensed contractor engaged upon a project or construction for which a construction permit has been issued or if determined by the director of business and community services or his designee that a permit will be issued within a reasonable time frame (permit application has been received and has had at least an initial review of compliance with the codes) the contractor may temporarily use a construction trailer for office facilities in the location where the work is being done, provided further, such construction trailer shall not be placed upon the street but upon the property on which the permit authorizes the construction or for which construction plans have been submitted, and the same shall be removed immediately upon the completion of the work for which the permit has been issued or if the permit expires. In any event the construction trailer for office facilities may not be placed at or on the location where the work is being done prior to thirty (30) days before the construction permit has been issued. Due to the nature of the construction project, if it is impossible or impractical for the construction trailer to be located on the site where the work is being done, the contractor may request the zoning administrator to approve an off-site construction trailer location given the following conditions are met:

1. The zoning district of the proposed trailer location must be the same designation or a more intensive zoning district than the zoning district of the construction site.

2. A site plan must be submitted to the zoning administrator showing:
   a. The proposed location of the construction trailer, and
   b. Legal description of property, and
   c. A minimum of two (2) temporary off-street parking spaces which comply with the dimensional regulations found in this Code, however are not required to be hard surface, and
   d. A six-foot high solid fence placed along each property line where the adjacent use is residential, and
   e. If there is any other use(s) on the property, the site plan must show that the operation of the existing use(s) is not disrupted to where the existing use(s) are made to be not in compliance with City Codes, and
   f. The contractor must commit to return the site to its original condition or better upon completion of the construction project for which the permit was issued.

Sec. 27-282.1. Vehicle repair in residential districts.

The repairing of an automobile or a motor vehicle in a residential zoning district within the corporate limits of the city is subject to the following restrictions:

1. Only minor repairs and maintenance may be performed which, for the purposes of this section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid and lubricating oil; the replacement of
sparkplugs, ignition points; the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.

(2) Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current state license plates, or motor vehicles designated by the state as qualifying for an antique or horseless carriage designation.

(3) Such repairs shall be performed only at the address shown on the vehicle registration.


Sec. 27-282.2. Model dwelling units and preconstruction sales offices.

(a) In any residential district where residential dwelling units are allowed, the developers or their agents may operate one (1) model dwelling unit as a sales office for the specific project under construction, subject to the following restrictions:

(1) The model dwelling unit shall meet all district requirements for lot and yard dimensions.

(2) Signs shall not be illuminated after 9:30 p.m.

(3) The model dwelling unit shall not be used for any business activity later than 9:30 p.m.

(4) A subdivision having three (3) or less model dwelling units shall provide two (2) independently functional parking spaces per unit. A subdivision having four (4) or more model dwelling units shall provide an off-street parking lot within three hundred (300) feet of the sales office with a minimum of five (5) spaces for four (4) model units plus one additional space for each additional model. Due to the temporary nature of the parking lot, the parking area shall be treated with a suitable temporary surface.

(5) The model dwelling unit shall not be used as a means to sell similar units located elsewhere in the city.

(6) The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.

Model dwelling units may be erected or displayed in districts that exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

(b) In those zoning districts where multi-family dwelling uses are permitted, a temporary structure may be used as a preconstruction sales office for the purpose of displaying a typical dwelling unit arrangement, subject to the following restrictions:

(1) The structure shall be limited to one (1) story in height.

(2) The structure shall be appropriately landscaped and shall be subject to the requirements of section 27-284.

(3) The structure shall be subject to the same front setback requirements as the principal structure to be erected and shall otherwise be subject to all setback requirements for this district.

(4) Adequate off-street parking facilities and access driveways shall be developed only within those locations approved for such facilities in conjunction with the permanent apartment structure, and no additional parking areas or access driveways shall be permitted.

(5) Signs shall be permitted only in accordance with the regulations set forth for such use within the district.

(6) The structure shall comply fully with all existing building codes and ordinances of the city.
(7) The structure shall be completely and totally removed within six (6) months from the date of the issuance of a building permit for same or upon the completion of the permanent residential dwelling structure, whichever date is later.

(8) In the event that the structure should not be removed or demolished by the owner or other parties in interest within the terms of this subsection, the city, acting through its building official, is authorized to vacate, demolish or remove, either with city forces or by independent contractor submitting the lowest and best bid, any such building or structure. The city shall assess the entire cost of such vacation, demolition or removal against the owner or other parties in interest.

Cross reference—Model homes/sales centers in subdivisions, § 27-153.3.3.

Sec. 27-282.3. Garage and yard sales.

(a) A limited number of garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all residential districts. Such sales shall be limited to one (1) during each six-month period, for a duration not to exceed three (3) days.

(b) All such sales shall be conducted in compliance with the licensing provisions of chapter 24 of this Code.

Sec. 27-282.5. Home occupations.

The following specific standards shall apply to all home occupations:

(1) A home occupation shall include, but not be limited to, the following: domestic crafts such as seamstresses, sewing, tailoring, weaving, washing and ironing; beauty shops and barbershops (one-chair operations only); dog grooming (provided no overnight keeping of animals); repair of small household appliances; private tutoring and instruction (limited to five (5) pupils at any one (1) time); and professional services.

(2) No person shall be employed other than members of the immediate family residing on the premises.

(3) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to its use for residential purposes. Not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation, and no outside display, storage or use of land is permitted.

(4) There shall be no change in the outside appearance of the building or premises as a result of such occupation, with the exception of a nameplate which shall be attached to the principal structure, shall not be illuminated, and whose maximum size shall not exceed two (2) inches by twelve (12) inches.

(5) No home occupation shall be conducted in any accessory building.

(6) No mechanical equipment shall be used for storage on the premises, except such that is normally used for purely domestic or household purposes, nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage.

(7) No commodity shall be sold on the premises nor displayed or warehoused on the premises for sale elsewhere.

(8) No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.

(9) A home occupation shall not be interpreted to include activities such as, but not restricted to, auto repair and tune-up, clinic, welding shop, animal hospital or kennel.

(10) The use can qualify for all local, state and federal licenses, certificates and permits.
Sec. 27-282.6. Commercial communication towers regulations.

(a) Purpose. The purpose of these supplemental regulations are to promote the health, safety and general welfare of residents of the City of Tampa, to provide standards for the safe provision of telecommunications consistent with applicable federal and state regulations, and to protect the natural features and aesthetic character of the city with special attention to residential neighborhoods, historic districts and landmarks and the city rights-of-way.

These regulations are not intended to prohibit or have the effect of prohibiting the provision of personal wireless services nor shall they be used to unreasonably discriminate among providers of functionally equivalent services consistent with current federal regulations.

(b) Development standards.

(1) Commercial communication tower location requirements. It is the intent of this section to identify appropriate locational requirements for commercial communication towers. Locational requirements seek to minimize the visual obtrusiveness of commercial communication towers to surrounding areas, to allow for the establishment of an efficient telecommunication network through the use of commercial communication towers, when necessary, and to provide high quality service while minimizing the number of commercial communication tower sites.

  a. Height, setback and separation distance requirements for site location in various areas are identified in Table 6-1.

<table>
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<th>CATEGORY</th>
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<td>Maximum Height</td>
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<td>Minimum Separation from Residential use</td>
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<td>100% of Tower Ht.</td>
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<tr>
<td>Minimum Separation from Local Historic Dist. or Landmark site.</td>
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<td>300% of tower height</td>
<td>300% of tower height</td>
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NOTE: Commercial telecommunication towers seeking to locate in Commercial General (CG) and Office Professional (OP) are considered a Special Use 2 (S-2) subject to compliance with all sections of Article II, Division 5, Special Use Permits set forth herein.

NOTE: Distance separation shall be measured from the base of the tower to the residential, historic or landmark site property line.

NOTE: Distance separation from right-of-way shall be consistent with the requirements of the underlying zoning district.

NOTE: Requests for commercial communication towers in National Historic Districts shall be considered through a special use S(2) public hearing before city council.

NOTE: The construction of commercial communication towers is prohibited in the Accident Potential I and II Zones (APZ) around MacDill Air Force Base as noted on the Future Land Use Map of the City of Tampa Comprehensive Plan.
b. Communication equipment and communication towers owned and operated by governmental agencies responsible for public safety (e.g. city police and fire department, sheriffs office, federal aviation authority) are not subject to the maximum height restrictions and may be located in any zoning district. The use of guyed or lattice tower, to achieve the necessary height, is allowed only through a special use, S(2) public hearing before city council.

c. The applicant may petition through the special use, S(2) process to reduce setback and separation requirements or increase maximum tower height listed in Table 6-1. The applicant must submit a petition in sufficient detail to demonstrate compliance with all other provisions in the code not specifically called out for a consideration to be changed. City council may approve such reductions, alterations or changes if it can be demonstrated that the application meets the requirements of 1., 2., or 3. set forth below and the requirements of 4., 5., and 6. are satisfied:

1. Techniques which have the effect of significantly reducing or eliminating visual obtrusiveness are incorporated into the design of the commercial communication towers. The tower site, associated equipment shelters, fencing and appurtenances are designed to reflect the physical character, massing, scale, architecture and historic nature (where applicable) of the surrounding neighborhood.

2. Full compliance with all setback or separation requirements would result in the removal of a grand tree, as set forth in Chapter 13, City of Tampa Code of Ordinances, which would otherwise be saved by reducing the setback or separation.

3. The approval of the variance request will result in multiple carriers (three (3) or more) on the tower.

4. The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the tower.

5. The variance is in harmony with and serves the general intent and purpose of the chapter and the adopted Tampa Comprehensive Plan.

6. Allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by the chapter and the individual hardships that will be suffered by a failure of the city council to grant the variance.

(2) The applicant shall demonstrate by an affidavit from a registered professional engineer or the tower's manufacturer that the commercial communication tower will support the specified number of antennas as set forth below to accommodate collocation, and that it will be constructed to the EIA/TIA 22-E Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable City of Tampa Building Codes.

a. All commercial communication towers, except camouflaged structures, over eighty (80) feet and up to and including one hundred forty (140) feet in height shall be structurally designed to accommodate at least two (2) antenna arrays.

b. All commercial communication towers, except camouflaged structures, exceeding one hundred forty (140) feet in height shall be structurally designed to accommodate at least three antenna arrays.
The proposed commercial communication tower shall be designed and constructed to ensure that the structural failure or collapse will not create a safety hazard to adjoining properties.

The applicant shall demonstrate that the antenna(s) to be attached to the tower comply with the FCC and other applicable federal or state regulations relative to telecommunications and radio frequency emission levels.

The commercial communication tower shall not be used for, nor contain signage, designs or logos for private, political or commercial advertising.

If visible from surrounding properties accessory buildings, structures or appurtenances serving the commercial communication tower site shall be designed to be compatible with the architecture and physical character of the immediate neighborhood.

The commercial communication tower may be located on a zoning lot containing other principal uses. The commercial communication tower may be located on a parcel smaller than the minimum lot size of the underlying zoning district. This parcel shall be known as the "commercial communication tower site." The commercial communication tower site, and not the entire zoning lot, shall be subject to requirements of this Code. However, where public notice is required, the entire zoning lot shall be considered for calculation of the required area for which notice is to be provided. The creation of the "commercial communication tower site" shall not cause the reduction of required parking, landscaping or other code requirements for the use of the parent tract.

A minimum eight-foot high finished masonry wall or other decorative type fence shall be required around all portions of commercial communication tower sites adjacent to or visible from residentially zoned or used property or public road rights-of-way. However, in industrial zoned districts, the fence may be a chain link fence or other type security fence. Wooden slat fences shall not be allowed in any zoning district. For purposes of this section, a finished masonry wall includes, but is not limited to stucco, brick, or any other decorative cover or finish.

The landscaping buffer shall consist of a row of evergreen shade trees a minimum of fifteen (15) feet tall with a four (4) inch caliper. They shall be spaced a maximum of fifteen (15) feet apart around the outside perimeter of the security fence or wall. In addition, a row of evergreen shrubs such as viburnum, ligustrum, holly or juniper, four (4) feet high, seven (7) gallon container, will be planted eight (8) feet on center, in order to maintain eighty (80) percent opacity within one (1) year of planting. This landscaping will be maintained through an irrigation system approved by the Planning and Development Department (PDD) during the term of the lease or the operation of the commercial communication tower, whichever is longer.

a. When the base of a commercial communication tower site is visible from public right-of-way or residentially zoned or used property, it shall be screened with the required landscape buffering located outside of the security fence.

b. Existing trees and vegetation shall be preserved to the maximum extent possible and may be used as a substitute towards meeting the landscaping requirements if they are of equal quality and provide effective screening. Any vegetation that is preserved or used as a substitute must be maintained throughout the term of the lease or the operation of the commercial communication tower.

c. Intervening buildings or other structures which provide the equivalent screening from view from residentially zoned or used properties and
public rights-of-way may be used as a substitute toward meeting the screening requirement.

d. Where it can be demonstrated that the provision of the required trees and/or vegetation would present a safety hazard (such as around an electrical substation) alternative for compliance with the vegetative requirements may be approved by the zoning administrator.

(10) Commercial communication towers shall not be artificially lighted except to ensure human safety or as required by the FAA.

(c) Location overlay sites. The purpose of location overlay sites is to allow for a greater flexibility for the location of commercial communication tower sites, provide for areas which are pre-approved allowing for greater ability to pre-plan multiple sites, maximize the use of sites which have been under utilized and to reduce the number of commercial communication tower sites which are visually obtrusive.

Designated public and private facilities and structures may be considered for the location of commercial communication towers without regard to the underlying zoning district prohibitions if certain conditions, called out below, can be met (NOTE: The construction of commercial communication towers in the APZ I and II zones is prohibited). However, the landscape buffer and screening requirements of section 27-282.6(b)(10) apply. If one (1) of the sites identified below is within a zoning district that has less restrictive setback, height or separation requirements the less restrictive requirement shall apply. In addition, if a site is located within a local historic district, a Certificate of Appropriateness (C/A) is still required and the ARC or Barrio Latino Commission may require the tower to be camouflaged.

(1) Commercial communication towers (monopole) are permitted by right in all utility easements of one hundred (100) in width or greater when they maintain a distance separation equal to or greater than one hundred ten (110) percent of the tower height from a residentially zoned or used property. An existing utility transmission pole can be changed out and increased in height for the purpose of adding one (1) or more communication antennas regardless of the above distance separation requirement, up to seventy-five (75) percent of the existing pole height or one hundred twenty (120) feet which ever is taller. The maximum height of the changed out pole shall be limited to two hundred (200) feet.

(2) Commercial communication towers are permitted by right in the right-of-way of the Veterans Expressway, the Leroy Selmon Expressway, Interstate 4, Interstate 75 and Interstate 275 when being installed as a lightpole change out, provided there is not a reduction of the distance separation to a residentially zoned or used property.

(3) Monopoles of one hundred forty (140) feet or less are permitted by right in designated city parklands and recreation facilities when they maintain the following distance separation:

a. Towers over one hundred (100) feet in height three hundred (300) feet from a residentially zoned or used property; or

b. Towers one hundred (100) feet or less in height two hundred (200) feet from a residentially zoned or used property. The tower site must meet the landscape and screening requirements of sections 27-282.6.(b)(8) and (9). Alternatives to these requirements may be approved by the city parks department.

(4) Monopoles of one hundred forty (140) feet or less may be erected within designated utility transfer or electrical substations which have a minimum lot size of ten thousand (10,000) square feet. A visual screening and vegetative hedge must be installed which does not create an electrical safety hazard.

(5) Monopoles of one hundred forty (140) feet or less may be permitted by right on
designated Hillsborough County School Board sites when they maintain the following distance separation:

a. Towers over one hundred (100) feet in height three hundred (300) feet from a residentially zoned and used property or;

b. Towers one hundred (100) feet or less in height one hundred (100) feet from a residentially zoned or used property.

(6) Monopoles of one hundred forty (140) feet or less may be permitted by right on designated city owned sites when they maintain the following distance separation:

a. Towers over one hundred (100) feet in height—Three hundred (300) feet from a residentially zoned or used property or

b. Towers one hundred (100) feet or less in height—One hundred (100) feet from a residentially zoned or used property.

(7) The sites described in subsections (2) through (6) above shall be identified and illustrated on a map which shall be approved and adopted by resolution of city council. The approved map shall be maintained and kept on file by the zoning administrator as Map 27-1.

(d) Replacement and modification of existing commercial communication towers. To encourage the use of sites on which existing commercial communication towers are already located, and which create a visual or height impact, modifications or replacements of such facilities may occur subject to the following conditions:

(1) Commercial communication towers existing prior to the adoption of this section shall be considered legal nonconforming uses. Such facilities may be used, repaired, replaced or modified in accordance with this section. An existing commercial communication tower may be modified or replaced to accommodate the co-location of antenna(s). An existing commercial communication tower which, when modified or replaced, will not conform to the requirements of the Code, may be increased in height, one (1) time, up to forty (40) feet above the existing height and/or may be relocated on the same zoning lot, one (1) time, within seventy-five (75) feet of the existing location, with administrative review and without conformance to the distance separation requirements contained herein. For purposes of this section, only those towers which were legally permitted and in existence prior to the adoption of this section shall be considered "existing commercial communications towers."

(2) A commercial communication tower which is modified or replaced to accommodate the collocation of additional antenna(s) shall be either of the same type as the existing commercial communication towers or shall be a monopole.

(3) The existing commercial communication towers shall be removed within ninety (90) days of replacement.

(e) Commercial communication towers site review process. Any applicant or agent thereof proposing to erect or construct a commercial communication tower or modify or replace an existing commercial communication tower by increasing the height or by altering the existing site after the effective date of this ordinance is required to comply with the provisions of this section.

(1) Submission of application. An application for the construction or alteration of a commercial communication tower site shall be submitted to the Planning and Development Department (PDD) as part of the application for commercial site plan review as required by Chapter 5 of this Code. The city shall retain a technical expert, such as a registered professional engineer with expertise in the telecommunications field, to participate in the review of the application. The cost of the review by the technical expert shall be borne by the applicant.
(2) Review procedure.

a. Preapplication conference. Any applicant or agent thereof required to obtain a commercial communication tower site permit shall schedule a courtesy review with the City of Tampa Planning and Development Department prior to the submission of the permit application, in order to review the requirements of this section. The applicant shall bring to the conference the legal description of the proposed commercial communication tower site and zoning lot, a conceptual plan of the commercial communication tower site, and an elevation drawing of the commercial communication tower site improvements.

b. Submission requirements. All applications for a commercial communication tower site permit shall contain the following items:

1. The applicant shall be the commercial communication tower owner or their authorized agent. The application shall be signed and notarized by the owner of the property upon which the commercial communication tower is being constructed with the property owner’s acknowledgment of the requirements relating to abandonment of the tower as set forth in section (f) below. Documentation shall be submitted as to the telecommunication carrier(s) utilizing the commercial communication tower.

2. Site and landscape plan (including vegetative pallet) drawn to scale, legal description of commercial communication tower site and zoning lot, north arrow and demonstration of compliance with applicable land development regulations.

3. An elevation, drawn to scale, of the zoning lot's view from city right-of-way and any abutting residential use or property.

4. Documentation of compliance with F.A.A. and local aviation authority regulations,

5. Documentation to assure that the antennas to be placed on the tower meet all relevant FCC regulations and radio frequency emission standards.

6. Copies of any relevant easements,

7. The applicant must include in the application an affidavit of its good faith intent to allow the collocation of wireless communication antennas by other telecommunication carriers at a reasonable market rate. The cost of modifying the commercial communication tower to accommodate the collocated antennas shall be borne by the collocating telecommunication carrier,

8. The applicant shall provide a notice of the proposed location to other telecommunication carriers with potential interest in collocation by “certificate of mailing” through the United States Post Office. Copies of the letters must be submitted with the application. Notice shall direct the carriers interested in collocation to contact the zoning administrator. If a potential user requests collocation in writing to the zoning administrator, the burden shall be on the applicant to demonstrate that collocation can not be accommodated pursuant to the standards set forth in subsection (10), below.
9. The applicant shall provide the applicable propagation models, search ring maps and other relevant documentation for the telecommunication carrier which has demonstrated an intent to locate a wireless communication antenna on the proposed tower ("intended carrier") and shall identify all existing structures within the telecommunication carrier's search ring of equal or greater height than the proposed commercial communication tower.

10. The applicant must demonstrate to the satisfaction of the city's technical expert that the wireless telecommunication antenna to be attached to the proposed commercial communication tower cannot be accommodated on the identified existing structures or on a commercial communication tower within the telecommunication carrier's search ring due to one (1) or more of the following reasons:

i. Both the owner/operator of the existing commercial communication tower and the applicant have verified that an additional antenna array would exceed the structural capacity of the existing commercial communication tower or structure, and the existing commercial communication tower or structure cannot reasonably be replaced with a new tower;

ii. The city's technical expert has verified that the existing structure(s) will not fulfill the design objective and approach of the intended carrier.

iii. The city's technical expert has verified that the wireless telecommunication antennae would cause RF or other type of interference or be interfered with by the operation of existing or proposed wireless telecommunication antennas, located on or near the existing structure;

iv. The existing commercial communication tower does not have the space or availability at the required height, or adequate area upon which to locate and operate the necessary equipment effectively and reasonably;

v. The lease terms on an existing tower are not economically reasonable and are substantially higher than current market rates.

11. Documentation establishing the structural integrity for the commercial communication tower's proposed use.

12. An affidavit from the property owner acknowledging acceptance of the requirements of section 27-282.6.(d).

13. A lease agreement demonstrating that one (1) or more telecommunication carriers intend to locate wireless communication antenna(s) on the proposed tower.

14. An affidavit from the applicant documenting the specific number of antennas the proposed tower is designed to support.

15. Prior to issuance of a certificate of completion, the tower owner shall document liability coverage for the tower and shall submit a sealed survey (completed by a licensed Florida surveyor)
verifying the finished tower height is consistent with the approved permit.

c. **Action on application.** The Planning and Development Department (PDD) shall review the application for compliance with the requirements of this section. Commercial communication tower site permits shall be issued when such compliance is met. A commercial communication tower site permit shall have a built-out deadline of one (1) year. The built-out deadline shall be deemed to be met if the holder of the permit has completed fifty (50) percent of the permitted construction and is proceeding with the remainder of the construction under an active permit.

If it is determined that an application does not comply with the provisions of this section, the commercial communication tower site permit shall be denied.

(f) **Removal of abandoned commercial communication towers.**

(1) Each commercial communication tower site permit application must include an acknowledgement by the property owner and applicant that if the use of any commercial communication tower is discontinued for more than one hundred eighty (180) days, it shall be deemed to be abandoned. The property owner shall notify the city of the tower abandonment by certified mail within thirty (30) days.

(2) Determination of the date of abandonment shall be made by the zoning administrator who shall have the right to request documentation and/or affidavits from the commercial communication tower owner/operator regarding the active use of the commercial communication tower.

(3) The zoning administrator shall provide notice by certified mail to the property owner that the final determination of abandonment has been made.

(4) The property owner shall have ninety (90) days from the date of the notice of abandonment to either,

   a. Cause the reactivation of the use of the commercial communication tower; or

   b. Dismantle and remove the commercial communication tower.

(5) At the earlier of ninety-one (91) days from the date of the notice of the zoning administrator's determination of abandonment without reactivation, or upon completion of dismantling and removal, any site approval for the use of the commercial communication tower shall automatically expire.

(6) The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the commercial communication tower is not removed within ninety (90) days of abandonment, the city may initiate the legal proceedings to do so and assess the costs against real property.

(g) **Inspections.** The planning and development department shall conduct on-site inspections of all tower sites at regularly scheduled intervals in order to ensure that each site is currently operational and not considered abandoned as set forth in (f)(1) above, is being maintained and is in compliance with its approved site plan.

(Ord. No. 2013-67, § 2, 5-16-2013)

**Sec. 27-282.7. Performance standards for industrial, manufacturing and processing operations.**

(a) Industrial, manufacturing and processing operations shall observe the following performance standards:

(1) Direct illumination resulting from the operation shall not fall upon any land not covered by the application for a zoning compliance permit for the operation.
(2) Equivalent sound levels shall not exceed the following standards:

   a. If the receiving use is residential:
      Between 7:00 a.m. and 10:00 p.m.—60 dBA
Between 10:00 p.m. and 7:00 a.m.—55 dBA

b. If the receiving use is commercial:
   Between 7:00 a.m. and 10:00 p.m.—65 dBA
   Between 10:00 p.m. and 7:00 a.m.—60 dBA

c. If the receiving use is industrial:
   Anytime—75 dBA

(3) Vibration levels shall not exceed the following standards:

   Maximum peak particle velocity:
   Steady state 0.02 inches/second
   Impact 0.04 inches/second

Note: The maximum particle velocity shall be the maximum displacement vector sums of three (3) mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second. For purposes of this section, steady-state vibrations are vibrations which are continuous or vibrating in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

(4) If the use is within two hundred (200) feet of any jurisdictional wetland area, as defined in chapter 13, the following restrictions apply:

a. No storage of underground fuel tanks is permitted.

b. No open storage of raw materials or chemicals shall be permitted within flood zone A, as established by the Federal Emergency Management Agency, unless the open storage area complies with building elevations set forth in the applicable federal, state, and local building and flood regulations.

(b) In the case of uses in the CI and IG districts, measurements to determine compliance with subsections (a)(2) and (a)(3) of this section shall be made at the boundaries of the zoning lot containing the use.

c. If the receiving use is industrial:
   Anytime—75 dBA

(3) Vibration levels shall not exceed the following standards:

   Maximum peak particle velocity:
   Steady state 0.02 inches/second
   Impact 0.04 inches/second

Note: The maximum particle velocity shall be the maximum displacement vector sums of three (3) mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second. For purposes of this section, steady-state vibrations are vibrations which are continuous or vibrating in discrete impulses more frequent than sixty (60) per minute. Discrete impulses which do not exceed sixty (60) per minute shall be considered impact vibrations.

(4) If the use is within two hundred (200) feet of any jurisdictional wetland area, as defined in chapter 13, the following restrictions apply:

a. No storage of underground fuel tanks is permitted.

b. No open storage of raw materials or chemicals shall be permitted within flood zone A, as established by the Federal Emergency Management Agency, unless the open storage area complies with building elevations set forth in the applicable federal, state, and local building and flood regulations.

(b) In the case of uses in the CI and IG districts, measurements to determine compliance with subsections (a)(2) and (a)(3) of this section shall be made at the boundaries of the zoning lot containing the use.

(c) In the case of uses in the IH district, measurements to determine compliance with subsections (a)(2) and (a)(3) of this section shall be made at the nearest boundary of the IH district to the use being evaluated.

Sec. 27-282.8. Single-family, semi-detached design standards.

(a) Purpose. While infill development is encouraged, to make optimal use of the public facilities, the design of the development shall be consistent with the general site planning of the surrounding neighborhood.

(b) Applicability. The provisions of this section apply to all proposed development of single-family semidetached dwellings when single-family detached dwellings exist in both of the following locations:

1. At least one (1) of the two (2) immediately adjacent properties with the same street frontage as the infill lot; and

2. At least two (2) of the three (3) properties most directly opposite and on the same street as the infill lot.

(c) Design requirements.

1. The ground floor entrances (front doors) to the dwelling units shall face a street right-of-way (not including alleys), rather than the side or corner lot lines. Entrances may face interior courts, plazas, or similar design element, with the approval of an alternative design by the zoning administrator.

2. A minimum of one (1) parking space shall be provided in a garage or a carport, either of which must be structurally integrated within the principal dwelling unit.

(d) Enforcement. At the time of building permit application, the applicant shall demonstrate, in a form acceptable to the zoning administrator, whether or not this section is applicable to the
proposed development. Further, the applicant shall demonstrate on a site plan submitted with the building permit that the design requirements have been met.

Sec. 27-282.9. Single-family attached design standards.

(a) Purpose. The multi-family residential and planned development zoning districts allow for the development of single-family attached dwellings. These unit types are often constructed in areas which have developed with predominantly single-family and two-family structures. The design standards for single-family attached dwellings are intended to ensure compatible development to surrounding residential neighborhoods.

(b) Development alternatives. Single-family attached dwellings may develop as:

(1) Townhouse. Developments in which each individual townhouse unit is located on an individual deeded lot having frontage on a public or private street with all parking spaces and all green space (per section 27-285 of this Code) provided on the lot. Where three (3) or more units/lots are proposed, subdivision regulations must be met.

(2) Condominium or rental developments. Single-family attached developments may be developed as condominium or rental projects. Such developments may design units to front either public or private streets. Required parking spaces may be provided in common parking bays. Some or most of the required green space (per Chapter 13 of this Code) may be provided in areas designated as common space. Condominium developments of any size shall file a declaration of condominium with the clerk of circuit court as required by law.

(c) Development requirements.

(1) The ground floor entrances (front doors) to the dwelling units shall face a street right-of-way (not including alleys), rather than the side or corner lot lines. Entrances may face interior courts, plazas, or similar design element, with the approval of an alternative design by the zoning administrator.

(2) When auto storage is provided in the front or corner yards, the two (2) required spaces shall be enclosed. When auto storage is provided in the rear yard, the two (2) required spaces may be open or enclosed. Refer to section 27-283.12(h) for regulations governing parking layout.

(3) No fewer than three (3) dwelling units and no more than eight (8) dwelling units shall be constructed in a continuous configuration. No continuous group of dwellings shall exceed two hundred (200) feet in frontage width.

Sec. 27-282.10. Multi-family townhouse-style design standards.

(a) Purpose. While infill development is encouraged, to make optimal use of the public facilities, the design of the development shall be consistent with the general site planning of the surrounding neighborhood.

(b) Applicability. The provisions of this section apply to all proposed development of multi-family townhouse-style dwelling units.

(c) Design requirements.

(1) The ground floor entrances (front doors) to the dwelling units shall face a street right-of-way (not including alleys), rather than the side or corner lot lines. Entrances may face interior courts, plazas, or similar design element, with the approval of an alternative design by the zoning administrator.

(2) A minimum of one (1) parking space shall be provided in a garage or a carport, either of which must be structurally integrated within the principal dwelling unit.

(d) Enforcement. At the time of building permit application, the applicant shall demonstrate, in a form acceptable to the zoning administrator, whether or not this section is applicable to the proposed development. Further, the applicant shall
demonstrate on a site plan submitted with the building permit that the design requirements have been met.

Sec. 27-282.11. Townhouse lot regulations.

(a) Permit applications for new construction (including but not limited to principal and accessory buildings, fences and pools) shall provide the legal description of the zoning lot and any required site plan shall show the zoning lot lines, the townhouse lot lines, and the ability to comply with all zoning regulations.

(b) Residential development, where units are designed with access to an alley, must also provide a three-foot wide unobstructed pedestrian access easement, to the street right-of-way to and from each unit on the zoning lot. The access easement shall be lit a minimum illuminance equal to five and nine-tenths (5.9) lux for a distance of thirty-five (35) feet, five (5) feet above grade.

(c) The zoning lot must be designed so that the primary frontage of the development is oriented toward the street right-of-way.

(d) All units must be addressed from street right-of-way and not an alley or private access easement.

Sec. 27-282.12. Open storage.

(a) Screening of open storage yards, except for storage on those lands within the boundary described in (c) below, shall meet the following standards:

1. Outdoor storage areas shall be screened from view of any arterial or collector street, as shown on the major street map, as follows: When an outdoor storage area abuts a collector or arterial street, the method of shielding shall consist of solid walls or solid fences at least six (6) feet in height, with access from streets only through solid gates, which shall be closed when not in use. Shielding shall run at least one hundred (100) feet back from the street property line, unless an existing permanent structure shields the storage area.

2. When an outdoor storage area immediately abuts or is separated by an alley from a residential use or a residentially zoned district, the method of shielding shall consist of an architecturally finished masonry wall, at least six (6) feet in height along the boundary of the storage areas and the entire residential district. Required wall height and maximum stacking/pile height is set forth in Table 6-2 below. The wall shall be planted with a vine at an interval of ten (10) feet on center. Please refer to section 27-285.1 for preferred species of vine. Where conflict(s) may exist between this section, and section 27-284, buffers and screening conflict and section 27-285.1, the more restrictive regulation shall apply.

3. When an outdoor storage area does not abut, but is within two hundred (200) feet of a residential district, the method of shielding shall consist of an architecturally finished masonry wall or opaque decorative fencing, at least six (6) feet in height, so that the storage area is not visible from the residential district, with access only through solid gates, which shall be closed except when in use.

(b) Open storage areas shall be kept in a neat and orderly arrangement; materials may not be stacked in piles higher than six (6) feet (except for storage on those lands within the boundary described in (c) below) and shall not be visible from surrounding properties or rights-of-way. Pile heights may exceed six (6) feet in height in the IH zoning district subject to the following:

(1) Requirements for stacking heights within open storage areas that do not abut residential use or residential district:
TABLE 6-1:

<table>
<thead>
<tr>
<th>Required fence/wall height</th>
<th>Maximum pile/stacking height</th>
<th>Minimum front setback</th>
<th>Minimum side setback</th>
<th>Minimum corner setback</th>
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(2) Requirements for stacking heights within open storage areas that immediately abut or are separated by an alley from a residential use or residential district:

TABLE 6-2:

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<th>Required fence/wall height</th>
<th>Maximum pile/stacking height</th>
<th>Minimum front setback</th>
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<th>Minimum corner setback</th>
<th>Minimum rear setback</th>
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</table>

(c) However, the restrictions set forth in subsection 27-282.12(a) and this subsection (b) shall not apply to the geographic area bordered by Ybor and Sparkman Channels and Cut D to the west; the Leroy Selmon Crosstown Expressway to the north; and 21st Street as it merges southward into 20th Street and continues into Causeway Boulevard as the eastern border. This geographic area also includes the area south of Causeway Boulevard to the City of Tampa city limits to the south, as Causeway Boulevard extends eastward. This geographic area shall comply with a height restriction of ninety (90) feet.

**Sec. 27-282.13. Screening of open display areas.**

(a) Open display areas shall be designed and developed in a manner which does not interfere with proper traffic circulation.

(b) Open display areas shall be maintained in a neat and orderly fashion and shall not take on the characteristics of a junkyard.

(c) On any interior lot line which is adjacent to a residential district, the open display area shall be buffered by a solid wall or fence at least six (6) feet in height.

(d) In the CN and CG zoning districts, open display shall only be allowed during the establishment's hours of operation.

**Sec. 27-282.14. Crematoriums.**

Crematoriums as principal uses shall not require a public hearing or administrative review beyond the review required to secure a commercial site plan permit or as required by other regulations of the City of Tampa. However, all crematoriums shall meet the following requirements:

(1) No such use shall be located within five hundred (500) feet of a national or local historic district or any residential use.

(2) All loading/unloading and parking areas shall be screened from view of the public right-of-way and abutting properties with an architecturally finished, six-foot high masonry wall subject to section 27-283.5 visibility requirements.

(3) Such use shall be limited to two (2) combustion units/incinerators.

(4) The facility must comply with federal, state and local regulations for such a facility.
(5) The equipment must be certified by the manufacturer that it operates free of smoke and odor and has automatic pollution monitoring equipment to constantly supervise the operation and safeguard against pollution and environmental impact.

Sec. 27-282.15. Accessory uses.

Accessory uses shall not require a public hearing or administrative review beyond the review required to secure a commercial site plan permit, or as required by other regulations of the City of Tampa. However, all accessory uses (except for all types of alcoholic beverage sales, which require a separate approval process as set forth in Article II, Division 5 and article IX) shall meet the following requirements:

(1) Any such use shall be located wholly within a structure of a permitted use, except day care and nursery facility as indicated in (4) below.

(2) Not more than one (1) exterior entrance shall be permitted.

(3) An identification sign not exceeding three (3) feet square shall be permitted on or adjacent to the entrance of the accessory use. Signs shall have the following limitations:

(a) Sign text shall be limited to the name of the business.

(b) Flashing, oscillating and moving signs shall not be permitted.

(c) Formed plastic or injected molded signs shall not be permitted.

(d) Exposed raceways, transformers, and similar items are not permitted.

(e) A "logo" shall be limited to twenty-five (25) percent of the total permitted sign area.

(4) Such uses shall not individually occupy more than twenty (20) percent of the floor space of the total primary use and all accessory uses shall not collectively account for more than thirty (30) percent of the total floor space with the exception of a child care center which may occupy a freestanding building if said building is located on property occupied by a principal use and is designed to serve said principal uses.

(5) The following standards, in addition to those listed above, shall be used specifically for crematoriums:

(a) No such use shall be located within five hundred (500) feet of a national or local historic district or any residential use.

(b) A crematorium is allowed only as an accessory use to a funeral parlor or cemetery when located in the CI and IG zoning districts.

(c) As an accessory use, crematoriums shall contain no more than one (1) combustion unit/incinerator.

(d) All loading/unloading areas shall be screened from view of the public right-of-way and abutting properties with an architecturally finished, six-foot high masonry wall along subject to section 27-283.5 visibility requirements.

(e) The facility must comply with federal, state and local regulations for such a facility.

(f) The equipment must be certified by the manufacturer that it operates free of smoke and odor and has automatic pollution monitoring equipment to constantly supervise the operation and safeguard against pollution and environmental impact.

Sec. 27-282.16. Temporary special event.

For purposes of this chapter, a temporary special event shall mean a special event held entirely on private property; a special event held on a city park or public right-of-way shall be administered in compliance with Chapter 28, the City of Tampa Special Event Code. A temporary special event may be held in any zoning district provided the following limitations are met:

(1) The maximum duration for a specific event is two (2) weeks. No more than four (4) events per year are allowed on one (1) property.
(2) If tents or outdoor exhibits/displays are used, a site plan must be submitted to the division of land development coordination to demonstrate compliance with zoning setbacks.

(3) Adequate parking must be provided as determined by the city traffic engineer.

(4) The applicant must demonstrate that bathroom facilities are available at the site of the special event.

(5) The property must be cleared of all trash and debris immediately after the special event.

Sec. 27-282.17. Temporary film production.

The following specific standards and requirements shall apply to the conduct of temporary film production activity in any zoning district in the city:

(1) Any person or entity conducting such activity within the City of Tampa shall obtain a permit for such activity from the Tampa/Hillsborough Film Commission, which permit must be provided to the City of Tampa zoning administrator for filing. The permit must include, at a minimum, the following information: the name, address and phone number of the film production company and its client, the type of production, the shooting dates and estimated total production days, the locations at which filming will occur, any city personnel or equipment being requested, and a hold harmless/indemnity agreement consistent with subsection (3) below.

(2) Any person or entity conducting such activity must provide to the City of Tampa a certificate of insurance in the minimum amount of one million dollars ($1,000,000.00) naming the City of Tampa as an additional insured. Copies of the certificate must be provided to the City of Tampa and the Tampa/Hillsborough Film Commission before filming may begin.

(3) A person or entity conducting such activity within the City of Tampa shall assume all risk and be solely responsible for damage or injury to property or persons and hold harmless the city, its officers and employees from any and all claims, suits, losses, damages or injury to person(s) or property.

(4) Any person or entity intending to conduct temporary film production activity upon City of Tampa right-of-way, and/or intending to close a street or sidewalk in order to conduct such activity thereon, must obtain from the transportation department all applicable permits required by Chapters 22 and 25.

(5) The person or entity conducting temporary film production activity shall post at the location-site, in a conspicuous place on or near the front the property, a sign no smaller than eighteen (18) inches by twenty-four (24) inches. The information posted on the sign shall include, but not be limited to, the estimated dates of film production that will take place at that location and the name and telephone number of a representative of the film production company to be contacted in case of emergency. The sign shall be posted no later than two (2) days prior to the date on which filming will begin and shall remain in place for the duration of the filming at that location.

(6) In those instances in which film production activity will result in limited access to a street, the person or entity conducting such activity shall provide to all property owners/residents on that street placards to be placed in the windshield of their motor vehicles, which placards shall identify them as property owners/residents of that street in order to allow them to obtain access to their property.

(7) Adequate sanitary and other required health facilities are, or will be made available, in or adjacent to the production activity area.

(8) The conduct of the production activity shall not result in noise of a level that would violate the provisions of this code,
or that would be otherwise inappropriate for the areas surrounding the production activity.

(9) The city shall be entitled to recover reasonably estimated expenses for extraordinary services rendered in connection with the production activity, which costs shall include, but not be limited to, charges for personnel and/or equipment provided in support of the production which are outside the scope of normal governmental services. The city shall base its estimate of such costs on the information contained in the permit application submitted to the Tampa/Hillsborough Film Commission and such consultations as may be required between the applicant and the appropriate city officials. The city shall provide an estimate of these costs to the permit applicant and may require prepayment of all or a portion of these costs prior to the commencement of the film production. At the conclusion of the production, expenses below or in excess of the estimates will be refunded by the city or paid by the applicant, respectively.

(10) Exceptions. Nothing in this section shall be interpreted to require a permit for:

a. Individuals filming or video taping only for their own personal or family use.

b. Employees of print or electronic news media when filming on-going news events.

c. Students and faculty filming exclusively for educational purposes.

Sec. 27-282.18. Dog-friendly restaurants.

(a) Purpose. The Dixie Cup Clary Local Control Act, F.S. § 509.23, grants the city the authority to provide exemptions from section 6-501.115, 2001 FDA Food Code, as adopted and incorporated by the division of hotels and restaurants in Chapter 61C-4.010(6), Florida Administrative Code (2006). The purpose of this section is to allow dogs in public food service establishments in a manner consistent with the three-year pilot program approved by state statute. The procedure adopted pursuant to this section provides an exemption, for those public food service establishments which have received a permit, to those sections of the Food and Drug Administration Food Code that prohibit live animals in public food service establishments.

(b) No dog shall be in a public food service establishment unless allowed by state law and the public food service establishment has received and maintains an unexpired permit pursuant to this section allowing dogs in designated outdoor areas of the establishment.

(c) Application requirements. Public food service establishments must apply for and receive a permit from the City of Tampa Zoning Administrator or his/her designee, before patrons' dogs are allowed on the premises. The zoning administrator shall establish a reasonable fee to cover the cost of processing the initial application and renewals. The application for a permit shall require such information from the applicant as is deemed reasonably necessary to enforce the provisions of this section, but shall require, at a minimum, the following information:

1. Name, location, mailing address and division of hotels and restaurants-issued license number of the public food service establishment.

2. Name, mailing address and telephone contact information of the permit applicant. The name, mailing address and telephone contact information of the owner of the public food service establishment shall be provided if the owner is not the permit applicant.

3. A diagram and description of the outdoor area which is requested to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of the other outdoor dining areas not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and
common pathways; and such other information as is deemed necessary by the zoning administrator. The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.

(4) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(5) For permits authorizing "dog-friendly restaurants" within the outdoor areas of public food service establishments located on city right-of-way, the zoning administrator shall require the applicant to produce evidence of the following:

a. A valid unexpired sidewalk café permit under section 22-225 of the City of Tampa Code of Ordinances; and

b. A properly executed certificate of insurance on forms which are to be furnished by the city providing commercial general liability insurance in the amount of one million dollars ($1,000,000.00) per occurrence, and two million dollars ($2,000,000.00) aggregate. The policy shall not have exclusions for animals and animal bites. All insurance shall be from companies duly authorized to do business in the State of Florida. All liability policies shall provide that the city is an additional insured as to the operation of the sidewalk café and shall provide for the severability of interest. Thirty (30) days written notice must be given the city of any cancellation or reduction in the policy coverage.

(d) Regulations. Public food service establishments that receive a permit for a designated outdoor area pursuant to this section shall require that:

(1) Employees shall wash their hands promptly after touching, petting or otherwise handling any dog(s) and shall wash their hands before entering other parts of the public food service establishment from the designated outdoor area.

(2) Employees are prohibited from touching, petting or otherwise handling any dog while serving or carrying food or beverages or while handling or carrying tableware.

(3) Patrons in a designated outdoor area shall be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

(4) Patrons shall not leave their dogs unattended for any period of time. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

(5) Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products or any other items involved with food service operations. Patrons shall be advised of this requirement by appropriate signage at conspicuous locations.

(6) Employees and patrons shall not allow any part of a dog to be on chairs, tables or other furnishings.

(7) Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.

(8) Employees shall remove all dropped food and spilled drink from the floor or ground as soon as possible, but in no event less frequently than between seating of patrons at the nearest table.

(9) Employees and patrons shall remove all dog waste immediately and the floor or ground shall be immediately cleaned and sanitized with an approved product. The public food service establishment shall keep a kit with the appropriate materials for this purpose near the designated outdoor area. Dog waste shall not be carried in or through indoor portions of the public food establishment.
(10) Employees and patrons shall not permit dogs to be in, or to travel through, indoor or nondesignated outdoor portions of the public food service establishment.

(11) A sign or signs notifying the public that the designated outdoor area is available for the use of patrons and patrons' dogs shall be posted in a conspicuous manner and place, as determined by the zoning administrator or his/her designee, that places the public on notice.

(12) A sign or signs informing patrons of these laws shall be posted on premises in a conspicuous manner and place as determined by the zoning administrator or his/her designee.

(13) A sign or signs informing employees of these laws shall be posted on the premises in a conspicuous manner and place as determined by the zoning administrator or his/her designee.

(14) Ingress and egress to the designated outdoor area shall not require entrance into or passage through any indoor area or nondesignated outdoor portions of the public food service establishment.

(15) The public food service establishment and designated outdoor area shall comply with all permit conditions and the approved diagram.

(16) Employees and patrons shall not allow any dog to be in the designated outdoor areas of the public food service establishment if the public food service establishment is in violation of any of the requirements of this section.

(17) Permits shall be conspicuously displayed in the designated outdoor area.

(18) It shall be unlawful to fail to comply with any of the requirements of this section. Each instance of a dog on the premises of a public food service establishment without a permit is a separate violation.

(e) Expiration and revocation.

(1) A permit issued pursuant to this section shall expire automatically upon the sale of the public food service establishment and cannot be transferred to a subsequent owner. The subsequent owner may apply for a permit pursuant to this section if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor area of the public food service establishment.

(2) Permits shall expire on June thirtieth (30th) of each year.

(3) A permit may be revoked by the zoning administrator or his/her designee if, after notice and reasonable time in which the grounds for revocation may be corrected, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license or is found to be in violation of any provision of this section. If the ground for revocation is a failure to maintain any required state or local license, the revocation may take effect immediately upon giving notice of revocation to the permit holder.

(4) If a public food service establishment's permit is revoked, no new permit may be approved for the establishment until the expiration of one hundred and eighty (180) days following the date of revocation.

(f) Complaints and reporting.

(1) Complaints may be made in writing to the zoning administrator. The zoning administrator shall timely accept, document, and respond to all complaints. The zoning administrator or his/her designee shall timely report to the division of hotels and restaurants all complaints and the response to such complaints.

(2) The zoning administrator or his/her designee shall provide the division of hotels and restaurants with a copy of all approved applications and permits issued.

(3) All applications, permits and other related materials shall contain the division
of hotels and restaurants-issued license number for the public food service establishment.

(g) [Reserved.]

Sec. 27-282.19. Emergency evacuation shelter space and the Coastal Planning Area.

(a) All rezoning requests within the Coastal Planning Area that increase the number of residential dwelling units shall mitigate the impact on shelter space demands based on the shelter space LOS (level of service).

(b) The applicant shall be required to adhere to the following equation. The cost/dollar amount required by this calculation shall be placed on the approved/adopted site plan as a condition of approval. The equation is as follows:

\[
\text{Number of dwelling units} \times 2.5 \text{ (or current city occupancy factor)} = \text{number of potential evacuees}
\]

\[
\text{Number of potential evacuees} \times 0.20 = \text{shelter space demand}
\]

\[
\text{Shelter space demand} \times \text{(most current rate set by Hillsborough County Emergency Management Office)} = \text{offset cost/mitigation for shelter impact}
\]

(c) Payment of offset/mitigation for construction within the Coastal Planning Area/shelter impact shall be made to Hillsborough County School Board.

Sec. 27-282.20. Retail bakery.

(a) The following standards shall apply:

1. Gross floor area shall be limited to fifteen thousand (15,000) square feet.

2. No more than three (3) delivery trucks may be stored on site overnight at any time.

3. Delivery trucks shall not exceed twenty-six (26) feet in length.

Sec. 27-282.21. Material recovery facility (MRF).

(a) Within the IG District, the following standards shall apply:

1. Subject property shall contain a minimum of ten thousand (10,000) square feet.

2. All open storage and processing areas placed outside of an entirely enclosed structure shall be screened with a solid six (6) feet fence and shall adhere to the buffering and screening requirements of sections 27-284 and 27-282.12 and shall not exceed fifty (50) percent of the total area of the subject site.

3. If a residential zoning district lies within five hundred (500) feet of the subject location, outdoor receiving/processing/recycling and distribution activities shall only operate during the following hours:
   a. Sunday through Thursday from 7:00 am and 7:00 pm; and,
   b. Friday and Saturday from 7:00 am and 9:00 pm.

   Accessory office activities are not subject to the hours stated above.

(b) Within the IH District, the following standards shall apply:

1. Subject property shall contain a minimum of ten thousand (10,000) square feet.

2. All open storage and processing areas placed outside of an entirely enclosed structure shall adhere to the buffering and screening requirements of sections 27-284 and 27-282.12.

Sec. 27-282.22. Recycling—Materials and goods.

(a) Within the IG District, the following standards shall apply:

1. Subject property shall contain a minimum of ten thousand (10,000) square feet and no more than one and one-half (1\(\frac{1}{2}\)) acre. For those prop-
properties that lie east of 22nd Street/US-41 (Business) within the city limits, the land area may exceed one (1) acre.

(2) All open storage and processing areas placed outside of an entirely enclosed structure shall adhere to the buffering and screening requirements of sections 27-284 and 27-282.12 and shall not exceed seventy-five (75) percent of the total area of the subject site.

(3) The dismantling of wrecked or inoperative automobile or other vehicles/vessels or machinery is allowed provided that all fluids are removed from the wrecked or inoperative automobile or other vehicles/vessels or machinery prior to its/their arrival onsite, and the removal of all scrap metals or other scrap materials and junk is removed from the property on a semi-annual basis (based on a calendar year).

(4) If vehicle/vessel/other machinery-related fluids are extracted on the subject location as part of the recycling facility, then all such fluids shall be stored in an environmentally safe manner (subject to applicable law) and removed from the property on a semi-annual basis (based on a calendar year).

Sec. 27-282.23. Transfer of development rights program.

(a) Intent. The transfer of the development rights program ("TDR") allows the transfer of unused development rights from properties which are intended to be preserved to designated receiving areas. The TDR program uses market forces to provide additional incentives for preservation of historic buildings by allowing developers the right to acquire development rights that can be used to increase development at a suitable location.

(b) Eligibility. Only landmark sites that have buildings that have received a designation as a landmark structure or a contributing structure pursuant to 27-276 shall be eligible to be designated as "sending sites" under the TDR program. Eligibility for issuance of a certificate of transfer is determined by the historic preservation manager. Prior to the issuance of a certificate of transfer, the historic preservation manager shall determine whether the buildings and structures on sending site have been preserved and rehabilitated in accordance with the Secretary of Interior
Standards and in compliance with the applicable provisions of Chapter 27, including the following elements:

a. Exterior wall, foundations, or other vertical support;
b. Flooring and floor supports, roofs, or other horizontal structural members;
c. External chimneys;
d. Exterior finishes such as brick, wood, siding, stucco, plaster and mortar;
e. Waterproofing of exterior walls, roofs, basements and foundations, including windows, doors, painting or other appropriate permanent weather protection or protective covering to insure the structure is and remains watertight;
f. Exterior stairs, porches, handrails, window and door frames, canopies, balconies, cornices, entablatures, wall facings, and architectural details;
g. Any other exterior element contributing to the buildings or structures on the sending site or required to be addressed in order to address a hazardous or unsafe condition;
h. Any other causes of building decay or deterioration not otherwise specified above.

(1) Prior to being designated as a "sending site" as provided for herein, the property owner shall enter into an agreement for rehabilitation and maintenance that provides, at a minimum, the stipulations set forth in subsection (2), below and any other provisions which the city determines are reasonably appropriate in order to preserve the sending site given specific issues on the property. Agreement by the property owner that the landmark or contributing structures on the sending site will not be permitted to fall into a condition of neglect, including but not limited to the following conditions:

a. Deterioration of exterior wall, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling;
b. Deterioration of flooring and floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling;
c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling;
d. Deterioration of crumbling or exterior brick, wood, siding, stucco, plaster or mortar;
e. Ineffective waterproofing of exterior walls, roofs, basements and foundations, including broken windows or doors;
f. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering;
g. Rotting, holes, and other forms of decay;
h. Deterioration of exterior stairs, porches, handrails, window and door frames, canopies, balconies, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling;
i. Deterioration that has a detrimental effect on the surrounding historic district;
j. Deterioration that contributes to a hazardous or unsafe condition.

(2) If the buildings or structures on the sending site do not meet the requirements set forth above, then the agreement for rehabilitation and maintenance shall include a process and time frame for completion of the work.
in accordance with the applicable provisions of Chapter 27 necessary to preserve and rehabilitate of the deficiencies identified by the historic preservation manager in accordance with the Secretary of Interior Standards and the applicable provisions of Chapter 27, and penalties for failure to comply, including withholding the certificate of transfer. The agreement may include, at the city's discretion, terms and conditions of a third party escrow agreement pursuant to which the proceeds of sale of the certificate of transfer will be deposited and disbursed by an escrow agent in order to insure completion of the work required to be performed.

(c) Certificate of availability. Once the eligibility of the sending site is established, a site is eligible to receive a certificate of availability, as issued by the zoning administrator or designee, which reflects the development rights available for transfer from the sending site.

(d) Certificate of transfer. Once a certificate of availability has been issued and a receiving site has been identified, the zoning administrator or designee may approve the certificate of transfer, which shall be numbered and shall be recorded with the Clerk of the Circuit Court. The certificate shall reflect the development rights being transferred. The certificate of transfer may be conditioned upon a third party escrow agreement, as provided for in the agreement for rehabilitation and maintenance.

(e) Enforcement through restrictive covenant of zoning. Prior to issuance of a certificate of transfer, a restrictive covenant approved by the city in form and content shall be executed and recorded in the public records (the TDR restrictive covenant). The TDR restrictive covenant shall describe the adjusted development rights of the sending site. Such restrictive covenants shall run with the land, shall be binding on successors, heirs and assigns, and shall require the subordination of all mortgagees of record. In addition, the agreement for rehabilitation and maintenance shall also be executed and recorded in the public records and become part of the TDR restrictive covenant. The agreement may be specifically enforced in a court of competent jurisdiction or through any other manner as provided for by applicable law.

(f) Destruction and/or demolition of property. If a structure located on a sending site with adjusted development rights is destroyed, the sending site may only be redeveloped to the extent of the adjusted development rights as recorded in the TDR restrictive covenant.

(g) Calculation of development rights.

(1) Sending site. The amount of development rights that can be transferred from an eligible sending site is calculated by multiplying the base dimensions of the property, minus minimum zoning district setbacks, multiplied by the number of stories (by a rate of one story equals ten feet in building height) allowed in the base zoning, minus the total square footage of the structure located on the property. The amount shall not include the calculation of any overlay incentive or other "additional height" program. For example:

<table>
<thead>
<tr>
<th>Table 6-2 (Example):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sending Site base property dimensions</td>
</tr>
<tr>
<td>Minimum RM-24 Zoning setbacks</td>
</tr>
<tr>
<td>Sending Site property base property dimensions less minimum setbacks</td>
</tr>
<tr>
<td>Maximum Allowable Height under RM-24 Zoning</td>
</tr>
<tr>
<td>Allowable development rights</td>
</tr>
<tr>
<td>Existing structure</td>
</tr>
<tr>
<td>Transferable development rights</td>
</tr>
</tbody>
</table>

(2) Receiving site. The maximum amount of development rights that a receiving site can incorporate is limited by the maximum building height of the receiving zoning district measured in stories at a rate of one (1) story equals ten (10) feet in building height.
(i) Sale, assignment, or transfer of development rights after issuance of certificate of transfer. The sale, assignment or transfer of development rights after issuance of a certificate of transfer is permitted so long as a valid certificate remains in compliance with this section.

Sec. 27-282.24. Roominghouses.

Roominghouses as permitted uses shall adhere to the following requirements:

- Such a use shall not be established within five hundred (500) feet of another such use.
- Such use shall comply with standards set forth in section 19-235 (no waivers shall be granted by the city for this provision).
- Each lodging unit is limited to two (2) adult occupants and related minors.
- Each lodging unit shall contain a minimum of one hundred fifty (150) square feet or the minimum area required by the Florida Building Code for such unit type, whichever is more.

(Ord. No. 2013-72, § 6, 6-6-2013)

Sec. 27-282.25. Kennel, small.

(a) Small kennels are permitted to keep only those animals listed below, in the city with valid, applicable local and state licensure, subject to the following standards:

<table>
<thead>
<tr>
<th>Permitted Animals</th>
<th>Number</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic (excluding domestic egg-laying chickens), companion, utility, assistance animals, wild exotic</td>
<td>0—10 animals</td>
<td>• Outdoor pens/runs: Minimum 10' setback from any single-family use</td>
</tr>
<tr>
<td></td>
<td>11—20 animals (only grooming and/or keeping of animals, with no overnight stays permitted)</td>
<td>• Must adhere to Florida Game and Freshwater Fish Commission regulations</td>
</tr>
<tr>
<td>Aquatic animals</td>
<td>n/a</td>
<td>Must adhere to Department of Natural Resources regulations, as applicable</td>
</tr>
<tr>
<td>Domestic egg-laying chickens</td>
<td>0—10 animals</td>
<td>• Maximum number of animals is in addition to maximum shown above</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Outdoor coops to adhere to setback for outdoor pen/run above</td>
</tr>
</tbody>
</table>

(b) The police department is exempted from the provisions of this section and is specifically authorized and empowered to keep, harbor, and maintain horses within the corporate limits of the city.

Sec. 27-282.26. Kennel, large.

(a) Any animal that meets more than one (1) of the "animal" related definitions in this chapter must comply with the most restrictive applicable regulations.

<table>
<thead>
<tr>
<th>Permitted Animals</th>
<th>Number</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic, companion, utility, assistance animals, wild exotic</td>
<td>0—10 animals</td>
<td>• Outdoor pens/runs: Minimum 10' setback from any single-family use</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Must adhere to Florida Game and Freshwater Fish Commission regulations</td>
</tr>
<tr>
<td></td>
<td>&gt;10 animals</td>
<td>• Outdoor pens/runs: Minimum 15' setback from any residential use</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• One (1) additional acre per every additional ten (10) animals</td>
</tr>
<tr>
<td>Aquatic animals</td>
<td>n/a</td>
<td>Must adhere to Department of Natural Resources regulations, as applicable</td>
</tr>
<tr>
<td>Domestic egg-laying chickens</td>
<td>0—10 animals</td>
<td>• Maximum number of animals is in addition to maximum shown above</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Outdoor coops to adhere to setback for outdoor pen/run above</td>
</tr>
<tr>
<td>Farm animals</td>
<td>See section 27-282.28</td>
<td>See section 27-282.28</td>
</tr>
</tbody>
</table>

(b) The police department is exempted from the provisions of this section and is specifically authorized and empowered to keep, harbor, and maintain horses within the corporate limits of the city.


Sec. 27-282.27. Animals, in general.

(a) Any animal that meets more than one (1) of the "animal" related definitions in this chapter must comply with the most restrictive applicable regulations.

(b) Permitted animals. Domestic, pet, companion, utility and assistance animals are permitted to be kept in the city. Persons and entities licensed by the State of Florida to keep other animals must adhere to the requirements for small or large kennel as applicable.

(c) Wild or exotic animals. Wild or exotic animals are permitted to be kept in the city pursuant to Florida Game and Freshwater Fish Commission regulations.

(d) Aquatic animals. Aquatic animals are permitted to be kept pursuant to Florida Game and Freshwater Fish Commission and Department of Natural Resources regulations.

(e) Farm animals.

(1) It is unlawful for any person to keep, harbor or maintain any farm animal, except under the following conditions:

a. Animals must be kept within an enclosed area which is a minimum of two hundred (200) feet from any dwelling on an adjoining parcel of land in separate ownership.

b. Land requirements per animal shall be as follows:

1. Horses, cattle or swine: One (1) acre for each animal;
2. Sheep or goats: One-half (½) acre for each animal;
3. Fowl (excluding domestic egg-laying chickens): Five thousand (5,000) square feet of land for each five (5) fowl or fraction thereof;
4. Bees: Ten thousand (10,000) square feet per hive.
Above land requirements are the gross area of premises harboring such animals and include areas used by the resident for residential or other purposes, in addition to the keeping of animals.

(2) The police department is exempted from the provisions of this section and is specifically authorized and empowered to keep, harbor and maintain horses within the corporate limits of the city.


Sec. 27-282.28. Chickens as accessory use.

Chickens as an accessory use shall adhere to the following requirements:

<table>
<thead>
<tr>
<th>Table 6-1</th>
<th>Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chickens</td>
<td>• Hens only (no roosters allowed)</td>
</tr>
<tr>
<td></td>
<td>• 1 chicken/1,000 SF land (rounded down)</td>
</tr>
<tr>
<td></td>
<td>• Shall not count as part of total number of animals permitted for a &quot;family&quot; (as defined in section 27-43)</td>
</tr>
<tr>
<td></td>
<td>• Must be kept in an enclosed area (fenced or walled) at all times</td>
</tr>
<tr>
<td></td>
<td>• Coop must be present on property in order to keep chickens</td>
</tr>
<tr>
<td>Coops</td>
<td>• Setbacks must adhere to section 27-290 Accessory Structures standards</td>
</tr>
<tr>
<td></td>
<td>• Maximum height: 6'</td>
</tr>
<tr>
<td></td>
<td>• Max area/size/coverage of land: 125 SF</td>
</tr>
</tbody>
</table>

(Ord. No. 2013-101, § 8, 7-18-2013)

DIVISION 3. ACCESS, PARKING AND LOADING

Sec. 27-283. Intent.

It is the intent of this article to encourage the appropriate location of off-street parking and off-street loading to provide the needed levels of service to the city, to avoid undue congestion on the streets, to protect the capacity of the street system to move traffic, to avoid unnecessary conflicts between vehicles and pedestrians, to encourage the use of mass transportation, to preserve and enhance the designated pedestrian activity areas within the city and to facilitate the access from streets to off-street parking lots and structures.

Sec. 27-283.1. Access.

In addition to minimum yard and building spacing requirements specified in this chapter, all buildings and other structures, land preparation and landscaping shall be so located and arranged on lots as to provide safe and convenient access for emergency purposes, fire protection, servicing, and off-street parking and loading located on the premises. As to access through such premises, the following limitations shall apply:

Access to uses not permitted in residential districts; exceptions. No private land that is residentially zoned shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in the residential district except as provided below or otherwise authorized by this chapter or other lawful regulation.

a. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except
through privately owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District), subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.

b. Where convenience and safety would be promoted, walkways and bicycle paths to nonresidentially zoned land may be authorized by the board of adjustment across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.

Sec. 27-283.2. Off-street parking required.

(a) In all districts for industrial, commercial, office, residential or any other use, there shall be provided, at the time any new building is erected, any use of a building or land is enlarged by five hundred (500) square feet or five (5) percent whichever is greater, or increased in intensity or any other use or change of use established, off-street parking spaces for automobiles in accordance with requirements herein. However, if the required number of functional spaces can be met by an existing parking area, the improvements described in section 27-283.12(d), (e), (h), and (k) shall not be required.

(b) For a multi-tenant building such as a shopping center and office plaza where there are a minimum of seventy-five (75) off-street parking spaces existing on the zoning lot, the change of use of an individual suite (not more than two thousand (2,000) square feet of floor area) shall not require review for parking per section 27-283.12.

Sec. 27-283.3. Compliance with regulations.

(a) No off-street parking or off-street loading space, now existing or hereafter provided, that meets all or part of the requirements of this
chapter for such space, shall be reduced or eliminated by private action, except where approved alternative off-street parking or off-street loading space meeting such requirements is provided, unless no longer required by this article.

(b) The requirements for off-street parking space and off-street loading space applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located, so long as the structure is in existence and its use requiring parking or loading or both facilities continues.

Sec. 27-283.4. Joint use of facilities.

(a) Nothing in this chapter shall be construed to prevent the joint use of off-street parking or off-street loading space for two (2) or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this chapter. Joint use of facilities may also be approved if the zoning administrator determines that the periods of usage of such buildings or uses will not be simultaneous.

(b) An agreement for such joint use, in the form of a long-term lease, or other method, acceptable to the city attorney’s office, shall be filed with the zoning administrator and recorded by the applicant in the public records of Hillsborough County.

Sec. 27-283.5. Visibility at intersections.

All physical obstructions, landscaping, structures, vehicles, that stand between the heights of two and one-half (2.5) feet and eight (8) feet shall adhere to the Florida Department of Transportation, "Manual of Uniform Minimum Standards for Design, Construction and Maintenance, for Streets and Highways," 2004 edition, as amended. Furthermore, alternative designs may be considered by the transportation manager or designee, and are subject to the appeal method as set forth in this chapter.

Cross references—Trees, shrubbery, etc., obstructing vision of drivers of motor vehicles, § 22-308; sight obstructions, § 22-310.

Sec. 27-283.6. Methods of providing required parking and loading.

(a) All required parking shall be located on the same zoning lot as the principal use it serves, except as provided below.

(b) In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this article may be provided as follows:

Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the zoning administrator that the following requirements have been met:

a. The use being served by the off-site parking must be a permitted principal use, as established in Articles II and III, in the zoning districts within which the zoning lot containing such parking is located.

b. The off-site parking spaces shall be located within one thousand (1,000) feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route with signage to delineate the route, shall exist or be provided between the off-site parking and the use being served.

c. The continued availability of off-site parking spaces, necessary to meet the requirements of this article, shall be ensured by a long-term lease, or other method, acceptable to the city attorney’s office, and shall be filed with the zoning administrators and recorded by the applicant in the public records of Hillsborough County.

d. For purposes of determining applicable minimum and maximum land use intensities, the land area devoted to off-site parking shall be added to the land area of the zoning lot containing the use being served by such parking and shall be subtracted from the land area of the zoning lot containing the off-site parking.
Sec. 27-283.7. Number of off-street parking spaces.

The number of off-street parking spaces shall be as set forth in PKG Table 1. Provided, however, the number of required off-street parking spaces for property in the central business district shall be as set forth in Article III, Division 2, Subdivision 3, section 27-187. Provided further, the number of required off-street parking spaces for property in the Channel District shall be as set forth in Article III, Division 2, Subdivision 4, section 27-200.

PKG TABLE 1
TABLE OF REQUIRED PARKING SPACES

<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Commercial/retail uses:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Adult uses</td>
<td>0.3 seat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>plus 3.3 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>b. Appliance and equipment repair</td>
<td>5.0 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>c. Bank:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walk-in</td>
<td>4.0 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>Drive-in</td>
<td>plus queuing spaces</td>
<td>Transportation Division standards</td>
</tr>
<tr>
<td>d. Bar, lounge, bottle club</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td></td>
<td>spaces person, according to the maximum capacity as determined by the City of Tampa Building/Life Safety Code</td>
<td></td>
</tr>
<tr>
<td>e. Blood donor center</td>
<td>2.0 minimum plus 1.0 employee</td>
<td></td>
</tr>
<tr>
<td>f. Carwash</td>
<td>0.8 employee</td>
<td></td>
</tr>
<tr>
<td>g. Catering shop</td>
<td>1.0 employee plus 0.5 delivery vehicle plus 2.0 1,000 sq. ft. GVA</td>
<td></td>
</tr>
<tr>
<td>h. Dance studio</td>
<td>3.5 1,000 sq. ft. GVA</td>
<td></td>
</tr>
<tr>
<td>i. Dry-cleaning plant</td>
<td>1.0 employee on largest shift plus 0.5 vehicle operated by business plus 2.0 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>j. Home occupation</td>
<td>2.0 dwelling unit</td>
<td></td>
</tr>
<tr>
<td>k. Kennel</td>
<td>1.0 employee plus 0.1 each animal holding area</td>
<td></td>
</tr>
<tr>
<td>l. Marina - boat and watercraft storage</td>
<td>0.5 slip or berth</td>
<td></td>
</tr>
<tr>
<td>m. Marina sales and repair</td>
<td>1.0 employee plus 2.0 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>n. Personal services</td>
<td>8.0 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>o. Pharmacy</td>
<td>3.0 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>p. Printing</td>
<td>1.0 employee on largest shift</td>
<td></td>
</tr>
<tr>
<td>q. Radio/TV studio</td>
<td>1.0 employee on largest shift</td>
<td></td>
</tr>
<tr>
<td>r. Recreation, commercial and private</td>
<td>5.0 1,000 sq. ft. GFA</td>
<td></td>
</tr>
<tr>
<td>s. Retail:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department store (freestanding)</td>
<td>3.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Furniture</td>
<td>1.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Grocery</td>
<td>4.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Regional mall</td>
<td>4.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Specialty shops</td>
<td>1.1</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>Strip shopping center</td>
<td>4.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>All other retail</td>
<td>4.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>s. Restaurant:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walk-in</td>
<td>.25</td>
<td></td>
</tr>
<tr>
<td>Drive-in</td>
<td>plus queuing</td>
<td>Transportation Division standards</td>
</tr>
<tr>
<td>t. Service station</td>
<td>5.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>u. Temporary help agency</td>
<td>2.0 minimum</td>
<td>employee</td>
</tr>
<tr>
<td>v. Theatre</td>
<td>0.3</td>
<td>seat</td>
</tr>
<tr>
<td>w. Vehicle repair</td>
<td>2.0</td>
<td>repair bay</td>
</tr>
<tr>
<td>x. Vehicle sales and leasing</td>
<td>2.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
</tbody>
</table>

(2) Industrial/warehouse uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Junkyard/landfill</td>
<td>1.0</td>
<td>employee</td>
</tr>
<tr>
<td>b. Maintenance or storage facility</td>
<td>1.0</td>
<td>employee on largest shift</td>
</tr>
<tr>
<td>c. Manufacturing, light and heavy</td>
<td>0.6</td>
<td>employee on largest shift</td>
</tr>
<tr>
<td>d. Radio/TV transmitter site, utility</td>
<td>1.0</td>
<td>employee on largest shift</td>
</tr>
<tr>
<td>e. Research activity</td>
<td>1.4</td>
<td>employee</td>
</tr>
<tr>
<td>f. Transportation service facility</td>
<td>7.0</td>
<td>1,000 sq. ft. of waiting area</td>
</tr>
<tr>
<td>g. Warehouse and wholesale trade</td>
<td>0.6</td>
<td>employee on largest shift</td>
</tr>
<tr>
<td>h. Warehouse, mini</td>
<td>1.0</td>
<td>employee on largest shift</td>
</tr>
<tr>
<td>i. Vermin control</td>
<td>2.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>j. Material recovery facility</td>
<td>1</td>
<td>1,000 sq. ft. GFA</td>
</tr>
</tbody>
</table>

(3) Interment uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Cemetery</td>
<td>1.0</td>
<td>employee</td>
</tr>
<tr>
<td>b. Funeral parlor or crematorium</td>
<td>0.25</td>
<td>seat of chapel capacity</td>
</tr>
<tr>
<td>i. Vermin control</td>
<td>0.33</td>
<td>employee</td>
</tr>
<tr>
<td>j. Material recovery facility</td>
<td>1</td>
<td>1,000 sq. ft. GFA</td>
</tr>
</tbody>
</table>

(4) Medical uses:

<table>
<thead>
<tr>
<th>Use</th>
<th>Spaces</th>
<th>Per Unit</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Clinic</td>
<td>7.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
<tr>
<td>b. Hospitals and associated uses</td>
<td>1.2</td>
<td>bed</td>
</tr>
<tr>
<td>Use</td>
<td>Spaces</td>
<td>Per Unit</td>
</tr>
<tr>
<td>---------------------------------------------------------------------</td>
<td>--------</td>
<td>----------------</td>
</tr>
<tr>
<td>c. Nursing, convalescent and extended care facilities</td>
<td>0.35</td>
<td>bed</td>
</tr>
<tr>
<td>d. Medical, dental, eye, veterinary and other health-related uses</td>
<td>6.0</td>
<td>1,000 sq. ft. GFA</td>
</tr>
</tbody>
</table>

(5) Office uses:

a. Business and professional                                          | 3.3    | 1,000 sq. ft. GFA |

b. Research activity                                                  | 1.4    | employee       |

(6) Public or nonprofit uses:

a. Airports, heliports, helistops:
   1. Local                                                            | 1.0    | aircraft tiedown
   plus 1.0                                                             |        | aircraft storage
   plus 1.0                                                             |        | aircraft maintenance area

   2. International                                                    | 0.3    | seat

b. Place of religious assembly                                         | 0.3    | seat

c. Club                                                               | 3.3    | 1,000 sq. ft. GFA |

d. Place of assembly                                                   | 0.3    | seat

e. Public cultural facility                                            | 2.0    | 1,000 sq. ft. GFA |

f. Public service facility                                             | 1.0    | employee       |

g. Public use facility                                                 | 3.3    | 1,000 sq. ft. GFA |

h. Temporary special events                                            |        | Transportation Division standards |

i. Community garden, private¹                                          | 1      | 10 individual garden plots/beds |

(7) Residential uses:

a. Bed and breakfast                                                  | 1.25   | lodging unit   |

b. Congregate living facility (all except large group care facility)  | 2.0    | dwelling unit  |

c. Fraternity, sorority                                               | 3.0    | 1,000 sq. ft. GFA |

d. Hotels, motels and roominghouses                                    | 1.0    | room employee  |
   plus 0.5                                                             |        | employee       |

e. Larger group care facility                                          | 1.0    | employee on largest shift |
   0.17                                                                 |        | tenant          |

f. Multiple-family dwelling                                            | 1.0    | efficiency     |
   1.5                                                                  |        | 1—2 bedrooms   |
   2.0                                                                  |        | 3 or more bedrooms |

g. Professional residential facility:                                  |        |                 |
   1. Recovery home                                                     | 1.0    | employee on largest shift |

   2. Residential treatment facility                                    | 1.0    | employee on largest shift |
   plus 1.0                                                             |        | each vehicle operated by the facility |

   3. Life care treatment facility                                      | 1.0    | employee on largest shift |
   plus 0.17                                                            |        | tenant              |
### Use | Spaces | Per Unit
---|---|---
| h. Single- or two-family dwelling and private pleasure craft used as a residence (house boat) | 2.0 | dwelling unit |
| i. Visitor parking (for single-family attached, semi-detached, multi-family townhouse-style, and multi-family)" | 0.25 | spaces/unit |
| j. Senior housing (project for persons fifty-five (55) years or older that qualifies for HUD assistance) | 1 | space/unit |

#### School uses:

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Colleges</td>
<td>0.5</td>
<td>student</td>
</tr>
<tr>
<td>b. Day care and nursery facilities</td>
<td>1.0</td>
<td>employee</td>
</tr>
<tr>
<td></td>
<td>plus 1.0</td>
<td>each vehicle operated by the facility plus parking and/or loading Transportation Division standards</td>
</tr>
<tr>
<td>c. Elementary/junior high school</td>
<td>1.6</td>
<td>classroom</td>
</tr>
<tr>
<td>d. Senior high</td>
<td>.19</td>
<td>student</td>
</tr>
<tr>
<td>e. Business, trade or vocational school</td>
<td>.5</td>
<td>student</td>
</tr>
<tr>
<td></td>
<td>plus 1.0</td>
<td>staff member</td>
</tr>
</tbody>
</table>

1. Off-street parking is not required for gardens in the YC-, CBD-, and CD- districts.

### Sec. 27-283.8. Determination for unlisted uses.

The zoning administrator, after consultation with the department of public works, shall make a determination, in the cases of uses not listed in the table of required parking spaces, of the minimum required off-street parking spaces. In reaching the determination, the zoning administrator and the department of public works shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions.

### Sec. 27-283.9. Calculation of parking requirements related to number of seats.

Where parking requirements relate to number of seats and seating is in the form of undivided pews, benches or the like, twenty (20) lineal inches shall be construed to be equal to one (1) seat. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, ten (10) square feet of net floor area shall be construed to be equal to one (1) seat, except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.

### Sec. 27-283.10. Administrative variance of required parking spaces.

(a) The zoning administrator may authorize a reduction of the required number of parking spaces for the following situations:

1. The parking requirements of a specific use or development necessitate fewer parking spaces than this article requires. The applicant must demonstrate to the department the reduced parking demand for the development by submitting the appropriate traffic data. However, no reduction of parking for a medical office use may be approved administratively or by any appeal process.
For existing buildings, construction prior to 1988, when a change of use to a more intensive use (except for restaurants having more than fifty (50) seats, bar/lounge, medical use or vehicular repair) makes full compliance with all land development regulations impossible because of specific site constraints, the applicant may request to reduce up to fifty (50) percent or fifteen (15) spaces of the required number of off-street parking spaces, whichever is more.

(3) Tandem parking when used for single-family detached or single-family attached designs.

(b) The variance review board, Architectural Review Commission, and Barrio Latino Commission may consider a request to reduce the number of parking spaces for all uses. The applicants must demonstrate that the requested variance will not have a negative impact on the surrounding neighborhood and the bases for approval meets the criteria for granting a variance (VRB see section 27-80, ARC see section 27-113 and BLC see 27-95.) The city transportation planning division shall review the request and provide the board or commissions information related to neighborhood parking and street and alley right-of-way issues.

Sec. 27-283.11. Vehicle parking.

(a) Recreation vehicles and private pleasure craft. Any owner of recreation vehicles and private pleasure craft may park or store such equipment on private residential property subject to the following conditions:

(1) At no time shall such vehicles or crafts be occupied or used for living, sleeping or housekeeping purposes.

(2) Parking is permitted anywhere on a lot for loading and unloading purposes for a period not exceeding twenty-four (24) hours.

(3) At no time shall vehicles be connected to any utility service.

(4) Parking is not permitted within a water-front yard except for boats when provisions have been made to place the boat directly into the water from its place of parking.

(5) a. If such vehicle or craft is parked or stored outside of an enclosed garage, it may be parked in any rear, side or corner yards; however, it shall be parked or stored no closer to the front property line than that portion of the front façade of the principal structure which is the farthest distance from the front property line, and shall be parked or stored a minimum of zero (0) feet from all other property lines, provided that vehicle or crafts parked or stored in the corner yard shall be screened from the street right-of-way with a six-foot high solid fence or hedge.

It is the intent of this ordinance and this subsection (5)a. to encourage and require vehicles and crafts to be parked in side or corner or rear yards; however, if no more than one-third ($\frac{1}{3}$) of the vehicles or craft extends towards the front property line, beyond that portion of the front façade of the principal structure which is the farthest distance from the front property line, it shall be deemed feasible to park in accordance with this subsection (5)a., and the vehicle or craft shall be parked in accordance with subsection (5)a. and may not be parked in accordance with subsection (5)b. hereof.

No part or portion of the vehicle or craft, including the trailer or equipment used to transport the same, can extend beyond the vertical plane of the side, corner or rear property lines.

b. If it is not feasible to park a vehicle or craft in accordance with the provisions of subsection (5)a. above, then it shall be permissible to park such vehicle or craft in the front yard, subject to the following limitations:

1. The vehicle or craft (including any trailer or equipment to
transport the same) shall be setback five (5) feet from the front property line.

2. No vehicle or craft shall be parked in a location in the front yard that causes a sight obstruction to any pedestrian or operator of any vehicle by either materially impeding or obstructing the visibility of oncoming traffic or the visibility of a lawfully placed traffic control device.

3. No more than one (1) vehicle (including crafts) shall be parked in the front yard.

4. The vehicle or crafts may only be parked within the front yard on an existing driveway area which was designed and intended to provide ingress and egress of vehicular traffic from the street.

5. The height limitation on vehicles and crafts shall be ten (10) feet and the length limitation shall be twenty-six (26) feet. Height shall be measured from the highest point of the vehicle or craft to the lowest point of the vehicle or craft, including all antennas, extensions, appurtenances and trailers (and extensions thereof). Length shall be measured from the longest distance from the front of the vehicle or craft to the back or end of the vehicle or craft, including all antennas, extensions, appurtenances and trailers (and extensions thereof).

*For purposes of this subsection it shall be deemed "not feasible" to park a vehicle or craft in accordance with subsection (5)a. above if the vehicle or craft, including the trailer or equipment used to transport the same, is of such a size that existing structures, or trees or landscaping (which cannot be removed without a permit as required by chapter 13), completely prevent or impede such vehicle or craft from being maneuvered into and located within the side and corner and rear yards.

6. If a craft is parked or stored outside of an enclosed garage, it shall be located on a trailer with tires, and if a vehicle is parked or stored outside of an enclosed garage, it shall be on wheels.

7. All vehicles, crafts and trailers parked anywhere on residential property shall be licensed in accordance with all laws of the State of Florida.

(b) Commercial equipment in residential districts. The parking of commercial equipment in any residential district is prohibited. This requirement shall not be interpreted to prohibit commercial vehicles from loading and unloading in any residential district and shall not prevent temporary parking of vehicles on a lot as accessory to a lawful commercial use of the same residential lot or require such vehicles to be garaged. Parking is, however, permitted within any entirely enclosed structure which meets the regulatory requirements for the applicable zoning district.

(c) Commercial equipment in office and commercial districts. The parking of commercial equipment in the office, CN and CG districts is limited to two (2) vehicles per establishment. The maximum size of the vehicles shall be standard van or one-half-ton pickup truck.

Cross reference—Parking, Ch. 15.

Sec. 27-283.12. Off-street parking space standards.

(a) Regular car off-street parking layout:
**PKG TABLE 2**

<table>
<thead>
<tr>
<th>Dimension</th>
<th>On Diagram</th>
<th>0°</th>
<th>45°</th>
<th>60°</th>
<th>75°</th>
<th>90°</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stall width perpendicular to stall length of line</td>
<td>A</td>
<td>9.0</td>
<td>9.0</td>
<td>9.0</td>
<td>9.0</td>
<td>9.0</td>
</tr>
<tr>
<td>Stall length of line</td>
<td>B</td>
<td>24.0</td>
<td>27.0</td>
<td>23.2</td>
<td>20.4</td>
<td>18.0</td>
</tr>
<tr>
<td>Stall depth to wall</td>
<td>C</td>
<td>9.0</td>
<td>19.1</td>
<td>20.0</td>
<td>19.7</td>
<td>18.0</td>
</tr>
<tr>
<td>Aisle width between stall lines</td>
<td>D</td>
<td>12.0</td>
<td>11.0</td>
<td>18.0</td>
<td>22.0</td>
<td>24.0</td>
</tr>
<tr>
<td>Module width wall to wall</td>
<td>E</td>
<td>30.0</td>
<td>49.2</td>
<td>58.2</td>
<td>61.4</td>
<td>62.0</td>
</tr>
<tr>
<td>Bumper overhang</td>
<td>F</td>
<td>2.0</td>
<td>2.0</td>
<td>2.0</td>
<td>2.0</td>
<td>2.0</td>
</tr>
<tr>
<td>Back-up width</td>
<td>G</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>7.0</td>
</tr>
<tr>
<td>Cross-aisle one-way</td>
<td>H</td>
<td>10.0</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Cross-aisle two-way</td>
<td>H</td>
<td>20.0</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
</tbody>
</table>

Note:

1 Bumper overhang not permitted over landscaping or sidewalk area.

(b) Compact car off-street parking requirements and stall layout:

(1) Compact car parking may be allowed for up to sixty-five (65) percent of the required spaces. Compact car parking may be provided for up to one hundred (100) percent of the spaces in excess of the required number of spaces.

(2) For ninety-degree compact parking, the minimum stall width shall be eight (8) feet and the minimum stall length shall be sixteen (16) feet. There need to be no provision for bumper overhang for compact parking.

(3) Compact parking spaces shall be clustered in groups and located within easy access of an entrance so as to be desirable and fully utilized.

(4) Compact parking spaces must be designated as being for the exclusive use of compact cars through the use of signage or marking.

(5) The overall design must be reviewed and approved by the Planning and Development Department (PDD), with consultation with the department of public works, if required.

(6) The parking layout dimensions (in feet) for eight-foot compact parking stalls at various angle is shown below in PKG Table 3.

(7) The off-street parking stall layout for compact cars is also controlled by PKG Graphic-2.

(8) Compact parking spaces shall not be utilized for single-family detached, semi-detached, attached, two-family, or multi-family townhouse style units, which are located within a garage or in tandem. Please refer to "27-283.12(a) Regular car off-street parking layout" for required dimensions.

**PKG TABLE 3**

**COMPACT CAR OFF-STREET PARKING LAYOUT**

<table>
<thead>
<tr>
<th>Dimension</th>
<th>On Diagram</th>
<th>0°</th>
<th>45°</th>
<th>60°</th>
<th>75°</th>
<th>90°</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stall width perpendicular to stall length of line</td>
<td>A</td>
<td>8.0</td>
<td>8.0</td>
<td>8.0</td>
<td>8.0</td>
<td>8.0</td>
</tr>
<tr>
<td>Stall length of line</td>
<td>B</td>
<td>22.0</td>
<td>24.0</td>
<td>20.6</td>
<td>18.1</td>
<td>16.0</td>
</tr>
<tr>
<td>Dimension (in feet)</td>
<td>On Diagram</td>
<td>0°</td>
<td>45°</td>
<td>60°</td>
<td>75°</td>
<td>90°</td>
</tr>
<tr>
<td>---------------------</td>
<td>------------</td>
<td>-----</td>
<td>------</td>
<td>------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Stall depth to wall</td>
<td>C</td>
<td>8.0</td>
<td>17.0</td>
<td>17.8</td>
<td>17.5</td>
<td>16.0</td>
</tr>
<tr>
<td>Aisle width between stall lines</td>
<td>D</td>
<td>12.0</td>
<td>11.0</td>
<td>18.0</td>
<td>22.0</td>
<td>24.0</td>
</tr>
<tr>
<td>Module width wall to wall</td>
<td>E</td>
<td>28.0</td>
<td>45.0</td>
<td>53.6</td>
<td>57.0</td>
<td>56.0</td>
</tr>
<tr>
<td>Bumper overhang (optional)</td>
<td>F</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Back-up width</td>
<td>G</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>6.0</td>
</tr>
<tr>
<td>Cross-aisle one-way</td>
<td>H</td>
<td></td>
<td>10.0 (min.) and 15.0 (max.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cross-aisle two-way</td>
<td>H</td>
<td></td>
<td>20.0 (min.) and 30.0 (max.)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
§ 27-283.12 TAMPA CODE

Off-Street Parking Stall Layout—PKG Graphic-2

Supp. No. 81

2300.60
(c) Parking for the handicapped shall be provided in accordance with the provisions of the F.S. §§ 316.1955 and 316.1956 and shall be included in the minimum number of parking spaces required by this article.

(d) All residential uses shall be required to provide a hard surface parking area, made of concrete and/or permeable paver material, within the private lot for all required parking spaces. In addition, the driveway access (apron) located in the public right-of-way is required to be paved in order to preserve the edge of the roadway and protect it from erosion and damage.

(e) All off-street parking lots shall be graded and drained so as to dispose of all surface water accumulated within the area, in accordance with this Code and the design standards of the department of public works.

(f) Lighting, if provided, shall be directed away from public streets and residential areas and shall not be a hazard or distraction to motorists traveling on a street.

(g) Sales, dead storage, repair, dismantling and service of motor vehicles shall not be permitted on off-street parking spaces.

(h) (1) All off-street parking spaces, including all areas for maneuvering, shall be located solely on private property and shall not utilize public property or public street rights-of-way, except for single-family detached, semidetached and attached uses and multi-family development with no more than four (4) units on the zoning lot. Single-family detached, semidetached and attached uses and multi-family development with no more than four (4) units on the zoning lot may utilize public right-of-way for maneuvering, provided that all the following conditions are met:
   a. The proposed use is a permitted or special use;
   b. The parking spaces are located entirely on the zoning lot;
   c. For single-family attached uses and multi-family development with no more than four (4) units on the zoning lot, the available traffic data must show that the traffic count on the street providing access is less than or equal to one thousand five hundred (1,500) vehicles per day. The traffic data shall be verified and approved by the department of public works.

(2) All off-street parking spaces may utilize public alley right-of-way for maneuvering into and out of a legally sized (per this section 27-283.12) parking space provided the following are met:
   a. If the alley is unimproved, the developer must improve the alley per department of public works standards. Or, if the alley is already being accessed by other properties on the block, the alley must be evaluated by the department of public works to determine if the existing condition of the alley is able to support the additional traffic. The department of public works may require the developer to improve the alley.
   b. The dimensional standards in this section must be met per PKG Table 2 and PKG Table 3. The total width of the public right-of-way of the alley may be counted toward the required aisle width. Modification to these standards may be approved by the manager of the transportation division provided safe ingress and egress to the parking space is demonstrated.
   c. The access to the alley must be designed to ensure adequate visibility is provided per section 27-283.5.

(i) All off-street parking areas shall be designed to provide safe and convenient circulation, in accordance with commonly accepted traffic engineering practices and subject to the review and approval of the director of the department of public works.
(j) Nonresidential parking lots and garages shall be designed to minimize impact to residential neighborhoods. In connection herewith the following requirements shall apply to all nonresidential parking lots and garages.

(1) Ingress and egress to nonresidential parking lots/garages shall be limited to arterial or collector streets, unless one (1) or more of the following conditions exist:

(a) The property fronts only local street(s); or

(b) Access to all adjacent arterial or collector street(s) is/are discouraged or rendered impracticable by another provision(s) of the City of Tampa Code; or

(c) Access to all adjacent arterial or collector street(s) is/are prohibited by the Florida Department of Transportation or another governmental entity; or

(d) No residentially zoned property exists on the affected segment of a local street where ingress and/or egress is proposed to a nonresidential parking lot or garage. For purposes hereof, the "affected segment of a local street" shall mean the segment of a local street where ingress and/or egress to a nonresidential parking lot or garage is proposed lying between the two (2) closest intersecting arterial or collector streets.

If one (1) or more of the conditions set forth above exist, then ingress and egress to the nonresidential parking lot or garage on a local street shall be permitted without requiring a waiver or special approval from the city; provided, however, the design and location of the ingress and egress to a nonresidential parking lot or garage on a local street shall comply with the requirements provided herein.

(2) In the event that none of the conditions contained in subsection 27-283.12(j)(1) apply, the owner of the property on which the nonresidential parking lot or garage is or will be located may file an application with the city requesting a waiver allowing ingress and egress to a nonresidential parking lot or garage on a local street.

Applications for a waiver shall be filed with the Development Services Center and shall include the following information:

(a) The name and address of the applicant;

(b) The name and address of the owner of the property on which the nonresidential parking lot is or will be located;

(c) The legal description of the property;

(d) Evidence that one or both of the conditions set forth below exist; and

(e) A list of all property owners located within two hundred fifty (250) feet of the subject property based on information supplied by the Hillsborough County Property Appraiser’s Office.

The Development Services Center shall transmit the application to the Transportation Division. The Transportation Division may grant a waiver allowing ingress and egress to a nonresidential parking lot or garage on a local street if the Transportation Division finds that one (1) or both of the following conditions exist:

(a) The local street primarily serves commercial traffic; or

(b) The Transportation Division determines that the failure to allow ingress/egress to a local street in addition to, or in lieu of, ingress/egress to an arterial or collector street, will have a significant detrimental impact on traffic flow or safety on surrounding streets.

The Transportation Division shall notify an applicant, in writing, of its decision on an application for a waiver of the driveway location requirements set forth herein. If the Transportation Division issues a written decision approving such a waiver,
then the applicant must thereafter provide notice of that decision to the officially registered neighborhood association, as registered with the City of Tampa, in which the subject property is located, and to all other officially registered neighborhood associations that lie within two hundred fifty (250) feet, including roads and streets, in all directions from the subject property, and to his or her neighboring property owners within two hundred fifty (250) feet of the subject property consistent with those public notice procedures set forth in section 27-149(c)(2); however, the applicant must submit an affidavit regarding notification and certificate of mailing to the Transportation Division within ten (10) days of receipt of the Transportation Division's decision. In the event that the applicant fails to properly notice the waiver or fails to timely file the affidavit regarding notification and the certificate of mailing, then the waiver shall be denied. If the application for a waiver is denied for any reason, then no application for the same or similar waiver shall be accepted and considered by the city until three (3) months has elapsed since the date that the prior request for the same or similar waiver was denied. Decisions of the Transportation Division in connection with an application for a waiver may be appealed by an applicant, an appointed representative of the registered neighborhood association, or the owner of property within two hundred fifty (250) feet of the subject property to the variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District) in accordance with section 27-61(a). Any such appeal must be filed either within fifteen (15) days of the date of a letter from the Transportation Division denying the waiver, or within fifteen (15) days of the date of the certificate of mailing of notice of a decision approving a waiver, whichever is applicable. No permits shall be issued for construction or development until the applicable fifteen-day appeal period has lapsed, and if an appeal petition has been filed, until the appropriate board has rendered a final decision thereon.

(3) In the event ingress and egress to a non-residential parking lot or garage on a local street is allowed in accordance with the terms hereof (by waiver or otherwise) and the local street is adjacent to a residential neighborhood, then, to the extent practicable and safe the driveway shall be designed to channel traffic away from the residential neighborhood. This driveway may not exceed the minimum distance from an intersection as required by the department of public works.

(4) A proposed development shall be exempt from the requirements of this subsection if it has received a final local development order as defined in the concurrency management system ordinance on or before January 31, 1990.

(k) For all non-residential uses, half of the required number of off-street parking spaces shall be surfaced with asphalt or Portland cement binder pavement or an equivalent improvement so as to provide a durable and dustless surface. In making a determination as to the suitability of an equivalent improvement, the city traffic engineer shall find that such improvement:

(1) Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it; and

(2) Provides a surface that will accept permanent delineation of parking spaces, aisles, accessways and maneuvering areas; and

(3) Provides a surface that will not contribute to erosion or sedimentation, either on-site or off-site; and

(4) Provides a surface that meets the design standards of the department of public works; and

(5) Complies with applicable local, state, and federal regulations regarding access to and maneuverability within said areas for people with disabilities.
The balance of the required parking spaces shall be a hard rock surface or material deemed acceptable by the city traffic engineer, which shall be designed to include bumper stops or other department of public works approved methods of delineating parking spaces.

(1) [Reserved.]

(2) [Reserved.]

Sec. 27-283.13. Special event parking lots, interim parking lots and residential parking for stadium events.

(a) Interim parking. It is the purpose of interim parking lots to assist in providing needed levels of parking service to the city. They are a permitted use in any zoning district except RS, RM, YC and site plan controlled districts (not including CBD site plan controlled). Their approval may not exceed five (5) years at any location or portion thereof and may be granted one (1) extension not to exceed one (1) year. Applications for permits for interim parking lots shall include a site plan demonstrating compliance with the following standards and requirements:

(1) Those standards and requirements regarding parking aisle layout, traffic lanes, ingress/egress to the surrounding roadway network and perimeter buffering as set forth in Chapter 27, City of Tampa Code. The city shall review the parking request for compatibility with the city’s maintenance of traffic plan to assess the impact on the surrounding roadway network. The city may impose reasonable conditions, including a traffic study if necessary, to assure the continued compatibility with the surrounding roadway network.

(2) Any driveway access (apron) located in the public right-of-way shall be paved per Transportation Technical Manual standards to preserve the edge of the roadway and protect it from erosion or damage.

(3) Interim parking lots are required to set aside a ten-foot wide level surface area along those portions of the property which abut public right-of-way where sidewalks are not available to accommodate the safe passage of pedestrians off-site, in accordance with commonly accepted traffic engineering practices subject to the review and approval of the city. The ten-foot wide area shall be located along the edge of the curb or road surface and may be required to be extended into the private property if sufficient right-of-way is not available. The city transportation division may allow a reduction of the ten-foot width if the division determines that safety concerns are otherwise met.

(4) Parking spaces must be delineated with bumper stops or other transportation division approved methods. See PKG Graphic-3.

(5) Paved interim parking lots are required to meet all City of Tampa land development regulations; however, paving of the interim parking lot is not required. The surface must be level and suitable for the quantity and frequency of traffic expected to use it. The lot must be maintained with a level and flat surface free from tripping hazards, areas of discontinuity of surface or other potential safety hazards. The lot must also be maintained in good condition and not become a public nuisance. Conditions which must be avoided shall include and not be limited to erosion problems (including irrigation blowouts, rain washouts, etc.), silting of streets, dust, overgrowth and the accumulation of litter and debris.

(6) Unpaved interim parking lots are not required to meet the landscaping and buffering requirements for vehicular use areas set forth in Chapter 13, City of Tampa Code. However, there shall be provided a perimeter buffer, including wheel stops (or other approved method) placed two (2) feet back from any landscaped area and a five-foot wide break in the perimeter landscape to accommodate a pedestrian pathway to the right-of-way. There shall be one break per 100 linear
feet of frontage as indicated in options A, B, or C (PKG Graphic-4) along the edge of the surface lot fronting the public right-of-way. Existing protected trees on a permitted interim lot shall be protected in accordance with Chapter 13, City of Tampa Code. No removal of trees shall be permitted on interim parking lots.

An alternate landscape plan may be approved by the variance review board, architectural review board or Barrio Latino Commission, depending on-site location. The alternate plan must demonstrate a uniqueness of the site to warrant deviation from the above requirements. The alternate plan must provide landscaping equivalent to or exceeding the minimum landscaping stated above.

(7) Sales, dead storage, repair, dismantling and service of motor vehicles shall not be permitted at interim parking lots.

(8) Interim parking lots shall provide parking for disabled persons in accordance with the provisions of F.S. §§ 316.1955 and 316.1956, and such spaces shall be included in the minimum number of parking spaces required by this article.

(9) Maintenance: Turf areas shall be mowed to a maximum height of eight (8) inches. Irrigation systems are to maintain a ninety-eight (98) percent operational status and be controlled by an automatic timer with a rain shutoff mechanism. Trees and shrubs shall be maintained as per Chapter 13, City of Tampa Code.

(10) Interim parking lots may be used for special event parking provided a sign is prominently displayed during each event. The sign (minimum eighteen (18) inches × twenty-four (24) inches) shall be posted on private property at each entrance stating the cost of parking in the lot space. No sign may exceed four (4) square feet in area.

(11) Wreckers. All permitted interim parking lot operators shall utilize the services of wreckers who have obtained a certificate of eligibility from the Hillsborough County Public Transportation Commission for any nonconsensual towing from the lot.

(b) Special event parking. Due to the limited land available for parking and the short term duration and single occurrence of many events, special event parking is a permitted use in any zoning district except RS, RM and site plan controlled districts. Applications for permits for special event parking lots shall include a site plan demonstrating compliance with the following minimum requirements. Any violation of this section shall give the city authority to suspend or revoke the special event parking permit:

(1) Permits for each lot may be issued for special event parking on private or public property for a period not to exceed six (6) months. Permits for special event parking may be renewed every six (6) months.

(2) The use of special event parking lots shall coincide with a special event that requires overflow parking on a short-term basis, as further defined herein. The operation of a special event parking lot at any other time is prohibited. Access to the parking lot shall be secured when the lot is not in use.

(3) Special event parking lots are not required to meet City of Tampa Code requirements related to parking lot landscaping, paving, or drainage. They are required to provide safe access to and from the site without damage to existing sidewalks or curbs through an improved, safe driveway access. Any damaged area shall be immediately secured in such a fashion that will prevent pedestrian or vehicular access to such area, and shall be repaired within two weeks of the occurrence of the damage. If the damage is not repaired within two weeks of occurrence, the city shall have the authority to suspend or revoke the special event parking permit.

(4) Special event parking lots shall set aside a ten-foot wide level surface area along those portions of the property which abut public right-of-way, where sidewalks are
not available, to accommodate the safe passage of pedestrians off-site in accordance with commonly accepted traffic engineering practices, subject to the review and approval of the city. This ten-foot wide area shall be located along the edge of the curb or road surface and may be required to extend into the private property if sufficient right-of-way is not available. The city transportation division may allow a reduction in the ten-foot width if the division determines that safety concerns are otherwise met.

(5) The city shall review the special event parking request for compatibility with the city's maintenance of traffic plan to assess the impact on the surrounding roadway network. The city may impose reasonable conditions, including a traffic study if necessary, to the special event parking permit to assure the continued compatibility with the surrounding roadway network.

(6) Special event parking lots shall provide parking for disabled persons in accordance with the provisions of F.S. §§ 316.1955 and 316.1956, and such spaces shall be included in the minimum number of parking spaces required by this article.

(7) The parking lot surface must be level and suitable for the quantity and frequency of traffic expected to use it. The lot must be maintained with a level and flat surface free from tripping hazards, areas of discontinuity of surface or other potential safety hazards. The lot must be maintained in good condition and not become a public nuisance. Conditions which must be avoided shall include and not be limited to erosion problems (including irrigation blowouts, rain washouts, etc.), potholes, silting of streets, dust, overgrowth, and accumulation of litter and debris. Litter and debris must be removed from the site after every special event.

(8) The special event parking lot permit shall be prominently displayed during each event. A sign (minimum eighteen (18) inches × twenty-four (24) inches) shall be posted on private property at each entrance stating the cost of parking in the lot space. No sign can exceed four (4) square feet in area.

(9) Tree protection. Existing protected trees on a permitted special event lot shall be protected in accordance with those standards found in Chapter 13, City of Tampa Code. No removal of trees shall be permitted on special event parking lots.

(10) Wreckers. All permitted special event parking lot operators shall utilize the services of wreckers who have obtained a certificate of eligibility from the Hillsborough County Public Transportation Commission for any nonconsensual towing from the lot.
PKG Graphic-3. Typical Parking Lot Corner Area.

OPTIONS FOR WHEEL AND CAR STOPS:

WHEEL STOP OPTION

APPROXIMATE COST OF INSTALLED WHEEL STOP: $50.00

VERTICAL BOLLARD OPTION

APPROXIMATE COST OF INSTALLED CAR STOP: $40.00

DIAGRAM 10 - 3
PKG Graphic-4. Typical Parking Lot Corner Area.

OPTION A: 18' buffer with decorative 3' fence planted with vines a minimum of 6' on center. Trees every 40' in a minimum 5'x 5' area. Wheel stops 2' from edge of paving. All landscape materials shall be irrigated.

OPTION B: 3' buffer planted with shrub hedge. Trees every 40' in minimum 5'x 5' area. Wheel stops 2' from edge of pavement. All landscape materials shall be irrigated.
OPTION C: 5' buffer planted with shrub hedge. Trees planted every 40'. Wheel stops to edge of pavement. Pull hedge closer to side walk. All landscape materials shall be irrigated.

TYPICAL PARKING LOT CORNER AREA

Possible sidewalk location - maybe mulch, concrete, or asphalt - one access must meet ADA standard.
(c) Amortization schedule. Existing nonconforming parking lots which are legally established, as determined by the zoning administrator, and operating upon the effective date of this ordinance may continue to operate without meeting the landscaping criteria set forth in section 27-283.13(a) for a period of two (2) years. Therefore all existing nonconforming parking lots must meet the criteria stated in Article VI, Division 3, section 27-283.13(a). All nonconforming parking lots in existence on the effective date of this ordinance must meet all other minimum standards of section 27-283.13(b).

(d) Stadium event parking. Off-street parking shall be a permitted accessory use in those residential districts within the immediate area of Raymond James Stadium, subject to the following criteria:

1. Parking on residential lots shall be permitted only on those days or nights when there is a scheduled event being held at Raymond James Stadium.

2. The residentially-zoned lot must contain a residential structure that is being used for residential purposes. If the lot does not contain such a structure, it may be used for parking only if it is operated as a special event parking lot in conformance with those requirements set forth in subsection (b) above.

For purposes of this subsection the immediate area of Raymond James Stadium shall be defined as that area North of Interstate I-275, South of Hillsborough Avenue, East of Westshore Boulevard and West of the Hillsborough River.

Sec. 27-283.14. Off-street loading space—Required.

(a) Every use requiring the receipt or distribution by vehicles of materials and merchandise shall have one (1) or more loading berths or other space for standing and loading on the same or adjoining premises. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served. Also, a required loading space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials or to meet off-street parking requirements or in conducting the use.

(b) The requirements in the following table shall apply only to new structures or additions to structures, and shall not be considered to make any existing structure nonconforming for lack of such off-street loading:

<table>
<thead>
<tr>
<th>TABLE 1</th>
<th>OFF-STREET LOADING REQUIREMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Use Classification</td>
<td>Space Requirements</td>
</tr>
<tr>
<td>Office, hotels and residential uses</td>
<td>1 loading berth for every 100,000 sq. ft. of floor area, up to a maximum of 5 berths</td>
</tr>
<tr>
<td>Industrial and commercial uses as follows:</td>
<td>Minimum number of berths required:</td>
</tr>
<tr>
<td>Under 8,000 square feet</td>
<td>none</td>
</tr>
<tr>
<td>8,000—25,000 square feet</td>
<td>2 berths</td>
</tr>
<tr>
<td>25,000—50,000 square feet</td>
<td>3 berths</td>
</tr>
<tr>
<td>50,000—100,000 square feet</td>
<td>4 berths</td>
</tr>
<tr>
<td>Over 100,000 square feet</td>
<td>5 berths</td>
</tr>
</tbody>
</table>

(c) For any land use that is not categorized in the above table, the department of public works, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

Sec. 27-283.15. Same—Standards.

All off-street loading spaces shall meet the following standards:

1. Off-street loading spaces shall be located and arranged so that a semitrailer truck (WB 50 class) shall be able to gain access to and use such spaces by means of one (1) continuous parking maneuver.

2. Loading space shall meet the minimum setbacks established for structures.

3. All loading space and maneuvering space shall be surfaced with an all-weather material which shall be maintained in a safe, sanitary and neat condition.

4. No loading space shall be located so that a vehicle using such space intrudes on or
hinders the use of travel lanes, walkways, public or private streets or adjacent properties.

(5) Each required off-street loading space shall have a minimum width of twelve (12) feet and a minimum vertical clearance of sixteen (16) feet above finished grade of the space. The length shall be a minimum of thirty (30) feet for local delivery and sixty (60) feet for tractor trailers. A maximum of two-thirds of the required loading spaces can be used for local deliveries.

(6) Where the off-street loading space requirements of a specific use or development can be shown to require fewer loading spaces than the requirements of this article, the department of public works may authorize a reduction [in] number of loading spaces. The applicant must demonstrate the reduced loading space demand for development to the department by submitting the appropriate traffic data either prepared by a professional traffic engineer or approved by the city traffic engineer. The department of public works shall either approve or deny the request for reduction in loading spaces, based on their review of the submitted traffic data and the professional guidelines for traffic generation. If the department of public works denies the request for a reduction in loading spaces, the applicant may appeal the decision to the variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District).

DIVISION 4. NATURAL RESOURCES: BUFFERS, GENERAL TREE PLANTING AND LANDSCAPING, WETLANDS AND UPLAND HABITAT

Subdivision 1. Buffers and Screening

Sec. 27-284. Buffers and screening.

In order to reduce the impacts of a use of land on adjacent uses which are of a significantly different character, buffers and screening shall be required in accord with the following provisions of this section:

(1) **Buffers required.** A buffer consists of a horizontal distance from a property line which may only be occupied by screening, drainage areas, utilities (with the exception of solid waste storage facilities) and landscaping materials. The required buffering distance between land uses on adjoining zoning lots is set forth in the buffer matrix below. Mechanical/air conditioning equipment, outdoor storage areas and parking areas shall not be located within the required buffers. Compliance with this section is required in all cases of new construction, change of use or expansion of use or structure subject to the following exceptions:

a. Addition to an existing structure or increase in the intensity of capacity of existing (or change in) use which is less than or equal to five hundred (500) square feet or five (5) percent, whichever is less. This exemption may be exercised only once during the life of the building.

b. In cases where an addition or change in use exceeds five hundred (500) square feet or five (5) percent and where a fifteen-foot buffer would now be required, the buffer may include the loading area only when no alternative location exists. In such cases, the six-foot-high masonry wall is required.
<table>
<thead>
<tr>
<th>Proposed Use</th>
<th>Abutting Use</th>
<th>Any other principal use in Use Group A</th>
<th>Dwelling, single- or two-family</th>
<th>Dwelling, multiple-family</th>
<th>Any use in Use Group B</th>
<th>Any use in Use Group C other than the above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any other principal use in Use Group A</td>
<td>Abutting Use</td>
<td>0</td>
<td>5</td>
<td>5</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Dwelling, single- or two-family</td>
<td>Automotive repair, automotive maintenance or automotive storage facility or any combination thereof, light manufacturing, supply yard</td>
<td>5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dwelling, multiple-family</td>
<td>Automotive repair, automotive maintenance or automotive storage facility or any combination thereof, light manufacturing, supply yard</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>10</td>
<td>15</td>
</tr>
<tr>
<td>Any principal use in Use Group B</td>
<td>Automotive repair, automotive maintenance or automotive storage facility or any combination thereof, light manufacturing, supply yard</td>
<td>10</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td>15</td>
</tr>
<tr>
<td>Automotive repair, automotive maintenance or automotive storage facility or any combination thereof, light manufacturing, open storage</td>
<td>Any use in Use Group C other than the above</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Any principal use in Use Group C other than the above</td>
<td>Automotive repair, automotive maintenance or automotive storage facility or any combination thereof, light manufacturing, open storage</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>0</td>
</tr>
</tbody>
</table>

NOTE: Numbers indicate width of buffer (in feet).
(2) Screening required.

a. Five- and ten-foot buffers shall consist of at least the following, together with any additional specifications of the city tree and landscaping ordinance:

1. A row of evergreen trees such as ligustrum, podocarpus, red cedar or holly which are planted twenty (20) feet on center. Trees shall be eight (8) to ten (10) feet in height with four- to six-foot spread and thirty (30) gallons at planting.

2. A row of evergreen shrubs between trees such as viburnum, ligustrum, holly or juniper planted five (5) feet on center. Shrubs shall be seven (7) gallons, thirty (30) to thirty-six (36) inches high and twenty-four- to thirty-six-inch spread (multistemmed) at planting.

3. Lawn, low-growing evergreen shrubs, evergreen ground cover or rock mulch covering the balance of the buffer.

4. Items (2)a. through (2)c. may be credited toward meeting the requirements of the tree and landscaping code, where applicable.

b. Fifteen-foot buffers shall consist of at least the following, together with any additional specifications of the city tree and landscaping ordinance:

1. Lawn, low-growing evergreen shrubs, evergreen ground cover, covering the balance of the buffer; and

2. A finished masonry wall located within the required buffer, such wall to be a minimum height of six (6) feet above finished grade. The wall may be placed at the property line. For purposes of this section, a finished masonry wall includes but is not limited to stucco, brick or any other decorative cover or finish. In cases where the required wall will be located within the protective radius of a protected or grand tree that is required to be preserved, and cannot be constructed with a stem wall or similar construction method to avoid conflict with that radius, the applicant may install a solid PVC fence, except in local historic districts, at a minimum of six (6) feet above finished grade, in lieu of the masonry wall;

3. For uses in Group B and C, property lines abutting right-of-way across from residentially zoned property shall be buffered as follows:

a. Property lines along the front/main entrance of the building shall be landscaped according to the requirements of the Subdivision 2 below.

b. Property lines along the side or rear walls of the building shall be buffered with a six-foot high finished masonry wall or a five-foot wide landscaping buffer as provided in section 27-284(2)a. above. This buffer does not apply to point of ingress and egress for driveways or pedestrian accessways.

(3) Alternative buffers and screening. In lieu of compliance with the above buffer and screening requirements, a developer may submit to the zoning administrator for his approval a detailed plan and specifications for buffering and screening equivalent to or exceeding that provided by the above requirements.

(4) Existing vegetation. The retention of existing vegetation shall be maximized to
the extent practicable wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

(5) Maintenance of landscaping. All landscaping and screening providing required buffering and screening shall be maintained so as to continue their effectiveness. All required landscaping and screening shall be equipped with an irrigation system, as applicable.

**Subdivision 2. General Tree Planting and Landscaping**

**Sec. 27-285. Landscape and tree planting requirements.**

(a) Generally. The following minimum amount of landscaped area and recommended trees shall be required for the following land uses:

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Minimum Amount of Landscaped Area</th>
<th>Minimum Additional Landscaped and Recommended Tree Requirements</th>
<th>Minimum Number of Recommended Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single-family detached or two-family attached</td>
<td>25 percent of parcel</td>
<td>Recommended trees shall be planted throughout the parcel</td>
<td></td>
</tr>
<tr>
<td>Townhouse with vehicular use area</td>
<td>350 square feet per townhouse</td>
<td>None</td>
<td>One per 2,000 square feet or major fractional portion thereof</td>
</tr>
<tr>
<td>Townhouse without vehicular use area</td>
<td>750 square feet per townhouse</td>
<td>None</td>
<td>One per 1,500 square feet or major fractional portion thereof</td>
</tr>
<tr>
<td>Multiple-family dwellings with vehicular use area</td>
<td>350 square feet per dwelling unit as part of the common space</td>
<td>50 percent of landscaped area shall be easily accessible to all dwelling units within the development</td>
<td>One per 1,500 square feet or major fractional portion thereof</td>
</tr>
<tr>
<td>Multiple-family dwellings without vehicular use area</td>
<td>750 square feet from dwelling unit as part of common space</td>
<td>50 percent of landscaped area shall be easily accessible to all dwelling units within the development</td>
<td>One per 1,500 square feet or major fractional portion thereof</td>
</tr>
<tr>
<td>Multiple-family dwelling units (6 stories or more) with vehicular use areas</td>
<td>30 percent of parcel (in lieu of landscape amount for multiple-family dwellings, 3 units or more)</td>
<td>50 percent of landscaped area shall be easily accessible to all dwelling units within the development</td>
<td>One per 1,500 square feet or major fractional portion thereof, of the parcel</td>
</tr>
<tr>
<td>Multiple-family dwelling units (6 stories or more) without vehicular use areas</td>
<td>30 percent of parcel (in lieu of landscape amount for multiple-family dwellings, 3 units or more)</td>
<td>50 percent of landscaped area shall be easily accessible to all dwelling units within the development</td>
<td>One per 1,500 square feet or major fractional portion thereof, of the parcel</td>
</tr>
<tr>
<td>Nonresidential with vehicular use areas</td>
<td>See Note 2</td>
<td>If the with vehicular use areas use area or vehicular display area is constructed, then same requirements and standards as &quot;vehicular use area&quot; as set forth in this section and section 27-285.1 are applicable to such areas.</td>
<td></td>
</tr>
<tr>
<td>Type of Development</td>
<td>Minimum Amount of Landscaped Area</td>
<td>Minimum Additional Landscaped and Recommended Tree Requirements</td>
<td>Minimum Number of Recommended Trees</td>
</tr>
<tr>
<td>---------------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-------------------------------------</td>
</tr>
</tbody>
</table>
| Expanding existing nonresidential with vehicular use area by more than 25 percent but less than 50 percent | See vehicular use area (c)(1) and (d) | One per 40 feet of frontage vehicular use area along the right-of-way | One per 1,500 square feet or major fraction thereof of the parcel
| All development (except vehicular use areas) with zero setback requirements and located in the central business district, the channel district, or a designated historic district. (Cross reference Barrio Latino Commission’s site plan review process for other requirements, if applicable) | Exempt | Plant amount of recommended trees in right-of-way in accordance with city beautification master plan exists, planting locations for recommended trees shall be identified by the parks and recreation department. Landscape such as planters, fountains and plazas may be credited in lieu of the tree requirement | One per 1,500 square feet or major fractional portion thereof of vehicular use area on a parcel, excluding loading docks, and 1 per 40 feet of frontage vehicular use area along right-of-way, and 1 per 5,000 square feet or major fractional portion thereof of loading docks on a parcel. |

Vehicular use areas.

(a) At least 50 percent of the recommended trees shall be planted within the interior of the vehicular use areas, and the remainder shall be planted in any other required landscaped area in the parcel. Planting of such recommended trees shall not be required within the interior of vehicular use areas with fewer than 10 spaces. Planting required for loading docks, other than those owned or leased by the Tampa Port Authority, shall be placed outside of the loading dock around its perimeter. Planting required for loading docks owned or leased by the Tampa Port Authority shall be exempt.

(b) In addition to the foregoing requirements, at least one recommended tree shall be planted in a landscaped area between the vehicular use area and the street right-of-way for every 40 feet of frontage on the right-of-way in accordance with the requirement for “minimum number of recommended trees.”

(c) Vehicular use areas (excluding accessways and pedestrian ways) shall be separated from:
<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Minimum Amount of Landscaped Area</th>
<th>Minimum Additional Landscaped and Recommended Tree Requirements</th>
<th>Minimum Number of Recommended Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. All public rights-of-way by a landscaped area with a minimum width of 8 feet. A screen of at least 2 feet in height shall be planted or placed in this landscaped area and shall extend the entire length of frontage on the right-of-way. The screen shall be continuous and maintained at a minimum height of 30 inches within 12 months after installation. If this screen consists of an artificial barrier, one shrub or vine is required every 10 linear feet of screen.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(d) Vehicular use areas shall be separated from an abutting parcel by a landscaped area with a minimum width of 3 feet. A screen of at least 3 feet in height shall extend the entire length of the boundary line between the vehicular use areas (including accessway) and the abutting parcel. The screen shall be continuous and maintained at a minimum height of 3 feet within 12 months after installation. If this screen consists of an artificial barrier, one shrub or vine is required at least every 10 linear feet of the screen. In addition, when vehicular use areas (including accessways) directly abut a residential zoning district, the screen shall be at least 6 feet in height when installed, except that a screen which consists in whole or in part of plant material shall meet this height requirement within 2 years after the date of planting. This paragraph shall not apply to abutting parcels if the abutting parcel is of similar use and is part of the same multiphased development as the parcel to which it abuts. |
<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Minimum Amount of Landscaped Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e) Landscape shall be provided to break up the expense of paving and to help guide traffic flow and direction. The landscaped areas shall not be separated by more than 20 lineal (side-by-side) parking spaces nor by an average of more than 10 lineal (side-by-side) parking spaces for the entire vehicular use area. These landscaped areas or islands provided for interior landscaping of vehicular use areas shall be a minimum of 8 feet in width and 16 feet in length. In the alternative, landscaped eight-foot-wide center medians located between all lineal rows of parking spaces which face head to head may be provided. Such landscaped medians shall abut each parking space located in the rows of parking spaces which they separate. At least 20 percent of the vehicular use area shall be landscaped. Alternative interior vehicular use area landscape designs in lieu of those outlined in (e) may be considered if the alternative design preserves existing protected or grand trees or will result in significant water usage savings.</td>
<td></td>
</tr>
<tr>
<td>Vehicular display areas</td>
<td>(a) At least 50 percent of the recommended trees shall be planted within the interior of the vehicular display area and the remainder shall be planted in any other required landscaped area on the parcel. Planting required for vehicular storage areas may be placed outside of the vehicular storage area around its perimeter.</td>
</tr>
</tbody>
</table>

Minimum Additional Landscaped and Recommended Tree Requirements

<table>
<thead>
<tr>
<th>Minimum Number of Recommended Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>One per 1,500 square feet or major fractional portion thereof of vehicular display area on a parcel and one per 40 feet of frontage of vehicular display area on the right-of-way</td>
</tr>
</tbody>
</table>
Type of Development | Minimum Amount of Landscaped Area | Minimum Additional Landscaped and Recommended Tree Requirements | Minimum Number of Recommended Trees
---|---|---|---

(b) Vehicular display areas shall be separated from all public rights-of-way by a landscaped area with a minimum width of 8 feet, and from all other perimeters of the parcel by a landscaped area with a minimum width of 3 feet. A durable screen of at least 2 feet in height shall be placed along the entire length of the right-of-way and perimeter buffers. The screen shall be continuous and be maintained at a minimum height of 2 feet.

Notes:
1. Calculate percentage of parcel exclusive of areas of parcel covered by structures, vehicular use areas, vehicular display areas or publicly contributed wetlands or wetlands shown on a plat.
2. For vehicular use areas, same requirements and standards as "vehicular use area" set forth in this section and section 27-285.1.
3. Calculate percentage of parcel exclusive of areas of zoning lot covered by structures or publicly contributed wetlands or wetlands shown on a plat.
4. Calculate percentage of parcel exclusive of areas of the parcel covered by structures or publicly contributed wetlands or wetlands shown on a plat.
5. Calculate percentage of parcel exclusive of areas of parcel covered by vehicular use areas, vehicular display areas or publicly contributed wetlands or wetlands shown on a plat.
6. Calculate percentage of parcel exclusive of areas of parcel covered by publicly contributed wetlands or wetlands shown on a plat.

(b) Setbacks. For the purpose of this chapter, landscaped areas may be included within setbacks from the boundaries of a parcel.

(c) Wooded lands. For wooded land under development for

1. Single-family and two-family use and any use not otherwise specified herein, a minimum of fifty (50) percent;
2. Multiple-family use, a minimum of forty (40) percent; and
3. Commercial and industrial uses, a minimum of twenty-five (25) percent of the protected trees shall be retained on the wooded land and included in required landscaped areas.

(d) Public service facilities and infrastructure. All development and land uses which require installation of any public or private utility facilities or infrastructure including but not limited to backflow preventers, electrical substations, pump stations, fire service detectors, check valves, large meter installations and/or other above ground pipe fixtures shall provide landscaping with a screen, a vault enclosure or underground placement. This provision shall not apply to above ground fuel storage tanks on parcels developed principally for petroleum bulk storage and processing except as required by Chapter 27 buffering regulations (section 27-284) and when abutting a public use facility.

(e) When minimum landscaped area is reduced by variance or rezoning, a contribution in the form of an in-lieu payment shall be made. Developments which do not provide the minimum amount of landscaped area as established above, and for which a variance or waiver is granted, shall contribute funds through the in-lieu pay-
ment process to an appropriate landscape area trust fund established by section 16-46 of this Code. All funds collected through the in-lieu payment process shall be utilized for the express purpose of acquiring new park land, improving existing public park lands and/or public right-of-way by providing, enhancing or reestablishing green space within the boundaries of the district in which the funds are collected. Seven (7) Landscape Districts, as shown on Map LS-285, are established.

(1) The natural resources coordinator may consider an administrative variance of no more than ten (10) percent of the required landscape area provided the developer can show that practical hardships exist associated with the physical dimensions of the lot, the existence of grand or protected trees, wetlands, or other similar physical constraints. The increased residential density or nonresidential square footage intensity of the development shall not be included as a qualifying hardship.

(2) In-lieu payment procedure. Whenever a permit is issued for development that requires compliance with section 27-285, the required landscape area must be provided on-site; or, if through the variance review process it is determined that practical difficulties exist in providing the required on-site landscape area, payment in-lieu of the landscape area must be paid to the landscape area trust fund.

a. Calculation of in-lieu payment of landscape area is as follows:

The amount of the payment shall be determined by dividing the total assessed land value, according to the current records of the Hillsborough County Property Appraiser's Office, in the individual district by the total land area for that individual landscape district times the square foot reduction of landscape area. The fee schedule is effective the date of the adoption of this section.

b. Landscape area in-lieu payment credit conditions and rights.

1. Landscape area in-lieu payment credit may be utilized only with the property that is legally described on the permit application for development.

2. Landscape area in-lieu payment credit may be utilized when the use of the property is changed.

3. Landscape area in-lieu payment credit may not be utilized to meet the landscape area requirements of buildings or structures on other property.

4. It is the developer's responsibility to maintain a copy of the landscape area in-lieu payment credit and to provide the copy with the permit application whenever a new renovation, rehabilitation, building improvement or new construction is planned for the site.

5. No money shall be refunded by the city for landscape area in-lieu payment credit.

An example of the in-lieu payment process in District # 3 is as follows:

Required landscape area for four (4) unit townhouse without vehicular use area = 4 \times 750 \text{ sq. ft. landscape area} = 3,000 \text{ sq. ft. landscape area}

Proposed landscape area 2,588 sq. ft.

Landscape area deficiency = 3,000 sq. ft. - 2,588 sq. ft. = 412 sq. ft. (approved by variance, city variance board or city council through site plan controlled rezoning process)

Required In-lieu payment = 412 sq. ft. \times $ (fee in subject Landscaped Area In-lieu District) = $ (payment amount)
City of Tampa

LANDSCAPED AREA

In-lieu District Map 3.1

EXHIBIT A

Landscaped Area
Sec. 27-285.1. Landscape and tree planting standards.

(a) Landscape and tree planting standards.
Landscape and tree planting required by this chapter shall meet the following standards:

(1) Tree planting.
   a. Recommended trees shall be used to meet the requirements of this chapter and shall, as specified in the technical standards, be at least two inches in diameter when measured at six (6) inches above grade and shall be selected from the recommended tree list set forth below in Schedule C. At least fifty (50) percent of the recommended trees planted on a parcel shall be shade trees. At least sixty (60) percent of the recommended trees planted on a parcel shall be native trees. Palm trees shall be replaced one (1) with a recommended tree.

Schedule C
Recommended Tree List

*Denotes genera containing some species native to central Florida.

*Ash (Fraxinus spp.)
*Bay Tree (Persea spp.)
*Bottlebrush (Callistemon spp.)
*Camphor (Cinnamomum camphora)
*Chinese Fan Palm (Livistona chinensis)
*Crape Myrtle (Lagerstroemia indica)
*Cypress (Taxodium spp.)
*Date Palm (Phoenix spp.)
*Dogwood (Cornus spp.)
*Elm (Ulmus spp.)
*European fan palm (Chamaerops humilis)
*Holly (Ilex spp.)

*Hornbeam (Carpinus spp.)
*Jerusalem Thorn (Parkinsonia aculeata)
*Ligustrum (Ligustrum spp.)
*Loblolly Bay (Gordonia lasianthus)
*Magnolia (Magnolia spp.)
*Maple (Acer spp.)
*Needle Palm (Rhapidophyllum hystrix)
*Oak (Quercus spp.)
*Pecan/Hickory (Carya spp.)
*Pine (Pinus spp.)
*Podocarpus (Podocarpus spp.)
*Redbud (Cercis canadensis)
*Red Cedar (Juniperus spp.)
*River Birch (Betula nigra)
*Sabal/Cabbage Palm (Sabal palmetto)
*Sweet Gum (Liquidambar styraciflua)
*Washington Palm (Washingtonia robusta)
*Wax Myrtle (Myrica cerifera)
*Willow (Salix spp.)

b. An existing or relocated protected tree which meets the standards of this section shall be credited toward the planting requirements contained in section 27-285 for recommended trees on a parcel, in accordance with the tree equivalency table set forth in Schedule E located in section 13-165.

c. Any person may request and the department may approve a tree as a replacement tree that is similar in character and function to a tree on the recommended tree list.

d. A pervious area with an effective minimum radius of six (6) feet from the trunk of a recommended tree shall be maintained around all recommended trees.
e. Paving base may extend to within six (6) feet from the trunk of a protected tree, provided an effective pervious area radius of ten (10) feet is created through the use of turf block, pavement aeration devices or similar products.

f. Structural foundations may be located at a radius of six (6) feet from the trunk of a protected tree, provided an effective pervious area radius is extended proportionally in three (3) other directions to allow six hundred (600) square feet of pervious area.

g. All recommended trees and plant material shall be planted in accordance with the specifications described in the State Department of Agriculture and Consumer Services, Division of Forestry, Tree Protection Manual for Builders and Developers, October 1980, as revised from time to time.

h. All recommended trees and plant material used shall be vigorous, well shaped, branched and foliated and shall be graded State Department of Agriculture Nursery Grade No. 1 or better as outlined by the State Division of Plant Industry Grades and Standards for Nursery Plants, Third Edition, 1973, as revised from time to time, and Grades and Standards for Nursery Plants, Part II, Palms and Trees, third printing, 1975, as revised from time to time.

(2) Landscape.

a. Landscaped areas shall consist of at least sixty (60) percent native plant material and/or plant material adapted to local climatic and edaphic conditions. Recommended trees, protected trees and plant material shall be planted in such a way as to conserve, preserve and enhance land uses, natural land features, and natural and aesthetic values. Nonliving natural material which permits percolation may also be used as necessary material in landscaping.

b. A layer of mulch to a minimum depth of three (3) inches shall be specified on the site plan in plant beds and around individual trees in turf areas. Organic mulches are preferred. The mulch should not be placed directly against the plant stem or tree trunk. Mulch shall not be required in annual beds.

c. Areas on the parcel which are used for stormwater retention or detention ponds with depressions of less than two (2) feet and the landscaped banks of such ponds from the mean high waterline to the top of the bank shall be credited on a one-to-one area basis toward meeting the landscaped area.

d. If a hedge or other screen is used, it must be at least two (2) feet in height at time of planting.

e. Turf and grass sod shall be clean and free of weeds, noxious pests and disease. Grass seed shall be delivered to the job site in bags with state department of agriculture tags attached.

f. All landscaped areas must allow for access to public and private utility facilities for maintenance purposes.

g. A list of acceptable trees for tree planting within ten (10) feet of the vertical plane of existing power lines, excluding service wires, is set forth below in Schedule D.

Schedule D

Recommended Trees for Power Line Planting

Crape Myrtle (Lagerstroemia indica)
Bottlebrush (Callistemon spp.)
Jerusalem Thorn (Parkinsonia aculeata)
Wax Myrtle (Myrica cerifera)

Chickasaw Plum (Prunus angustifolia)

Redbud (Cercis canadensis)

Yaupon Holly (Ilex vomitoria)

h. When an accessway intersects a public right-of-way or when the subject parcel abuts the intersection of two (2) or more public rights-of-way, all landscape within the triangular areas shall provide unobstructed cross-visibility at a level between thirty (30) inches and six (6) feet. Trees and plant material trimmed in such a manner that cross-visibility is not hindered will be allowed, provided materials are located so as not to create a traffic hazard as determined by the appropriate city official. Landscape, except turf or ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement or right-of-way pavement.

(3) Irrigation.

a. All required landscaping, as described in section 27-285, shall be equipped with an irrigation system except as specified below:

1. Retained native plant habitat is not required to have an irrigation system.

2. Single and two-family dwellings are not required to have an irrigation system. However, the addition of synthetic water absorbing polymers to topsoil prior to planting or sodding to increase water-holding capacity is encouraged.

3. Drought-tolerant landscape material (see the University of Florida IFAS Extension Florida Yards and Neighborhoods Florida-Friendly Plant List 2006, as may subsequently be revised) planted in specific zones or beds is only required to be irrigated during establishment (minimum thirty (30) days) and protracted drought periods. Irrigation shall be a low-volume irrigation system.

b. The landscape and tree planting plan shall illustrate the proposed irrigation zones, delineating low-volume irrigation zones and areas utilizing irrigation techniques other than low-volume irrigation.

c. Irrigated turf areas shall utilize irrigation techniques other than low-volume irrigation. Turf areas shall be on separate irrigation zones from other landscape plant zones. In the case of expansion of an existing development, this limitation will apply to the area of new landscape, only.

d. In addition, in order to promote water conservation in the community, Florida Friendly Yards are strongly encouraged. A maximum of fifty (50) percent green space may be planted with turfgrass configured with a permanent irrigation system (the maximum allowable new turf grass percentage will be reduced to forty-five (45) percent in 2009, forty (40) percent in 2010, thirty-five (35) percent in 2011, thirty (30) percent in 2012 and twenty-five (25) percent in 2013 and thereafter.) Turf grass in excess of this limitation shall not be allowed to have a permanent or temporary irrigation system. In the case of expansion of an existing development or the completion or continuation of a phased development, limitations identified for allowable new turf grass percentages, will apply to the area of new landscaping only.

e. Turf zone head spacing shall achieve head to head coverage.

f. Sprays and rotors shall not be combined on the same control valve cir-
cuit. Sprays and rotors shall have matching application rates within each irrigation zone.

g. All irrigation systems shall be designed to avoid over spray, runoff, low head drainage, or other similar conditions where water flows onto or over adjacent property, non-irrigated areas, walkways, roadways, structures, or water features. Emitters and sprinkler heads are encouraged to be located at least two (2) feet from buildings and water should not hit the building while operating. Narrow areas (four (4) feet wide or less) shall not be irrigated unless low-volume irrigation is utilized.

h. Irrigation control equipment shall include an automatic irrigation controller having program flexibility such as repeat cycles and multiple program capabilities. Automatic irrigation controller(s) shall have battery back-up or nonvolatile memory to retain the irrigation program(s). Automatic control systems shall be equipped with an operable rain sensor or other devices, such as soil moisture sensors, to prevent unnecessary irrigation.

i. The irrigation system shall be designed to "Standards and Specifications for Turf and Landscape Irrigation Systems," Fifth Edition, 2005, Florida Irrigation Society, as may subsequently be revised.

j. All installations of new irrigation systems shall connect to the city's reclaimed water system if that system is available, as required by Tampa City Code, Chapter 26 and subsequent amendments.

k. Sports fields, golf courses, cemeteries, and storm water management systems are exempt from the turf area limitation and low-volume irrigation requirements of this ordinance where functional need for turf is demonstrated. All other irrigation and landscape requirements of this article apply.

(4) Vehicular use areas and vehicular display areas. The required landscape buffer and screen between adjacent parcel and vehicular use areas and vehicular display areas will not be required where:

a. A vehicular use area abuts an existing durable landscape screen and landscaped area on an abutting parcel. The existing screen may be used to satisfy the requirements of this section provided all applicable standards of this division are met;

b. Multistory parking structures are present which are eighty (80) percent opaque from outside view with respect to stationary vehicles.

c. In no instance shall any landscaped area required by this chapter be encroached upon by any type of parked or moving vehicle, boat, mobile home, travel trailer or heavy construction equipment.

Subdivision 3. Wetlands

Sec. 27-286. Wetlands protection and buffer.

(a) Generally. All development landward of a wetland shall be designed so as to minimize any adverse effect on the wetland and its hydroperiod and shall be conducted in a manner that will ensure that soil erosion or other discharge of contaminants will not occur to the detriment of the wetland.

(b) Buffer. Impacts to wetlands associated with adjacent upland activities such as development shall not be considered adverse if appropriate erosion control and if buffers with a minimum width of fifteen (15) feet and an average width of twenty-five (25) feet is provided. Buffers shall remain in an undisturbed condition. No development is allowed within the buffer except as may be specifically allowed by the provisions of this section.
(c) **Partially exempt development.** The following development is allowed and is exempt from the requirement of submitting an application for development as provided in subsection (d) herein:

1. Drainage features such as spreader swales and discharge structures, provided the construction or use of these features does not adversely impact wetlands and have been approved by the appropriate regulatory agency.

2. Development which has obtained an environmental resource permit (ERP) approved by the Southwest Florida Water Management District and/or the State Department of Environmental Protection.

(d) **Applications for development and determination of buffer.** Any person proposing to conduct any of the following development within the landward twenty-five (25) feet of a wetland must first obtain approval by submitting an application for development within wetland buffer and determination of buffer to the PDD Department for review:

1. All development abutting seawalls constructed before the date of the passing of this chapter occurring within the corporate city limits including the urban core along the Hillsborough River (from North Boulevard continuing to the Garrison Channel) with the exception of land annexed after 1984 and the remainder of the Hillsborough River corridor;

2. All above ground structures within the landward twenty-five (25) feet of the jurisdictional line for all properties abutting open waters including Hillsborough Bay, Old Tampa Bay, McKay Bay, and the Hillsborough River, after the design and placement have been approved by the appropriate regulatory agency;

3. Construction of boardwalks;

4. Ancillary stilted structures within the landward twenty-five (25) feet;

5. Utility lines requiring excavations of no more than an eighteen-inch width within the landward twenty-five (25) feet of the jurisdictional line or within an existing right-of-way that is adjacent to the wetland;

6. Underground installation of sprinkler systems;

7. Replacement of existing vegetation with native vegetation; and

8. Chain link or wooden privacy fences.

(e) **Protection of buffer area during development.** Adequate erosion control devices shall be in place and maintained at a line established by the PDD Department as necessary to achieve the objectives and standards contained in subsections (a) and (b). In no event shall such line be less than fifteen (15) feet landward of the wetland boundary or less than the approved buffer line as determined by the appropriate regulatory agency. Natural vegetation within the wetland buffer shall remain intact and undisturbed. In cases of approved development within the wetland buffer, the natural vegetation shall remain intact until installation of the approved development begins.

(f) **Finish grading.** Notice shall be provided to the PDD Department within twenty-four (24) hours of commencing any approved finish grading within the buffer area. Adequate erosion control measures will be implemented to protect the wetland during the finish grading process and until the area has revegetated. Graded areas shall be stabilized by sodding or the planting of landscape vegetation within three (3) days of the grading activity or, where seeding is intended, artificial stabilization shall be immediately implemented in conjunction with silt barriers.

(g) **Performance security.** Any person may be required as a condition to any granted variance to the wetland buffer to submit security in an amount acceptable to the director and in the form of a performance bond, irrevocable letter of credit or escrow agreement to the director when necessary to guarantee and which guarantees for up to two (2) years after completion that the development or other activity will not cause erosion or sedimentation into or other detriment to the wetland and that the provisions of this subdivision and any rules and regulations promulgated hereunder will be followed. In drawing against the performance
bond or letter of credit, the director shall consult with the county environmental protection commission, the Southwest Florida Water Management District, the state department of environmental protection or other appropriate regulatory agency.

(h) Environmental consultants. In reviewing an application to determine a buffer or to develop within a wetland buffer, the PDD Department may hire up to two (2) environmental consultants to assist with determining whether the proposed development or other activity will significantly affect the biological integrity or hydrology of the wetland. The reasonable fees and costs of such consultant(s) shall be paid by the applicant.

(i) Any person may appeal a decision of any administrator, director, official or staff member on his application pursuant to the provisions of section 13-91, Appeal method.

(j) Variance within fifteen feet of wetland jurisdictional line. A variance to the provisions of this section which affects the fifteen (15) feet of the buffer abutting a wetland jurisdictional line shall be allowed only under circumstances where reasonable use is denied and approval for the development has been obtained by the appropriate regulatory agency.

(k) In addition to the requirements set forth in subsections (a) and (b) and submission of security in a form and amount acceptable to the P&D Department, where applicable, any development for which a development order has been granted subject to conditions which more strictly limit allowable activities within the wetland buffer or the thirty-foot setback than those allowable under subsection (d) herein shall remain limited by the conditions of the development order approval.

Cross reference—Stormwater management, Ch. 21.

Sec. 27-287. Purpose and legislative intent.

The decision by the owner about whether and how to develop a parcel of land, and the decision by the City of Tampa to approve or disapprove proposed development, may depend on the impact that the proposed development will have on natural resources, upland habitat and public facili-
ties. This article establishes standards and procedures by which these impacts will be determined, and by which the City of Tampa will approve or disapprove the development in light of such impacts.

In the City of Tampa, most of the original upland wildlife habitat has been replaced with urban or suburban development. The remaining upland habitat is comprised of xeric and mesic natural plant communities that are either uncommon, scarce, occur in very restricted geographic areas, or have few high quality sites remaining. Protection of those xeric and mesic habitats which constitute significant wildlife habitat is necessary to retain remaining habitat diversity and wildlife corridors and to maintain healthy and diverse populations of wildlife.

(1) Purpose. The purpose of the Upland Habitat Protection Ordinance is to set forth regulations for the protection of the few high quality xeric and mesic natural plant communities and wildlife habitat which remain in the City of Tampa, and for the protection of remaining large contiguous environmentally sensitive areas, in order to retain habitat diversity and wildlife corridors and to maintain the quality of life in the City of Tampa and protect the health, safety, welfare and general well being of the citizens of the City of Tampa.

(2) Intent. It is intended that the implementation of these regulations accomplish the following objectives:

a. Maximize the retention of existing xeric and mesic natural plant communities which constitute significant wildlife habitat and upland habitat for threatened and endangered plant and wildlife species and species of special concern, a valuable natural resource of the community.

b. Create an aesthetically pleasing and functional living environment to protect and enhance property values by conserving remaining scarce xeric and mesic natural plant communities.
c. Protect remaining large contiguous environmentally sensitive areas from activities which would alter their ecological integrity, balance or character.

d. Protect surface water flow and promote soil conservation by controlling filling activities and changes in drainage patterns.

e. Ensure compliance with Chapter 163, Florida Statutes, and the City of Tampa Comprehensive Plan.

f. Ensure that owners and/or developers of property containing areas designated as significant or essential wildlife habitat shall not be unconstitutionally deprived of their property nor be inordinately burdened by the application of these regulations in violation of Fla. Stat. § 70.01; in furthermore thereof, it is the intent of the City of Tampa to provide alternative mechanisms, such as off-site preservation, to achieve the purposes of these regulations while at the same time respecting the rights of the property owners as set forth herein.

g. Article II, Section 7 of the Florida Constitution provides that it shall be the policy of the state to conserve and protect its natural resources and scenic beauty, and that, effective July 1, 1999, adequate provision shall be made by law for the conservation and protection of natural resources.

Sec. 27-287.1. Administrative authority.

The provisions of this article shall be administered and enforced by the PDD Department. For purposes of administration of the provisions of this article, the department’s designee shall be the natural resources coordinator.

Sec. 27-287.2. Administrative guidelines.

The city may adopt administrative guidelines in the form of rules of procedure and regulations for the administration and enforcement of this article. Such rules and regulations, if developed, shall be contained in the Upland Habitat Development Review Manual.

Sec. 27-287.3. Upland habitat overlay district established; applicability.

(a) Upland habitat overlay district established; boundaries. The upland habitat overlay district is hereby established as a separate district. The boundaries of the district are shown on the City of Tampa’s Upland Habitat Protection Map, dated May 18, 1999, on file in the office of the city clerk, which map is herein adopted by reference. The boundaries of the upland habitat overlay district are more specifically described as follows:

That portion of the jurisdictional limits of the City of Tampa, as they now or may hereafter exist, lying north of Fletcher Avenue.

(b) Applicability. The provisions of this article shall apply to all buildings, improvements and land within the upland habitat overlay district, unless they are expressly exempted by law, or as provided herein. Before the city issues an approval for a development of regional impact (“DRI”), rezoning, subdivision approval, or a site or building permit for any development on a parcel within the upland habitat overlay district, the development on the parcel shall have an approved upland habitat plan as required pursuant to this article.

Whenever the city annexes any parcel or property, the annexed area shall undergo review for a determination of existence of significant or essential upland wildlife habitat pursuant to the procedure set forth in section 27-287.11(b)(4).

(c) Other regulations. Nothing in this article is intended to alter or pre-empt any other applicable regulations of the federal, state or county as they may apply within or outside the upland habitat overlay district. Specifically, all federal or state regulations regarding protection of wildlife or plant species essential habitat shall apply throughout the jurisdictional limits of the City of Tampa notwithstanding this article. Further, the regulations set forth in this article shall be in addition to the regulations set forth in Chapters 13 and 27 of
Sec. 27-287.4. Upland habitat plan approval; requirements; exemptions.

(a) Plan approval required. Except as specifically exempted herein, no person shall commence any site clearing, land alteration, or receive a development approval or building permit for any development on a parcel within the upland habitat overlay district meeting the criteria outlined in sections 27-287.11 through 27-287.15 until an upland habitat plan is approved by the coordinator in accordance with this article to ensure such activity does not harm any significant or essential wildlife habitat on that parcel. In instances where phased development is to occur pursuant to the terms of the city zoning code or ordinance, a person shall apply to the coordinator for approval of an upland habitat plan which addresses all phases of said development, prior to permitting and development of the initial phase of the development.

Further, it shall be unlawful for any person, firm or corporation, either individually or through an agent to allow a condition which is the result of unauthorized land alteration activity to remain unremedied. The property owner at the time a violation is discovered may be held responsible for remedying said violation pursuant hereto.

(b) Effect of plan approval. Issuance of upland habitat plan approval by the coordinator, or exemption from the requirement thereof, does not abrogate any legal requirement to comply with the regulations of any other governmental agency, local, state or federal, which may have jurisdiction over the proposed activity upon the land.

(c) Exemptions. The following are exempt from this section:

(1) A parcel within the upland habitat overlay district that has had a field verification conducted by the coordinator that has determined that no significant or essential upland wildlife habitat, as outlined in sections 27-287.11, 27-287.12; or listed wildlife or plant species as listed in Appendix C, occurs on the parcel.

(2) The terms of sections 27-287.10 through 27-287.15 pertaining to uplands providing significant and essential wildlife habitat, shall not apply to the following activities:

a. Land alteration activities for development improvements pursuant to a subdivision preliminary plat and subdivision construction plans which were approved prior to the effective date of this ordinance;

b. Land alteration activities for development improvements pursuant to a final, unexpired DRI (development of regional impact) or FQD (Florida Quality Development) development order which was approved prior to the adoption of this ordinance. Further, any amendment to such DRI or FQD development order which does not constitute a "substantial deviation" pursuant to Florida Statutes Chapter 380.06, shall be exempt. Provided further, any amendment to a DRI or FQD development order which constitutes a "substantial deviation" pursuant to Florida Statutes Chapter 380.06, but which does not directly relate to, nor substantially increase any impact to, significant or essential wildlife habitat as defined herein, shall also be exempt;

c. Land alteration activities for development improvements pursuant to a final, unexpired commercial site plan which was approved prior to the adoption of this ordinance, or pursuant to a PD or PD-A rezoning (that is not "expired" under the conditions outlined under section 27-138) which was approved prior to the adoption of this ordinance;

d. Land alteration activities for development improvements to a single-family residential lot in single lot ownership. This exemption shall not apply to a developer or owner of
several lots in a subdivision or development which may be developed in a singular manner.

(d) Exemption determination. The legal determination as to whether a development, project or parcel is exempt under the provisions above, shall be determined by the city attorney, upon consultation with the coordinator.

Sec. 27-287.5. Plan approval application; review; approval and denial; prerequisites; conditions.

(a) Submission. Before any person legally entitled to apply for and receive plan approval under the provisions hereof, they shall submit to the city a proposed upland habitat site plan for the entire parcel.

(b) Application. Any person legally entitled to apply for and receive plan approval under the provisions of this article shall make such application in writing to the coordinator on forms provided for that purpose. Every applicant for plan approval shall give a description of the character of the work proposed to be done and the location, ownership, occupancy and use of the premises in connection therewith. The coordinator shall require plans, specifications or drawings and such other information as necessary and pertinent prior to the granting of plan approval. The application for a upland habitat plan approval shall identify the plans, specifications or drawings necessary and pertinent for plan review. If necessary, the coordinator may develop an upland habitat development review manual which may further identify and explain the information required to review the application.

(c) Review of application. An upland habitat plan shall be applied for and reviewed subject to the following:

(1) For any parcel containing a wetland or natural body of water, no plan approval shall be issued until the application has also been reviewed and wetland jurisdictional lines established by the EPC or other appropriate governmental agency. The applicant shall transmit a copy of an application to the EPC for review when the coordinator receives a complete application and determines, with the aid of the United States Department of Agriculture, Soil Conservation Services's "Soil Survey of Hillsborough County, Florida", an on-site inspection, or an aerial photograph, that a wetland or natural body of water potentially exists on the site or immediately adjacent to the site for which plan approval is requested.

(2) To review an application, the coordinator and, when appropriate, the EPC, shall conduct on-site inspections.

(d) Decision on the application. Within thirty (30) days of receipt of a complete application, the coordinator shall approve, approve with conditions, or deny or disapprove an upland habitat plan based upon whether the proposal is in compliance with the upland habitat regulations set forth herein and is necessary for one (1) or more of the following reasons:

(1) To construct improvements consistent with approved development or permitted physical use of a lot or parcel pursuant to the requirements of the City Code.

(2) For access to a lot or parcel or construction equipment access to and immediately around proposed structures or other improvements.

(3) For essential grade changes or essential surface water drainage or utility installations.

(4) To comply with other ordinances, regulations, or codes of the City of Tampa.

(5) For the welfare of the general public for reasons other than those set forth above.

In the event the upland habitat plan is denied or disapproved, the coordinator, upon making such determination, shall notify the applicant in writing stating specifically the reasons for denial.

(e) Prerequisites to plan approval.

(1) A site clearing permit, if required, shall not be issued until the coordinator has issued a upland habitat plan approval, if required.
(f) **Conditions of the plan approval.**

(1) A copy of the upland habitat plan approval shall be posted on-site during land alteration activities.

(2) Upon issuance of upland habitat plan approval, protective barriers shall be erected around all vegetation to be preserved. Protective barriers shall remain in place until land alteration and construction activities are completed, or until commencement of grade finishing and sodding.

(3) An approved management plan agreement pursuant to section 27-287.14(b).

(4) The coordinator may conduct periodic inspections of the site to determine compliance with the upland habitat plan approval.

(5) No certificate of occupancy, if required, shall be issued until the coordinator has determined upon final inspection that the land alteration activity was undertaken according to the approved upland habitat plan, if required.

(6) Any plant material planted in accordance with these regulations shall be replaced by the property owner according to the approved management plan agreement.

(7) A upland habitat plan approval issued in conjunction with a site clearing permit or grade and fill permit for a subdivision project shall limit land alteration activities to approved fill areas, road rights-of-way, and drainage and utility easements and rights-of-way, unless otherwise authorized. A separate site clearing permit may be required to undertake land alteration activity on individual subdivision lots containing trees or other vegetation.

Sec. 27-287.6. Plan approval duration and extension.

An upland habitat plan approval shall be effective for a period of two (2) years after issuance unless otherwise specified on the approved plan. Each upland habitat plan approval shall provide that the requested development shall commence within two (2) years from the date of issuance of the plan approval, or shall have the same duration as the approved rezoning or approved DRI of which it is a part. If development is delayed and the plan is not part of a rezoning or DRI approval, a two (2) year plan approval extension may be granted by the coordinator within thirty (30) days after receipt of a written request indicating why an extension is necessary and upon the coordinator’s review of the project’s work schedule and progress. The plan approval shall expire and become null and void at the end of this period if the development authorized has not commenced. Any plan approval not acted upon within the prescribed time limit shall become void and future work shall require a new application.

Sec. 27-287.7. Plan approval transferability.

A plan approval shall be transferable from one (1) person or entity to another subject to any restrictions provided for in Chapter 5 of the City Code.

Sec. 27-287.8. Inspections.

Any activities regulated by this article shall be subject to inspection by the city. The coordinator may require documents, drawings or certificates necessary to effect compliance with this article.

Cross reference—Inspections generally, § 1-27.

Sec. 27-287.9. Plan approval fees—City council to establish.

The city council shall have the authority to set fees by resolution. Fees may be charged for the following:

(1) Plan approval application;

(2) Reinspection;

Sec. 27-287.10. Environmentally sensitive areas—Uplands providing significant and essential wildlife habitat; general provisions.

(a) Sections 27-287.11 through 27-287.15 provide standards and guidelines for the protection of upland significant wildlife habitat, generally,
as well as upland habitat for endangered and threatened species and species of special concern, (i.e., upland essential wildlife habitat).

(b) On-site preservation shall be considered the most desirable alternative to protect upland habitat and plant and wildlife species. However, in some cases as specified in these regulations and determined by the coordinator in cooperation with the Florida Game and Freshwater Fish Commission and, when appropriate, the U.S. Fish and Wildlife Service, the protection of upland wildlife habitat or upland habitat for endangered or threatened species or species of special concern will be best accomplished through off-site preservation.

(c) Natural upland areas within a proposed development project shall count toward meeting the requirements for on-site preservation only when such natural areas meet the applicable on-site preservation criteria.

(d) When, as a result of applicability of multiple federal, state or local regulations, multiple off-site acreage preservation requirements are applicable to the same on-site habitat, only the requirement which prescribes the largest amount of preservation acreage for that habitat shall apply.

(e) Nothing in these sections shall limit the ability of the city staff to address other resource issues in the upland portions of a proposed development project for which standards are contained in this Code.

Sec. 27-287.11. Environmentally sensitive areas—Upland significant wildlife habitat.

(a) In the City of Tampa, most of the original upland wildlife habitat has been replaced with urban or suburban development. The remaining upland habitat is comprised of xeric and mesic natural plant communities which are either uncommon, scarce, occur in very restricted geographic areas, or have few high quality sites remaining. Protection of those xeric and mesic habitats which constitute significant wildlife habitat is necessary to retain habitat diversity and wildlife corridors and to maintain healthy and diverse populations of wildlife.

(b) Identification of upland significant wildlife habitat; annexed areas.

(1) Uplands which potentially constitute significant wildlife habitat are those natural plant communities listed as xeric or mesic habitats in this section and mapped on the City of Tampa's Significant Wildlife Habitat Map as significant wildlife habitat. The City's Significant Wildlife Habitat Map, dated May 18, 1999, on file in the office of the city clerk, is herein adopted by reference. The city's significant wildlife habitat map was derived from the Hillsborough County Significant Wildlife Map as it applies to the City's Upland Habitat Overlay District area.

(2) Xeric habitats are:

- Sandhill
- Sand Pine Scrub
- Xeric Oak Scrub
- Scrubby Flatwoods
- Xeric Hammock

(3) Mesic habitats are:

- Dry Prairie
- Pine Flatwoods
- Mesic Hammock

(4) Whenever property is annexed into the city and the coordinator determines that the area meets the significant wildlife habitat definition and size/width criteria as described in the significant wildlife habitat guidelines of Appendix A, or if the coordinator determines that a previously unmapped area meets the significant wildlife habitat definition and size/width criteria as described in the significant wildlife habitat guidelines of the Appendix A, the coordinator shall notify affected property owners of the public hearing at which the city council shall consider amending the upland habitat protection map to designate the area as land which potentially
constitutes significant wildlife habitat. If a property owner desires to have their property added to the City of Tampa's Upland Habitat Protection Map either because it: (a) meets the significant wildlife habitat guidelines minimum size criteria described in Appendix A, or (b) is contiguous to mapped significant wildlife habitat, they may request a site inspection by submitting a request to the coordinator.

(5) Determination of the existence, type, and extent of any upland significant wildlife habitat shall be made by the coordinator by conducting an evaluation upon request, or upon submission of an application for development, such as a DRI, rezoning, or permit. This determination shall be refutable upon a showing of clear and convincing evidence to the contrary.

(c) Protection of upland significant wildlife habitat.

(1) The developer shall protect xeric and mesic habitats which constitute significant wildlife habitat. Protection of xeric habitat shall consist of preservation of all xeric habitat acreage existing on the property, up to and including fifty (50) percent of the upland area on-site. Preservation of mesic habitat shall consist of preservation of all mesic habitat acreage existing on the property, up to and including twenty-five (25) percent of the upland area on-site. However, in no case shall the preservation requirement exceed fifty (50) percent of the upland area on-site. If the application of the provisions of this paragraph would prevent the construction, operation, or maintenance of a utility corridor, the preservation requirements of this paragraph shall be adjusted the minimum amount necessary to accommodate such activities, provided such activities are designed and conducted in a manner to minimize their adverse impacts to significant wildlife habitat.

(2) Preservation of significant wildlife habitat shall be required where necessary to prevent fragmentation of a wildlife corridor. Significant wildlife habitat guidelines, as set forth in the Appendix A, shall be used as a guide for identifying wildlife corridors. The factors to consider when determining minimum corridor widths described in the Appendix A, shall be used as a basis for determining the area of significant wildlife habitat to preserve to prevent fragmentation of a wildlife corridor.

(3) New road rights-of-way shall be routed to avoid traversing significant wildlife habitat, unless there is no reasonably feasible and prudent design alternative, and the proposed alternative roadway design incorporates design features for the safe passage of wildlife, as described in (5), below.

(4) Improvements to existing roads (i.e., road reconstruction or widening) within significant wildlife habitat shall incorporate design features for the safe passage of wildlife, as described in (5), below.

(5) Design features for the safe passage of wildlife shall be appropriate for the wildlife species expected to utilize the crossing and shall be designed in accordance with the recommendations of the Florida Game and Freshwater Fish Commission.

(6) Xeric and mesic habitats to be preserved shall meet the on-site preservation provisions of section 27-287.14.

(7) On-site preservation shall be recommended only when sufficient managementcapabilities exist to maintain or restore the habitat to a high quality natural plant community or communities, in accordance with the habitat management guidelines set forth in Appendix B. The coordinator may consider financial impacts in determining whether sufficient management capabilities exist, however, that consideration alone is not sufficient to support a negative determination of feasibility of on-site management capabilities or to justify off-site preservation. The coordinator's determination of the feasibility of on-site manage-
ment shall be refutable upon a showing of clear and convincing evidence to the contrary.

(8) When the amount of significant wildlife habitat to be preserved on-site cannot be sufficiently managed, protection shall consist of preservation off-site of habitat acreage equal to the amount of habitat that would have been preserved on-site according to (1) above, and shall meet the off-site preservation provisions of section 27-287.15.

(9) Notwithstanding a recommendation by the coordinator for on-site preservation, the developer may elect to mitigate for the development’s impact to significant wildlife habitat through off-site preservation. In such instance, there will be a net loss of manageable significant wildlife habitat or a viable population of plant species, therefore in addition to all other off-site preservation provisions set forth in section 27-287.15, the following criteria shall be met in lieu of section 27-287.15(a)(1):

a. The off-site preservation-site shall be degraded lands (i.e., non-significant wildlife habitat), or lands which are the type land, but not the minimum size, set forth in Appendix A; and

b. The off-site preservation-site shall be of the same general soil type (xeric or mesic) of the significant wildlife habitat existing on-site.

Sec. 27-287.12. Environmentally sensitive areas—Upland essential wildlife habitat.

(a) Intent and general provision.

(1) This section provides standards and guidelines for the protection of upland habitat for populations of endangered and threatened species and species of special concern in the City of Tampa. It is intended that implementation of the provisions in this section preserve upland essential wildlife habitat based on the listed species' habitat needs, in order to maintain viable populations of the listed species.

(2) New road rights-of-way shall be routed to avoid traversing essential wildlife habitat, unless there is no feasible and prudent alternative and the roadway design incorporates design features for the safe passage of wildlife. Design features for wildlife crossings shall be appropriate for the wildlife species expected to utilize the crossing and shall be designed in accordance with the recommendations of the Florida Game and Freshwater Fish Commission.

(b) Listed animal species.

(1) When a listed animal species' essential habitat occurs on-site, the developer shall protect the habitat by locating and designing proposed improvements to ensure no adverse impact to a viable population, nesting pair, or nesting colony which would prevent such population, nesting pair, or nesting colony from being maintained on-site, based on the listed species guidelines in Appendix C. However, it is not the intent of this provision to preclude all reasonable use of a lot or parcel consistent with this Code.

(2) The coordinator shall presume that a listed animal species' essential habitat occurs on-site whenever a listed animal species has been previously documented on-site; or, upon evaluation of the property, the Coordinator determines that the land by itself, or in combination with off-site lands, meets the minimum habitat needs for a viable population of a listed animal species, as specified in the listed species guidelines in the Appendix C; or, upon conducting an on-site inspection of the property, the coordinator observes evidence of a listed animal species on the property. This presumption shall be refutable upon a showing of clear and convincing evidence to the contrary.

(3) Protection of a listed animal species' essential habitat shall consist of on-site

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preservation of the habitat, based on the listed animal species’ habitat needs as specified in the listed species guidelines in the Appendix C, and shall meet the on-site preservation provisions of section 27-287.14.

(4) On-site preservation shall be recommended only when the site is supporting by itself, or in combination with off-site lands, a viable population, nesting pair, or nesting colony of a listed animal species and sufficient management capabilities exist to manage the habitat to maintain the viable population, nesting pair, or nesting colony of the listed animal species. The coordinator’s determination of a viable population of a listed animal species and the feasibility of on-site management of the listed species essential habitat shall be refutable upon a showing of clear and convincing evidence to the contrary.

(5) When the amount of essential wildlife habitat to be preserved on-site cannot be sufficiently managed, protection shall consist of preservation off-site and shall meet the off-site preservation provisions of section 27-287.15.

(6) Notwithstanding a recommendation by the coordinator for on-site preservation, the developer may elect to mitigate for his/her impact to essential wildlife habitat through off-site preservation. In such instance, there will be a net loss of manageable essential wildlife habitat, therefore in addition to all other off-site preservation provisions set forth in section 27-287.15, the following criteria shall be met in lieu of section 27-287.15(a)(1):

a. The off-site preservation-site shall be degraded lands (i.e., non-significant wildlife habitat), or lands which are the type land, but not the minimum size, set forth in Appendix A; and

b. The off-site preservation-site shall be of the same general soil type (xeric or mesic) of the essential wildlife habitat existing on-site.

(7) The listed animal species covered by these provisions are listed in the listed species guidelines in Appendix C.

(c) Listed plant species.

(1) When a listed plant species’ essential habitat occurs on-site, the developer shall protect the habitat of the listed plant species by locating and designing proposed improvements to maintain the plants on-site, based on the listed species guidelines set forth in the Appendix C. However, it is not the intent of this provision to preclude the reasonable use of a lot or parcel consistent with this Code.

(2) The coordinator shall presume that a listed plant species’ essential habitat occurs on-site whenever a listed plant species has been previously documented on-site; or, upon conducting an on-site inspection, the coordinator observes a listed plant species on the property. This presumption shall be refutable upon a showing of clear and convincing evidence to the contrary.

(3) Protection of a listed plant species’ essential habitat shall consist of on-site preservation of the plants, based on the listed plant species’ habitat needs set forth in the listed species guidelines in the Appendix C, and shall meet the on-site preservation provisions of section 27-287.14.

(4) On-site preservation shall be recommended only when sufficient management capabilities exist to maintain the plants on-site. The coordinator’s determination of the feasibility of on-site management shall be refutable upon a showing of clear and convincing evidence to the contrary.

(5) When the amount of essential wildlife habitat to be preserved on-site cannot be sufficiently managed, protection shall consist of preservation off-site, and shall meet the off-site preservation provisions of section 27-287.15.

(6) Notwithstanding a recommendation by the coordinator for on-site preservation, the developer may elect to mitigate for his/her impact to listed plant species’ es-
sential habitat through off-site preservation. In such instance, there will be a net loss of manageable listed plant species' essential habitat, therefore in addition to all other off-site preservation provisions set forth in section 27-287.15, the following criteria shall be met in lieu of section 27-287.15(a)(1):

a. The off-site preservation-site shall be degraded lands (i.e., non-significant wildlife habitat), or lands which are the type land, but not the minimum size, set forth in Appendix A; and

b. The off-site preservation-site shall be of the same general soil type (xeric or mesic) of the listed plant species' essential habitat existing on-site.

(7) The listed plant species covered by these provisions are listed in the listed species guidelines in Appendix C.

Sec. 27-287.13. Natural preserves.

(a) Land owned by the public or by a non-profit land conservation organization and held for natural preservation purposes shall be protected from any adjacent development that would adversely impact the lands or interfere with the stated habitat management and conservation use objectives of that property, including prescribed burning.

(b) For development proposed adjacent to a publicly owned natural preserve, compatibility shall be ensured through a project compatibility plan, reviewed and approved by the agency managing the publicly owned lands and required as a condition of granting an upland habitat plan approval. The project compatibility plan shall be proposed by the developer and approved by the managing agency during the development review process. The preparation of a project compatibility plan should be a cooperative effort between the agency managing the publicly owned land and the developer of the adjacent property.

(c) For development proposed adjacent to a private, nonprofit natural preserve, compatibility shall be ensured through a project compatibility plan, reviewed and approved by the coordinator and required as a condition of granting the upland habitat plan approval. In its review of the project compatibility plan, the coordinator shall consider the recommendations of the private, nonprofit conservation organization holding title to the land. The project compatibility plan shall be proposed by the developer and approved during the development review process. The preparation of a project compatibility plan should be a cooperative effort between the nonprofit conservation organization holding title to the natural preserve and the developer of the adjacent property.

Sec. 27-287.14. On-site preservation.

(a) Site selection. Where alternative on-site preservation-sites exist within a development, the site or sites selected for on-site preservation shall be the best suited to likely maintain a viable population or natural plant community(ies). The selection shall be based upon the following:

(1) Protectability and manageability of the site;

(2) The size and shape of the site. Emphasis should be on not creating enclaves of development or areas fragmented by development; and, as specified in the significant wildlife habitat guidelines set forth in Appendix A and listed species guidelines set forth in Appendix C, on providing, where appropriate, adequate buffers from the secondary impacts of development and adequate wildlife corridors;

(3) The contiguity of the site with significant or essential wildlife habitat off-site;

(4) The existing species population sizes at the site;

(5) The life history requirements of the species involved;

(6) The proximity and accessibility of the site to other populations of the same species; and

(7) The compatibility of preservation of the site with adjacent land uses.
(b) Preservation methods.

(1) On-site preservation, including the establishment of any required buffers, shall be accomplished through the designation of the preserved areas as conservation area or preservation area, as appropriate, on all development plans and plats. (See definition of environmentally sensitive areas.)

(2) Additionally, the applicant shall submit, or request the coordinator to assist in the preparation of a management plan agreement for the area to be preserved. The management plan agreement shall ensure the continued, adequate and appropriate management of the site and the continued protection of the site from adverse impacts, including the secondary impacts of development, in accordance with the habitat management guidelines in Appendix B or listed species guidelines in Appendix C. The management plan agreement shall designate management responsibility, including a proposed funding mechanism if management of the area to be preserved will be the responsibility of a homeowner’s association. Habitat management shall be the landowner’s responsibility, or the responsibility of the City of Tampa or of any other land conservation agency or organization that accepts the responsibility in lieu of the landowner. The management plan agreement shall be reviewed and approved prior to the issuance of an upland habitat plan approval.

(3) A landowner may request the City of Tampa, or a non-profit land conservation agency or organization, accept a transfer of title (by sale or donation) for the preserved area or a dedication of a conservation easement over the preserved area provided that any conservation easement offered by the landowner meets the requirements of Section 704.06, Florida Statutes.

Sec. 27-287.15. Off-site preservation.

The off-site preservation requirement may be fulfilled either directly by preserving land off-site or indirectly by contributing to an off-site conservation fund, as provided below.

(1) In-kind preservation.

a. Off-site significant wildlife habitat preservation-sites, pursuant to the requirements of section 27-287.11, shall be predominantly (i) the same type of habitat or, (ii) land which can be restored to the same type of habitat as the natural plant community being adversely impacted on-site by development.

b. Off-site preservation-sites for listed species shall be biologically manageable and appropriate habitat for the wildlife or plant species requiring protection or land which can be restored to such habitat. An off-site preservation-site shall be acre-for-acre compensation for the essential wildlife habitat being adversely impacted on-site by development.

c. If jurisdictional wetlands are acquired incidentally to uplands acquisition, such wetland acreage shall be counted towards the off-site preservation acreage requirements provided such wetlands do not constitute more than fifteen (15) percent of the total off-site preservation acreage requirement.

(2) Site selection.

a. The location of off-site preservation-sites shall be within the City of Tampa or Hillsborough County.

b. Off-site preservation-sites shall meet all appropriate acquisition, preservation, restoration, habitat suitability, manageability, size, and other provisions of this section. Such lands shall be (1) sites composed of additions of land to existing publicly managed areas held for conservation purposes, such as city, state or county...
parks or preserves, or (2) other suitable sites recommended for preservation or restoration by a state or local governmental land conservation agency. Alternatively, the developer may propose another site within an ecosystem, watershed or river basin in proximity to the habitat being adversely impacted on-site by development. The alternative site shall be subject to review and approval pursuant to the criteria in this section.

c. In determining whether the selection of a particular off-site preservation-site is appropriate, the coordinator shall consider the overall habitat suitability or restoration suitability, if applicable; the life history requirements of any species being protected; the protectability of the site; the manageability of the site; the size of the site; and recommendations concerning the site from the Florida Game and Freshwater Fish Commission and other appropriate agencies.

d. When the off-site preservation requirements apply to a listed species' essential habitat, priority shall be given to selecting a site which can be restored to support the listed species.

(3) Preservation methods.

a. Off-site preservation-sites shall be for the purpose of restoring (if applicable), preserving, and maintaining natural areas in perpetuity.

b. The developer shall meet the off-site preservation acreage requirement through one (1) of the following methods:

1. Land acquisition. The developer shall acquire, at its sole cost and expense, fee simple title or a conservation easement (in accordance with Fla. Stat. § 704.06) and shall transfer or convey such title or easement of an appropriate off-site preservation-site to a governmental agency or non-profit land conservation agency or organization.

   (i) If a conservation easement is acquired and transferred, a management plan shall be developed in cooperation with the landowner which stipulates the limitation on the use of the land and identifies the habitat management activities, restoration activities and assignments of responsibility. All easements shall reference the management plan.

   (ii) If fee simple title is acquired and transferred, a management plan shall be developed which stipulates the management and restoration activities and assignments of responsibilities.

2. Contribution to an off-site conservation fund. The developer may contribute, on a per acre basis, to an off-site conservation fund based upon the off-site conservation fund's actual cost of acquiring in-kind preservation lands, plus cost of restoration, if any, plus estimated total cost of management during the life of the off-site conservation fund, divided by applicable acreage, multiplied by the carrying costs.

(4) Timing. The upland habitat plan approval shall specify the acreage and location of the off-site preservation-site, the cost and timing of any monetary contributions or off-site acquisitions, the ownership and party responsible for management of the off-site preservation-site, the location of any on-site development, including land
alteration and construction activities; and shall contain a requirement that any significant or essential wildlife habitat on the project site, for which off-site preservation is being provided, shall not be disturbed or adversely impacted prior to meeting the off-site preservation requirements.

Sec. 27-287.16. Inventory.

The coordinator shall forward documentation to the planning division identifying all lands preserved under this article for purposes of maintaining an inventory and record of lands meeting the requirements prescribed those sections in regard to policies in the comprehensive plan. (Ord. No. 99-141, § 1, 6-24-99)

Sec. 27-287.17. Penalty restoration fund.

(a) Purpose. The purpose of the penalty restoration fund is to provide an alternative to the on-site restoration of trees or other vegetation which have been removed from a site. Funds received through the penalty restoration fund shall be administered by the coordinator and shall be utilized for acquiring, planting, protecting, and maintaining upland habitat and other vegetation for public purposes within the City of Tampa. Monies contributed may be used to establish matching fund programs. The coordinator shall coordinate the collection and disbursement of funds in accordance with the provisions of this section.

(b) Source of funds. Penalty restoration fund monies may consist of the following:

(1) All monies collected pursuant to the penalties outlined in section 27-287.22(d) for violations of sections of this article.

(2) All monies accruing as interest to the penalty restoration fund, unless otherwise restricted by specific terms and conditions identified by a particular grant, gift, or other instrument of contribution.

Sec. 27-287.18. Technical standards may be established.

The coordinator may establish technical standards setting forth:

(1) Administrative guidelines governing the enforcement of this article;

(2) Requirements not specifically addressed in this article but necessary to effectuate the purposes of this article; and

(3) Any other information needed for the uniform and orderly administration of this article.

Such standards are to be published in a technical manual entitled Upland Habitat Development Review Manual, which manual shall be on file in the office of the city clerk at least seven (7) days prior to adoption thereof and shall be made available to the public for inspection and for duplication at cost.

Cross reference—Requirements not covered by city code may be required by the official, § 1-17.

Sec. 27-287.19. Appendices adopted.

Appendix A, B, and C referred to herein, on file in the office of the city clerk, are herein adopted by references, and, therefore, have the force and effect of law.

Sec. 27-287.20. Failure to obtain plan approval.

Any person who shall commence any work without first obtaining plan approval therefor shall, if subsequently permitted to obtain plan approval, pay triple the plan approval fee prescribed for the work. The payment of a triple fee shall not preclude nor be deemed a substitute for prosecution for commencing work without first obtaining plan approval.

Sec. 27-287.21. Stop work and emergency orders.

(a) Generally. Upon written notice from the coordinator, work on any development that is being done contrary to the provisions of this article or in a dangerous or unsafe manner shall immediately cease. Such notice shall be hand delivered to the owner of the property, his agent
or the person doing the work or posted at the job site and shall state the conditions under which work may resume.

(b) **Emergencies.** Where an emergency exist, oral notice by the coordinator to the owner of the property, his agent or the person doing the work shall be sufficient to require the work to immediately cease.

**Sec. 27-287.22. Violations; enforcement authority and remedies.**

(a) **Authority.** The coordinator shall have the power and duty to enforce all provisions of this article. Any action taken by the coordinator pursuant to this article to enforce any section hereof shall be in addition to other penalties and remedies provided elsewhere by ordinance or law.

(b) **General penalties.** Any person who violates the provisions of this article shall be subject to penalties as specified in Chapter 1-6 of the City Code.

(c) **Civil remedies.** In addition to the criminal penalties provided for violation of this article, the city shall have the right to institute any appropriate action or proceeding against the violator including, but not limited to, prosecution before the code enforcement board or a civil action for damages equal to the total value of mitigating the habitat damaged or purchasing similar habitat, relocation of wildlife species, or any other damage or cost which would be incurred in order to bring the parcel into compliance with this article. In addition, the city or any aggrieved person shall have the right to apply to the circuit court to enjoin or restrain any person from violating the provisions of this article.

(d) **Fines.** In addition to the penalties provided above, any person who intentionally and willfully violates the provisions of this article and, as a result causes substantial and irreparable damage to upland habitat protected hereunder, shall be subject to a monetary penalty of ten thousand dollars ($10,000.00).

**Sec. 27-287.23. Appeal (review) methods.**

Review of any order, requirement, decision or determination made by the coordinator shall be conducted by city council in accordance with the procedures established in section 27-61(i)(3).

**Sec. 27-287.24. Variances.**

Variance to the provisions and requirements of this article may only be approved by the city council in accordance with the same criteria and procedures set forth in Article II, Division 3 of this chapter regarding variance applications to the variance review board.

**DIVISION 5. SOLID WASTE**

**Sec. 27-288. Solid waste.**

(a) All new construction, major renovation, and/or change of use, for any use, shall provide facilities for the central storage of solid waste within the lot. Solid waste facilities may be located inside or outside of a building, shall contain equipment and necessary space that is compatible with the city's mechanical solid waste collection system, and be designed and placed in a serviceable and safely accessible, approved location. The property owner shall be responsible for keeping the solid waste enclosure and associated gates, concrete pads, and access walkways in good repair at all times, subject to the enforcement requirements of Chapter 19 and 26.

(b) Where such facilities are provided outside of a building, they shall be screened from the public or private right-of-way and adjacent property by an enclosure containing materials compatible with the materials on the front building wall of the main building. However, uses that utilize container service and are able to place the containers within a lot that is fully screened from a public or private right-of-way and adjacent property by a six-foot high solid fence and/or wall, the construction of a separate enclosure shall not be required. Refuse bins and/or containers for any use shall not be located within a front yard (minimum fifteen (15) feet for non-residential uses) or a buffer area as set forth in section 27-284 Buffer Matrix.

(c) The following dimensional criteria apply to those refuse bins and/or containers that are required to construct an enclosure for solid waste facilities:

(1) Each container enclosure shall be a minimum of four (4) feet by four (4) feet with
a minimum four-foot opening (these are inside, unobstructed measurements within the container enclosure) and shall be a minimum of four (4) feet in height.

(2) Each refuse bin enclosure shall be a minimum of ten (10) feet by ten (10) feet with a minimum ten-foot opening or a maximum of ten (10) feet by sixteen (16) feet with a minimum ten-foot opening (these are inside, unobstructed measurements within the bin enclosure).

(3) Each compactor/roll-off enclosure shall be a minimum of fifteen (15) feet by thirty-five (35) feet with a minimum fifteen-foot opening (these are inside, unobstructed measurements within the compactor/roll-off enclosure).

(4) All refuse bin, compactor and roll-off enclosure opening doors shall be solid and the doors shall be required to have locking pins to hold them open during service. Safety bollards shall be installed inside, within the rear two (2) feet, of all refuse bin, compactor, and roll-off enclosures.

(d) Concrete slabs (grade level) shall be provided for all refuse bins, compactors and roll-offs at a minimum of six (6) inches thick/four thousand (4,000) pounds per square inch.

(e) Overhead clearance at the point of collection shall be a minimum of twenty-six (26) feet and shall be determined by the type of refuse service to be utilized.

(f) All solid waste vehicle drive aisles and solid waste vehicle maneuvering areas shall provide a minimum sixteen-foot clearance from finished grade level to lowest part of overhead structure.

(g) All solid waste vehicle drive aisles and solid waste vehicle-maneuvering areas shall be constructed to current State of Florida, Department of Transportation, Standard Specifications for Road and Bridge Construction.

(h) The director of solid waste, or designee, may consider design and/or placement alternatives, provided that any proposed design does not conflict with visibility standards set forth in section 27-283.5.

Cross reference—Solid waste generally, § 26-146 et seq.

DIVISION 6. SIGNS

Sec. 27-289. Purpose.

(a) The purpose and intent of this chapter is to establish a set of standards for the fabrication, erection, use, maintenance and alteration of signs, symbols, markings or advertising devices within the city. These standards are designed to protect and promote the health, safety and welfare of persons within the city by providing regulations which allow and encourage creativity, effectiveness and flexibility in the design and use of such devices while promoting traffic safety and avoiding an environment that encourages visual blight. It is not the purpose of this chapter to regulate or control the copy or the content of signs. It is not the intent of this chapter to afford greater protection to either commercial or noncommercial speech. Any sign, display or device allowed under this chapter may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale, and that complies with all other requirements of this chapter.

(b) This chapter is intended to be consistent with the Tampa Comprehensive Plan 2000.

Sec. 27-289.1. Short title.

This chapter shall be referred to and cited as the "City of Tampa Sign Code."

Sec. 27-289.2. Administrative authority.

The provisions of this chapter shall be administered and enforced by the Growth Management and Development Services Department ("GMDS") respectively through the zoning administrator, the building official, the code enforcement director, and their designees, as the administrator, permitting/inspections, and enforcement authorities.

Sec. 27-289.3. Words defined.

Unless specifically defined below, words or phases used in this chapter shall be interpreted
so as to give them the meaning they have in common usage and to give this article its most reasonable application.]

**Abandoned sign.** Any sign which:

1. Through age and/or obsolescence no longer conforms to structural or maintenance specifications of this chapter; or
2. Any pole, pylon or structure expressly installed for the purpose of affixing a sign which bears no sign or copy for a period of three (3) consecutive months; or
3. Displays information which incorrectly identifies the business, owner lessor or principal activity conducted on the site; or
4. After February 1, 2003, and subject to any notice and curative provisions contained in this Code, any billboard sign for which a current operating permit does not exist.

**Activated component.** That portion of a sign which causes the change in appearance of a sign through the use of flashing or alternating lights, movable parts or changing colors.

**Activated sign.** Any sign which contains or uses for illumination any light, lighting device or lights which change color, flash or alternate, or change appearance of said sign or any part thereof automatically, except electronic message signs, Any sign which contains moving parts as part of its normal operation, except revolving signs, shall be considered an activated sign. Additionally, a sign which depicts or contains copy which moves or appears to be moving.

**Advertiser.** Any person who is a lessee or owner of a sign, an agent of same or anyone who has beneficial use of a sign.

**Advertising balloon.** A sign constructed from nonporous material, which is filled with hot air or other lighter-than-air gases, which is designed to rise and float in the atmosphere. Included in this definition are those advertising balloons which represent the form of a person, place or thing. Aircraft which may meet this definition are not considered advertising balloons. Advertising balloons may be tethered or tied to the ground or may be designed to float freely in the atmosphere.

**A-frame sign.** A sign consisting of two (2) sign faces connected at the top with either hinges or fixed fastening devices.

**Aggregate.** When used in reference to the total allowable sign area, the total available display area of all sides or portions of a sign shall constitute the aggregate sign area.

**Alter.** This term shall include, but not be limited to, the addition of sign surface area, the changing or relocation of light source or the relocation of an outdoor advertising display from one (1) position to another. This term shall include any and all structural changes in the sign, but shall not include the changing of copy on a sign which is designed as a changeable copy sign.

**Animated component.** That portion of a sign which causes movement or motion of a character, letter(s), or figure or combination thereof.

**Awning signs.** A structure supported entirely from the exterior wall of a building and composed of nonrigid materials (except for the supporting framework) upon which a sign is indelibly drawn, painted or printed.

**Banner.** Any sign intended to be hung, either with or without frames, by being tethered by at least two (2) corners and possessing characters, letters, illustrations, or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions or other governmental entity and symbolic flags of any institution, or other such entity shall not be considered banners for the purpose of this chapter. This term shall not include ground signs or pylon signs, regardless of whether the ground signs or pylon signs are on-site or off-site.

**Beacon light(s).** Any light source, whether fixed or activated, which is designed to attract attention to a specific location, place or thing.

**Bench signs.** A bench whose primary purpose is collateral with providing transportation service to the public upon which a sign is indelibly drawn, painted or printed.

**Billboard signs.** A billboard sign is any free-standing off-site sign, including without limitation a changeable copy sign, that is erected on a parcel which identifies or advertises a use, estab-
lishment, product, activity or service not sold, produced, manufactured, located, provided or furnished on the parcel on which the sign is located (or identifies a use, product, activity or service which is only incidentally sold or available on that parcel).

Broker identification strips. Strips of wood or like material or paper affixed to, around or upon a real estate sign to indicate the name of the broker advertising the sale of property.

Building frontage. The linear length of a building facing a public street right-of-way, exclusive of alleys; or the linear length of the street right-of-way which faces the building, whichever is smaller.

Building official. The officer or other designated authority, or their duly authorized representative, charged with the administration and enforcement of the Florida Building Code.

Building sign. A sign displayed upon or attached to any part of the exterior of a building. Included within this definition are wall signs.

Bulletin board. Any sign which is composed of a flat, continuous and uninterrupted surface which measures less than seventy-five (75) square feet and upon which advertising or other matter may be displayed. Bulletin boards may also be changeable copy signs.

Canopy sign. A roof-like cover, attached or unattached, extending from the exterior wall of a building and composed of supporting framework of rigid materials upon which a sign is indelibly drawn, painted or printed.

Changeable copy sign. Any framed sign, illuminated or not, which is principally devoted to, and designed for change or replacement of sign face or lettering or graphics. This definition shall not include electronic message signs.

Commemorative decoration. An ornate embellishment placed to honor a certain event, person or place.

Commercial district. A commercial district is any property which is zoned CN, CG, YC-1, YC-3, YC-5, YC-6, YC-7, M-AP-1, M-AP-2, M-AP-3, M-AP-4, CD-1, CD-2, CD-3, PD and PD-A (approved primarily for commercial uses), CI, U-C and any site plan controlled districts approved primarily for any of the aforementioned districts.

Construction sign. Any sign giving the names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Copy. The letters, colors, text or other graphics displayed upon the sign surface area.

Directional signs. Any sign which is used principally for the purpose of indicating the direction or location of any object, place or area including, but not limited to, those signs which indicate the avenues of ingress and egress from a particular premise.

Directory sign. A sign having two (2) display surfaces, not necessarily displaying the same copy, which are parallel and back-to-back and not more than forty-eight (48) inches apart.

Electronic message sign. A sign emitting an illuminated message, image or design created electronically by any light source, LED (light emitting diodes), bare electric bulbs, luminous tubes, fiber optics, or any other combination of light sources creating a message. This definition shall include time, temperature and date signs. An electronic message sign which has copy which moves continuously or appears to be moving, flashing, changes color, pulses or alternates shall be considered an activated sign.

Erect. Erect shall mean to build, construct, attach, hang, place, suspend or affix and shall also include the painting of wall signs. This term shall not apply to copy changes on existing permitted signs.

Establishment. An establishment is any commercial, industrial, institutional, educational, office, social, business or financial entity.

Exempt signs. All signs for which permits are not required but which must, nonetheless, conform to the other terms and conditions of this chapter.

Freestanding sign. Those signs that are supported by structures or supports in or upon the
ground and independent of the support of any building. Included within this definition are pole signs, pylon signs, ground signs and monument signs.

**General merchandise sign.** A sign which contains copy or a logo of general merchandise sold on the premises.

**Government sign.** Any sign erected by or on the order of a public official in the performance of his office or duty including, but not limited to, traffic-control signs, street name signs, warning and directional signs, historical markers, official commemorative signs, public notices, signs identifying governmental or public facilities or signs of similar nature.

**Ground level.** Ground level shall mean the finished grade at the base of a sign structure.

**Ground sign.** Those signs that are supported by structures or supports in or upon the ground and independent of support any building(s) and which have a sign face the base of which is constructed within eight (8) feet from ground level. A sign, other than a portable sign as defined herein, with eight (8) feet or more ground clearance when measured from the grade at the base of the sign to the bottom of the sign face, shall be considered a pylon sign.

**Height.** The vertical distance measured from ground level to the highest point of any sign.

**Historic sign.** A sign that contributes to the character-defining elements of the structure's period of historical significance, which can be documented to have existed through the use of historical, pictorial, or other physical evidence as determined by the Architectural Review Commission or the Barrio Latino Commission.

**Holiday decoration.** An ornate embellishment placed specifically for the purpose of celebrating a specific holiday, holiday event or holiday season.

**Identification sign.** A sign which depicts the name and or address of a building or establishment on the parcel where the sign is located as a means of identifying said building or establishment.

**Illegal sign.** An unpermitted sign which was not lawfully erected or a permitted sign not constructed in accordance with the representations set forth in the permit documents or a sign constructed in violation of city codes.

**Illuminated sign.** An illuminated sign is one which either:

1. Provides artificial light through exposed bulbs, lamps or luminous tubes on the sign surface;
2. Emits light through transparent or translucent material from a source within the sign; or
3. Reflects light from a source intentionally directed upon it.

**Industrial district.** An industrial district is any property which is zoned IG, IH, or PD or PD-A (approved primarily for industrial uses.)

**Interior sign.** A sign which is located in the interior of a structure. Additionally, a sign which is located outside a structure but, because of the sign’s placement, design or orientations is not visible to persons from a public place. An interior sign is not considered an on-site or off-site sign.

**Maintain.** Maintain shall include general servicing and upkeep in a safe, operable and attractive condition.

**Marquee sign.** Any sign which is attached to, or hung from, a permanent, rooflike structure which is supported by a building wall and which projects out from the building line usually but not necessarily over a public right-of-way such as a sidewalk.

**Memorial sign.** Any sign erected in remembrance of a person or event or which is commemorative in nature.

**Multiple listing strips.** Strips of wood or like material or paper affixed to, around or upon a real estate sign to indicate that the property being advertised for sale is also advertised within the real estate industry by virtue of their multiple listings service.

**Multiple occupancy parcel.** Any parcel which is occupied by more than one (1) establishment.
No dumping sign. A sign having copy which includes the words "no dumping" and which is designed to inform the public that permission to place any putrescible or nonputrescible material or other solid or liquid waste is expressly denied.

Nonconforming sign. Any sign lawfully in existence within the City of Tampa on the effective date of this chapter which does not conform to the requirements of this chapter. An illegal sign shall not be considered to be a nonconforming sign.

Notice (notification). Unless otherwise specified, where notice is required by this chapter to be given, it shall be given by certified mail delivery to the last known address of the person to be notified, or by hand delivery to such person. Additionally, the sign structure or property on which the sign is located shall be posted with a notice of violation. If certified mail delivery or hand delivery is not possible, then an advertisement in any regularly published newspaper in the city shall suffice.

No trespassing sign. A sign having copy which includes the words "no trespassing" and which is designed to inform the public that permission to enter a parcel of land is expressly denied.

Office district. An office district is any property which is zoned RO, RO-1, OP, OP-1 or PD or PD-A (approved primarily for industrial uses).

Off-site sign. Any sign upon which commercial or noncommercial advertising or any other matter may be displayed, advertising goods, services or other things not sold or available upon the parcel (or zoning lot, if a signage plan is approved for the entire zoning lot) or only incidentally available where the sign is located.

On-site sign. Any sign upon which commercial or noncommercial advertising or any other matter may be displayed, advertising goods, services or other things sold or available upon the parcel where the sign is located. Any authorized or permitted on-site sign is allowed to contain non-commercial speech in lieu of any other speech.

Overlay districts. Geographic areas, identified in Chapter 27, which overlay the underlying zoning districts providing for additional development and sign regulations. See Chapter 27 for the applicable sign regulations for overlay districts.

Parcel. A contiguous area of land with its appurtenances and buildings which, because of its unity of use or commonality of ownership, may be regarded as the smallest conveyable unit of real estate; provided, however, a parcel may consist of more than one (1) parcel under separate ownership if these parcels are: (i) one zoning lot of record or subject to a single PD zoning site plan and (ii) a common signage plan is prepared and approved as part of the zoning of the parcels or pursuant to the procedures provided for in this chapter.

Pennant. A piece of fabric or material which tapers to a point or swallow tail, which is attached to a string or wire, either singularly or in series.

Permanent sign. A permanent sign is one which is fixed to a building or the ground in such a manner as to be immobile without the use of extraordinary means, such as disassembly.

Political campaign sign. A sign identifying and urging support for or opposition to a particular issue, political party, ballot issue or candidate relating to an event or occurrence scheduled to take place at a specific time and place.

Portable signs. Any sign which is not permanently erected on the site (building or lot) and which may be moved readily from place to place; except that this definition shall not apply to signs painted directly on vehicles or signs displayed through, but not on, windows.

Projecting signs. Any sign which is attached to or projects from the outside wall of any building or structure, excluding wall signs as defined herein.

Public place. Public rights-of-way (excluding sidewalks), roads (excluding sidewalks), streets (excluding sidewalks), highways, alleys, bridges, any river, channel, lake, bay, body of water, public park or any adjacent parcel under separate ownership unless the parcels consist of one (1) zoning lot of record which is the subject of a common signage plan approved for the entire zoning lot.

Pylon sign. Any sign which is supported by structures or supports in or upon the ground and
independent of support from any building. However, a pylon sign shall be specifically excluded from the definition of a ground sign. The structural elements of a pylon sign shall not exceed one and one-half (1½) feet in diameter and, if so, shall be considered a ground sign.

Real estate sign. A sign which advertises the sale, rental or development of the parcel upon which it is located.

Reconstruction. Reconstruction shall be permitted when the historic sign is missing. The reconstruction shall be based upon historical, pictorial, or physical documentation or, if historical documentation is not available, a new design that is compatible with the historic character of the building as determined by the Architectural Review Commission or the Barrio Latino Commission. The size of the sign shall not exceed the size of the original historic sign, based upon the aforementioned documentation.

Rehabilitation. Rehabilitation shall permit the removal of the historic sign for repairs, such as cleaning, rust removal, electrical repairs or replacements, and application of protective coating systems. Rehabilitation shall permit replacing in-kind entire components of the sign that are too deteriorated to repair. If using the same material is not technically or economically feasible, then a compatible substitute material may be considered. The name or graphics on the sign may be changed.

Relocate. Any change in the position of a sign from its original location.


Restoration. Restoration shall permit the removal of the historic sign for repairs, such as cleaning, rust removal, limited paint removal, electrical repairs or replacements, and re-application of protective coating systems. The name or graphics may not be changed.

Revolving signs. Any sign so erected or constructed as to periodically or continuously change the direction toward which any plane containing the display surface area is oriented.

Right-of-way. A portion of land which is either owned by, or dedicated to, a governmental agency and/or is intended or designated for public use.

Right-of-way line. That line which delineates the right-of-way from adjacent property.

Roof sign. Sign that is erected, constructed or maintained on the roof of a building or structure above the eaves, or above mansards, parapets, or other similar architectural features of buildings or structures which are capable of supporting signs.

Roof line. The top edge of the roof or parapet. Whichever forms the top line of the building silhouette when viewed from the ground level.

Sidewalk. The paved portion of a right-of-way specifically designed for pedestrian traffic.

Sign. Any device, permanent or temporary, which is visible from a public place, including designated roadways as described herein, and which is designed to attract attention to the subject matter of its copy or image shall be deemed to be a sign. Specifically excluded from this definition is works of art as defined in Chapter 4 of this Code. Further, flags or emblems of any nation, state or political subdivision shall not be considered signs. Interior signs, as hereinafter defined, are not regulated by this chapter.

Sign face. The part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign number. For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related, and composed to form a single unit. In cases where material is displayed in a random or unconnected manner, or where there is reasonable doubt as to the intended relationship of such components, each component or element shall be considered to be a single sign. A projecting sign, pylon sign, ground
sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side of the sign.

Sign structure. Any structure which is designed specifically for the purpose of supporting a sign, has supported or is capable of supporting a sign. This definition shall include any decorative covers, braces, wires, supports or components attached to or placed around the Sign structure.

Sign surface area. The total area of each sign face which may be used to display copy, including background, but not including the frame and structural supporting elements. The surface area of a sign shall be computed for the entire area within the periphery of a geometric form, or combination of geometric forms. The surface area of the sign shall be measured from the outside edges of the sign or the sign frame, whichever is greater. The sign area shall include the total of a single side of a sign surface upon which copy could be placed. Where a sign is composed of individual letters, characters or symbols applied directly to a building, canopy, marquee, mansard, fascia, façade, parapet, awning, or the area of the sign shall be the smallest geometric shape which will enclose all of the letters, characters or symbols. The area of a double-faced sign shall be the total area of each sign face. (See Diagram 1 [section 27-289.12])

Single occupancy parcel. Any parcel which is occupied by a single establishment.

Site plan controlled districts. CD-3, CBD-2 (when site plan approved by city council), PD, and PD-A as defined in chapter 27 of the City Code.

Snipe sign. Any sign made of paper or other nondurable material which is attached in any way to a utility, tree, fence post or any other similar object located on public or private property. Any sign designed to provide warning to the public shall not be construed to be a snipe sign.

Sold signs. Strips of wood or like material or paper affixed to, around or upon real estate sign to indicate that the property being advertised is no longer offered for sale.

Street frontage. The length of the property line for a single parcel which runs parallel to and along each public right-of-way (exclusive of alleys) it borders.

Subdivision sign. Any sign which is designed to identify a subdivision or neighborhood.

Temporary sign. A sign intended to be displayed for not more than thirty (30) consecutive days nor more than sixty (60) days per year, unless otherwise stated herein. Included in this category are retailers' signs temporarily displayed for the purpose of informing the public of a sale or "special" offer and banner signs.

Vehicle sign. Any sign erected upon a vehicle wherein the principle purpose of the vehicle is not general transportation, but merely the support of the sign itself. Signs mounted upon taxis, buses or other modes of general public transportation when in the course of their normal service are excluded from this definition.

Wall sign. A sign which is attached to or erected against the wall of a building with its face in a parallel plane to the plane of the building façade or wall. This definition shall include the painting of a sign on a wall surface.

Warning sign. Any sign which is designed to provide public notice of a clear and present danger to public health, safety and welfare.

Window sign. A window sign is one that lets light or air through to the habitable part of the building and which is painted on, attached to or visible through a window excluding displays of merchandise.

Sec. 27-289.4. Types of permits.

(a) Building; signs.

(1) Who may obtain. Licensed general, building, residential or sign contractor or authorized agent(s), subject to certificate limitations. Permits to install flags may be obtained by the holder of an appropriate City of Tampa occupational license, subject to the terms of this chapter.

(2) When required. Sign permits are required as set forth in this chapter.
Sec. 27-289.5. Permits when required

(a) Permit required for signs.

(1) A sign shall not be erected, demolished, altered, rebuilt, enlarged, extended, relocated, attached to, suspended from or supported by a building or structure unless a permit for the same has been issued by the building official or unless the sign is specifically exempted from permit procedures.

(2) Any repair work on a sign affecting the structural integrity of the load bearing elements shall require a permit. Simple, nonstructural maintenance of a sign does not require a permit.

(3) Repairs to a sign may be conducted prior to obtaining a permit in the event of an emergency imposing an imminent threat to life or property. Provided, however, that any necessary permit is obtained on the first business day thereafter. Emergency repairs shall be limited to returning the sign to its original permitted state.

Sec. 27-289.6. Allowable signs; permits; when required.

(a) The following signs may be exempt from permit requirements of this Sign Code, unless otherwise stated herein or required pursuant to other provisions of the City of Tampa Code of Ordinances:

(1) Government signs. No permit is required if a government sign is necessary for the purposes of public health and safety, or is used to identify public services or public facilities, for traffic control, for neighborhood identification, for events of officially registered neighborhood associations, for wayfinding or directions or to provide information on community events. Otherwise a government sign must comply with requirements of this chapter. Any government sign which contains an electronic message must operate in compliance with subsection (20) herein.

(2) Flags, emblems, or insignias of any nation, state, political subdivision, religious, charitable, political, social or fraternal organization when displayed on a single pole or other supporting structure.

(3) Holiday, seasonal or commemorative decorations, provided that such signs are not displayed for a period of more than sixty (60) days.

(4) Memorial signs or tablets, names of buildings and dates of erection when cut into any masonry surface.

(5) Two (2) directional signs per driveway located in a commercial, industrial and office districts which signs shall be located on and pertaining to a parcel of private property. Each sign shall not exceed four (4) square feet in sign area nor thirty (30) inches in height. If such sign is to be illuminated, then an electrical permit shall be obtained in accordance with chapter 5, City of Tampa Code. Directional signs may be placed with a zero foot setback from the right-of-way, provided that such signs meet all of the applicable regulations. The square footage of directional signs shall not be counted as part of the maximum allowable square footage for any parcel.

(6) One (1) temporary nonilluminated sign in residential zoning districts not to exceed six (6) square feet in area and six (6) feet in height.

(7) One (1) nonilluminated real estate sign per street frontage, subject to the following restrictions:

In residential zoning districts:

Four and one-half $(4\frac{1}{2})$ square feet in area where the property being advertised has a street frontage of less than five hundred (500) feet.
Eight (8) square feet where the property being advertised has a street frontage of five hundred (500) feet or more.

Such signs shall not exceed six (6) feet in height and shall be removed within thirty (30) days after the sale of the property.

In all other districts:

Eight (8) square feet where the property being advertised has a street frontage less than two hundred (200) feet.

Sixteen (16) square feet where the property being advertised has a street frontage of two hundred (200) feet or more.

Such signs shall not exceed ten (10) feet in height and shall be removed within thirty (30) days after the sale of the property.

Multiple listing strips, broker identification strips and sold signs are allowed when attached to a real estate sign. Signs shall be removed when ownership has changed or the property is no longer for sale, rent or lease. Multiple listing strips, broker identification strips and sold signs shall not be counted as part of the maximum square footage permitted for real estate signs nor shall real estate signs be considered as part of the maximum square footage permitted on any parcel.

Construction signs, authorized or required by the division of inspectional services of the Planning and Development Department (PDD), provided that the following conditions are met:

(i) Such sign is not illuminated; and

(ii) Such sign shall be authorized only when active building or construction is taking place; and

(iii) Such sign shall contain only on-site advertising; and

(iv) All such signs shall be removed or made to conform to the provisions of this chapter before a certificate of occupancy may be issued; and

(v) The height of all construction signs shall be limited according to the following restrictions:

In residential zoning districts:

Four and one-half (4\(\frac{1}{2}\)) square feet in area where the property being advertised has a street frontage of less than five hundred (500) feet. The sign shall not exceed six (6) feet in height.

Eight (8) square feet where the property being advertised has a street frontage of five hundred (500) feet or more. The sign shall not exceed six (6) feet in height.

In all other districts:

Eight (8) square feet where the property being advertised has a street frontage less than two hundred (200) feet. The sign shall not exceed ten (10) feet in height.

Sixteen (16) square feet where the property being advertised has a street frontage of two hundred (200) feet or more. The sign shall not exceed ten (10) feet in height.

In addition to any other signage allowed on a parcel pursuant to this Code, each parcel shall be allowed one (1) nonilluminated political campaign sign per candidate or issue not to exceed eight (8) square feet in area, and six (6) feet in height. In no event shall the aggregate sign area of political campaign signs allowed pursuant to this subsection exceed thirty-two (32) square feet per parcel. A political campaign sign shall not be attached to a building or fence or placed in such a manner as to prevent ingress and egress through any door or window. Political campaign signs shall be erected no
more than sixty (60) days prior to an election and shall be removed within seven (7) days following the election. In no event shall a political campaign sign be placed in the right-of-way. Failure to comply with this subsection will constitute a violation of this Code and violations shall be required to come into compliance within five (5) days of citation.

(11) Window signs which comprise, in aggregate, twenty-five (25) percent of the total window area or less.

(12) Signs incorporated on machinery or equipment at the manufacturer's or distributor's level, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps. Such signs shall not be counted as part of the maximum square footage permitted on any parcel.

(13) Interior signs which are displayed on the inside of a building and not visible from a public place. Such signs shall not be counted as part of the maximum square footage permitted on any parcel.

(14) "No trespassing" or "no dumping" signs not exceeding four (4) square feet in area.

(15) Temporary, miscellaneous signs which are less than four (4) square feet.

(16) Warning signs, provided that warning signs do not exceed four (4) square feet in surface area.

(17) One (1) temporary on-site banner or pennant may be displayed for a period not to exceed thirty (30) consecutive calendar days, nor more than sixty (60) days in a single year (up to ninety (90) days in the Central Business District as defined in Chapter 27, City of Tampa Code of Ordinances, a banner or pennant attached to a building may not exceed the height of the building upon which the banner or pennant is attached) such banner or pennant be any larger than a building sign allowed for the parcel on which the banner or pennant is displayed;

(ii) The banner or pennant shall be displayed only in non-residential zoning districts, as well as within non-residential designated areas of planned development districts;

(iii) The banner or pennant shall be attached to the building in a manner as provided for in Chapter 5 of the City Code and shall not be affixed to vehicles or utility poles except as provided for in Chapter 22 of the City Code;

(iv) The banner or pennant shall be made of mylar material; and

(v) The banner or pennant shall be maintained in a state of good repair, and pennants or banners that are frayed, torn or otherwise in disrepair are prohibited. A permit is required prior to the installation of any temporary pennant or banner.

(18) Signs announcing public or semipublic events and functions shall be permitted as follows:

a. One (1) nonilluminated, temporary sign shall be permitted on the site of a public, social, charitable, educational or religious institution where the event is to take place.

b. Such sign shall not exceed eight (8) square feet in area, nor more than six (6) feet in height in residential districts and sixteen (16) square feet in area, no more than ten (10) feet in height in commercial, industrial and office districts.
c. Permits for such signs shall be issued. Such signs shall be allowed for a period of not more than thirty (30) consecutive days nor more than sixty (60) days in any one (1) year.

d. Signs announcing public or semipublic events or functions shall be set back a minimum of fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way.

(19) A permit is not required to change or replace the advertising copy, message or sign face on changeable copy signs. Provided, however, that said change or replacement of advertising copy, message or sign face does not enlarge or increase the sign surface area nor adversely affect the original design integrity. If, in order to change or replace the advertising copy, message or sign face, the supporting sign structure must be unfastened, loosened or removed, then and in that case, a sign permit shall be required. Copy cannot be replaced such that the sign changes from an on-site sign to an off-site sign.

(20) Electronic message signs may be permitted in place of part or all of the allowable sign area, as provided herein and the sign surface area of an electronic message sign shall limited to the allowable sign surface area of a freestanding sign, as provided for in section 27-289.12(c)(1) or a building sign, as provided or in section 27-289.12(c)(2), herein. The placement and orientation of an electronic message sign shall be limited to arterial and/or collector street roadways (as identified in the City of Tampa Department of Public Works "Roadway Functional Classification System"). The copy on all electronic message signs, including government signs, shall not change more than once in a five-minute period unless otherwise allowed by law and shall comply with the operational standards in section 27-289.10(d)(5)c.—h. Traffic control devices and related signs and government signs which are necessary for public health and safety are exempt from this paragraph. Replacement of an existing sign with an electronic message sign shall be considered a structural alteration and will require all appropriate permits pursuant to the City of Tampa Code of Ordinances.

(21) One (1) address sign of no more than two (2) square feet of total sign face area in residential zoning districts and no more than three (3) square feet of total sign face area in office, commercial or industrial zoning districts shall be allowed. The square footage for the address sign shall be allowed in addition to the total sign surface area allowed for freestanding and/or building signs.

(22) General merchandise signage applied to outdoor furniture, including umbrellas, in association with a legal use of an establishment. The general merchandise signage shall consist of one (1) line of letters or an identification emblem, initials or insignia, or other feature painted on the furniture.

(23) Signs which are required pursuant to the City of Tampa Code of Ordinances, Florida Statutes or other regulations in the location and up to the size required by the applicable regulation shall be allowed. Such legally required signage shall be allowed in addition to the total sign surface areas allowed for other signage provided for in this Sign Code.

(Ord. No. 2013-67, § 2, 5-16-2013)

Sec. 27-289.7. Types of sign inspections; when required.

(a) Sign.

(1) Foundation: To be made after the hole is excavated, forms erected and reinforcing steel is in place.

(2) Final: To be made after the sign is completely installed.

(3) Electrical: Illuminated signs require an electrical inspection to be made after the electrical work is complete. Underground wiring requires an inspection to be made
after all conduits, raceways or other components are installed and prior to the soil being replaced.

Sec. 27-289.8. Execution against bond; remedies.

(a) The building official or his designee is hereby authorized and empowered to execute against the bond held by any contractor for all costs, including reasonable administrative costs, associated with the removal of any sign or correction of any construction work found to be in violation of the City of Tampa Code.

(b) Any person violating the provisions of this chapter shall be required to pay a double permit fee in addition to other penalties specified herein.

(c) Any remedy or penalty specified in this chapter shall not be deemed to be an exclusive remedy and the building official is hereby expressly authorized and empowered to enforce the provisions of this chapter in any manner consistent with the City of Tampa Code or laws of the State of Florida.

Sec. 27-289.9. Signs on right-of-way; signs allowed.

(a) The following signs may be erected in right-of-way within the city and shall be exempt from the regulatory provisions of this Code:

1. Government signs;
2. Traffic-control devices, as defined in Chapter 15 of this Code;
3. Bench signs as permitted in Chapter 22 of this Code;
4. Such other signs as authorized under the rules and regulations of the transportation division for traffic generation businesses, facilities and institutions;
5. Historic signs described in sections 27-289.12(c)(8) and (9). All historic signs are subject to the encroachment review process that exists for all other forms of right-of-way encroachments. An historic sign that projects into any portion of the public right-of-way may include, but is not limited to, a marquee (projecting exterior shelter in front of a public building, such as a theater, where the sign is a significant part of the fascia); blade or projecting sign (thin sign attached to the side of a building); canopy sign (sign is attached to the underside of a building canopy); or awning sign (sign imprinted on the surface of the awning).

(b) Banners may be installed and maintained on light poles located in, on or within public right(s)-of-way as permitted by and in accordance with the regulations established in Chapter 22 of this Code.

Sec. 27-289.10. Billboard signs.

(a) Billboard signs prohibited. After the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000], the erection of billboard signs is hereby prohibited for the purposes and reasons set forth in Section 1 of City of Tampa Ordinance No. 2000-206 which is incorporated herein by this reference, except as otherwise provided for in this section 27-289.10.

(b) Definitions.

1. Approved settlement agreement. For purposes of this section, an approved settlement agreement means a fully executed and effective settlement agreement entered into between the city and a sign owner (or the owner's predecessor in interest) which resolved litigation relating to a variance or variance agreement granted by or entered into by the city prior to the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000], including those approved by Resolution No. 2009-1128 and Resolution No. 2009-1129.

2. Designated roadways. For purposes of this section, designated roadways shall be only:
   1. FAP and FAI Roadways:
      a. All of Interstate 275 and Interstate 4;
      b. Property owned by the Hillsborough County Aviation Authority, the Tampa Sports Authority and the Hillsborough
Community College through its Board of Trustees located and facing Dale Mabry Highway; and

c. Hillsborough Avenue from Veterans Expressway to Dale Mabry Highway;

2. Non-FAP and FAI Roadways:

a. Fowler Avenue from Interstate 275 to McKinley Street;

b. Busch Boulevard from Interstate 275 to 40th Street; and

c. The following roadways, and only the following roadways located within the Downtown Central Business District (as defined in Chapter 27, City of Tampa Code of Ordinances: (i) Channelside Drive from Adamo Drive to Florida Avenue; (ii) Tampa Street from I-275 to Lee Roy Selmon Expressway; (iii) Kennedy Boulevard from Florida Avenue to Meridian Street; and (iv) Florida Avenue from Tyler Street to Lee Roy Selmon Expressway.

Any portion of a designated roadway which is located within the Westshore Commercial Overlay District (as set forth in Chapter 27 City of Tampa Code of Ordinances) shall not be considered part of the designated roadways for purposes of this section except that electronic billboard signs facing and servicing (i) Memorial Highway; (ii) the Veterans Expressway; and (iii) I-275 may be permitted.

(3) Electronic billboard sign. For purposes of this section, an electronic billboard sign is defined as a billboard sign that incorporates within or upon one (1) or more of its sign faces digital or other electronic changeable message technology and that allows advertising copy to be changed remotely rather than by changing the advertising copy on site with poster sheets or vinyl, and which meets the following criteria:

a. The electronic billboard sign face does not exceed six hundred seventy-two (672) square feet where located on an FAP, FAI or expressway or does not exceed four hundred (400) square feet where located anywhere else in the city; and

b. The electronic billboard is operated in compliance with section 27-289.10(d)(5), Operating standards.

Any billboard sign which has digital or other electronic changeable message technology, but does not comply with this definition of electronic billboard sign shall be deemed a prohibited sign.

(4) Legally existing, billboard signs defined. For purposes of this section, nonconforming billboard signs and variance signs, defined as follows, are legally existing, billboard signs.

(5) A nonconforming billboard sign is defined as:

a. Any billboard sign that was legally erected prior to the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000] pursuant to a permit issued by the City of Tampa, except for any billboard signs that were erected prior to October 16, 1989 which signs were required to be made conforming or to be removed pursuant to section 27-289.15 of this Code; or

b. Any billboard sign that was legally erected before a permit was required by the city for off-site signs; but which billboard sign complies completely with the City of Tampa’s off-site sign regulations that were in effect as of January 10, 2000; or

c. Any billboard sign erected prior to the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000] which is subject to a variance
granted by the city from any one (1) or more of the off-site sign regulations in effect at the time of the variance, provided that said billboard sign conforms with the terms of the variance granted by the city; or

d. Any billboard sign erected after the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000], that is the subject of, and is erected in strict accordance with an active permit issued by the city prior to the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000]. No permits shall be issued for the erection of billboard signs after the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000], except as otherwise provided for in this section 27-289.10.

(6) Variance sign. A variance sign is defined as any billboard sign erected prior to the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000] which is the subject to a variance granted by the city from any one (1) or more of the off-site sign regulations in effect at the time of the variance, and/or any sign which is subject to an approved settlement agreement; provided that said billboard sign conforms with the terms of the approved settlement agreement. A variance sign does not include any billboard sign that is required to be removed in accordance with an approved settlement agreement and no variance sign shall be permitted to be upgraded pursuant to this section until such time that all billboard signs that are required to be removed pursuant to the approved settlement agreement are removed. A variance sign is a legal, conforming sign. Any variance sign which is upgraded to an electronic billboard sign shall be required to comply with the most restrictive requirements regulating to the placement, location, relocation, operation, materials and standards for the upgrade of a variance sign to an electronic billboard sign which are contained in either the approved settlement agreement or this section 27-289.10, herein.

Any billboard sign which does not constitute a nonconforming billboard sign or a variance sign, as described above, shall be deemed either a prohibited sign or an abandoned sign and shall be removed on or before February 1, 2003 as hereinafter provided. Nonconforming billboard signs shall be allowed to remain so long as such signs conform with the regulations set forth in this section 27-289.10 of the Code.

(c) Standards pertaining to legally existing billboard signs. Any legally existing billboard sign as described above shall be subject to the following standards:

(1) A legally existing billboard sign is allowed to contain noncommercial speech in lieu of any other speech.

(2) Substitution or interchange of letters, poster panels, painted boards or demountable materials shall be permitted; provided that any such substitution or interchange shall not increase the size, shape, height or the number of sign faces of the sign, except as otherwise provided for in this section 27-289.10. A legally existing billboard sign may, without being defined as an electronic billboard sign, incorporate auxiliary changeable message technology to display not more than three (3) numeric digits provided that the size of such numeric display does not exceed five (5) percent of the sign face (e.g., a billboard sign advertising a lottery game that changes the payout amount from time to time based on tickets sold).

(3) Nonconforming billboard signs may be maintained and repaired, but shall not be structurally or mechanically extended or altered except as required by the building official of the city in cases where it has been determined by said building official that there exists an imminent danger to the public safety; provided, however, no structural change shall be permitted which would increase the height, size, shape or
intensity of lighting of a nonconforming billboard sign except as provided for in this section 27-289.10.

(4) Any nonconforming billboard sign which is destroyed to the extent of seventy-five (75) percent of its current assessed value (based on the records of the Hillsborough County Property Appraiser) shall not be rebuilt or repaired, unless:

a. Within thirty (30) calendar days after the destruction of the nonconforming billboard sign, the owner of the sign files an application with the city clerk petitioning city council to allow the reconstruction and maintenance of the nonconforming billboard sign for a period not to exceed seven (7) years; and

b. The owner of the nonconforming billboard signs provides substantial and competent evidence to city council that: (i) the billboard sign was originally erected less than seven (7) years prior to the date on which the sign was destroyed; and (ii) the sign owner has failed to recoup the sign owner's investment in the nonconforming billboard sign as of the date of the sign's destruction. If such evidence is presented, the city council may allow the sign owner to rebuild or repair the nonconforming billboard sign and to maintain said sign for an additional period of time as determined by the city council in order to allow the sign owner time to recoup his or her investment; provided, however, such a period of time shall not exceed seven (7) years. At the conclusion of said period, the billboard sign shall be removed.

If the nonconforming billboard sign cannot be rebuilt or repaired, then the owner of the sign shall be responsible for removing all remaining portions of the sign structure within sixty (60) calendar days after the date of destruction of the billboard sign.

(5) Any nonconforming billboard sign which becomes an abandoned sign shall be removed.

(6) No nonconforming billboard sign shall be relocated except as provided in subsection 27-289.10(h) of this Code. In the event a legally existing, nonconforming billboard sign is relocated, the relocation of the sign shall not result in any increase in the size, height or number of sign faces of the nonconforming billboard sign.

(7) All nonconforming billboard signs shall be the subject of an operating permit issued in accordance with subsection 27-289.10 of this Code. Any nonconforming billboard sign which does not possess an annual operating permit in accordance with subsection 27-289.10 shall be deemed to constitute an abandoned sign.

(8) Nothing in this section shall affect the requirements of section 27-289.11 of the Code regarding the removal of all "off-site signs" in the designated view corridors and areas by a date certain as set forth in section 27-289.11 of the Code or the removal of any off-site or billboard signs pursuant to the terms of an approved settlement agreement or any variances previously granted by the city.

(9) Notwithstanding anything in this subsection (c) to the contrary, legally existing billboard signs may be upgraded to electronic billboard signs in accordance with subsection (d) below.

(d) **Upgrades to electronic billboard signs.** Nonconforming billboard signs and variance signs may be upgraded by the sign owner to an electronic billboard sign upon approval of a permit in accordance with section 27-289.5 of the Code. For each electronic billboard sign for which a sign permit is sought by the sign owner, the sign owner or the sign owner’s agent, must submit a sign permit application demonstrating that each of the following conditions of approval have been met:

(1) **Exchange rate.**

a. A minimum of ten (10) sign faces of nonconforming billboard signs or vari-
ance signs must be permanently re-
moved in exchange for each single
sign face on an electronic billboard
sign ("electronic billboard sign face")
for which a sign permit is sought and
approved by the city. In addition, the
combined square footage of sign face
area removed shall total at least ten
(10) times the square footage of the
electronic billboard sign face for which
the permit is sought.

b. The ten (10) sign faces used as
trade-in exchange as provided in sub-
section a. above shall comply with
the following additional criteria:
i. A minimum of four (4) sign faces
(totaling at least four (4) times
the square footage of the elec-
tronic billboard sign face) of
nonconforming billboard signs
or variance signs used as
trade-in exchange must be from
"billboard signs in place" at the
time of the sign permit appli-
cation and from a different loca-
tion than the nonconforming
billboard sign or variance sign
to be upgraded. Banked credits
(as defined in an approved set-
tlement agreement) shall not
be considered as billboard signs
in place at the time of the sign
permit application.

ii. No more than six (6) sign faces
(totaling at least six (6) times
the square footage of the elec-
tronic billboard sign face) of
nonconforming billboard signs
or variance signs to be remov-
ed may be satisfied by the removal
of signs in place at the time of
the sign permit application or
through the use of any banked
credits. A minimum of one (1)
banked credit utilized for this
subsection must have been ac-
crued by the removal of a sign

with a minimum of three hun-
dred (300) square feet of sign
face area.

iii. For a period of five (5) years
beginning on the date of the
issuance of the permit for the
construction of the new elec-
tronic billboard sign, the owner
of the electronic billboard sign
may not construct a new sign
face on the same roadway as
the sign faces that are removed
and used as trade-in exchange
unless such sign face is located
more than two thousand five
hundred (2,500) feet from any
of the sign faces that are re-
moved and used for such
trade-in exchange.

c. Notwithstanding anything to the con-
trary in subsection a. above, as an
alternative to the exchange rate de-
scribed above, a sign owner may
permanently remove one (1) elec-
tronic billboard sign face in ex-
change for a new electronic billboard
sign face at another location for which
a sign permit is sought.

(2) Location. Each electronic billboard sign
location must meet each of the following
criteria:

a. The parcel upon which the electronic
billboard sign is located must be
assigned a zoning classification which
is within a commercial or industrial
district (as defined in this Article VI,
Division 6).

b. The electronic billboard sign must be
setback a minimum of seventy-five
(75) feet from any parcel which is
zoned or used for residential uses, as
measured from the leading edge of
the sign face closest to the residen-
tial parcel;

c. The electronic billboard sign shall
not be located in any view corridors,
as defined in this Article VI, Division
6;
d. The parcel upon which the electronic billboard sign must not be located within a historic district (as defined in Chapter 27);

e. The electronic billboard sign must not be located upon a parcel which contains a historically designated structure; and

f. The parcel upon which the electronic billboard sign is located must be adjacent to one (1) of the designated roadways with the electronic billboard sign being oriented towards and viewable from that designated roadway.

(3) **Lighting control and mitigation.** If a residential property is located within two hundred (200) feet of the base of a sign structure, the sign permit applicant must reduce light intensity on, or shade or shield the electronic billboard sign, or direct the lighting from such electronic billboard sign away from such residential property such that the lighting from the electronic billboard sign shall not result in a light intensity greater than three-tenths of one (0.3) foot-candle above ambient lighting, as measured at the property line of any residential property within two hundred (200) feet of the base of the sign structure. At the time of sign permit application, the sign owner applying for the sign permit for the electronic billboard sign shall submit a certification to the designated office of the city that this standard has been satisfied. As an alternative to compliance with the standards established in this subsection, the sign owner may provide at any time prior to the final inspection made pursuant to section 27-289.7 or any time thereafter a document signed by the affected landowner indicating that the landowner and the landowner’s successors in interest waive the sign owner’s compliance with this subsection. In the event of a waiver, a copy of the written waiver shall be filed with the permit application and compliance with this paragraph shall be measured from the line of the next adjacent residential property.

(4) **Limits on total number of sign faces that may upgrade to electronic billboard signs.** Each sign owner that owns or controls nonconforming billboard signs or variance signs may upgrade its existing inventory to electronic billboard signs only within the following limitations on the total number of electronic billboard sign faces:

a. On FAP and FAI designated roadways: A maximum of five (5) percent of any single sign owner’s existing inventory may be upgraded to electronic billboard sign faces. Provided, however, a single sign owner shall only have the right to upgrade its existing inventory to no more than ten (10) electronic billboard sign faces on FAP and FAI designated roadways.

b. On non-FAP and non-FAI designated roadways: A maximum of five (5) percent of any single sign owner’s existing inventory may be upgraded to electronic billboard sign faces. Provided, however, a sign owner shall only have the right to upgrade its existing inventory to no more than four (4) electronic billboard sign faces on non-FAP and non-FAI designated roadways.

c. For the purposes of this section, existing inventory shall mean either:

i. The total number of variance signs owned or controlled by a single person or business entity as of the effective date of the applicable settlement agreement. The sign inventory approved in such settlement agreement shall establish the existing inventory for determining the number of digital sign face upgrades permitted for such initial inventory; or
ii. The total number of nonconforming signs owned or controlled by a single person or business entity as of the time the owner requests an upgrade to an electronic billboard sign in compliance with this section. In no event may the existing inventory of nonconforming signs contain variance signs.

(5) Operational standards.

a. Spacing. Electronic billboard signs shall be spaced a minimum of two thousand five hundred (2,500) feet from another electronic billboard sign which is facing in the same direction.

b. Dwell time and duration of message. The dwell time, defined as the interval of change between each individual message, shall be consistent with rules promulgated by the Florida Department of Transportation but in no event less than ten (10) seconds on FAP and FAI roadways or fifteen (15) seconds on non-FAP or non-FAI roadways. Any change of message shall be completed in two (2) seconds. The dwell time shall not include the time required to change a message. There shall be no special effects or other content between messages.

c. The message shall be static during the dwell time set forth in subsection (5)b. above. There shall be no flashing or varying light intensity or movement during the message. Messages shall not scroll and shall not give any appearance of moving, or in any way include active movement.

d. Each electronic billboard sign’s operating system shall contain a light sensing device to adjust brightness as ambient light conditions change in order to insure that the message meets the following brightness standards. The maximum brightness shall be 0.3 foot-candles above the ambient light measured two hundred fifty (250) feet perpendicular from the face of the sign, or such less distance as may be required by section 27-289.10(d)(3).

e. No electronic billboard sign shall display light of such intensity that it interferes with the effectiveness of an official traffic sign, signal or device.

f. The electronic billboard sign shall have a default mechanism or setting that will cause the sign to turn off or freeze in one (1) position at a brightness no brighter than normal operation if a malfunction or failure (meaning any unintended interruption in message sequencing) occurs.

g. The electronic billboard sign shall not be configured to resemble a warning or danger signal nor shall there be any configuration which may cause a driver to mistake the sign for a warning or danger sign. The sign shall not resemble or simulate any lights or official signage used to control traffic.

h. The electronic billboard sign operator may provide the city with space on the digital or electronic off-premise sign on a space-available basis for public service announcements, including Amber Alerts, hurricane evacuations, or other emergency situations and messages related to city-sponsored or co-sponsored events in order to provide for traffic management.

(e) Annual operating permits for nonconforming billboard signs. An operating permit shall be required for all nonconforming billboard signs. All operating permits shall be renewed on an annual basis. After February 1, 2003, any billboard sign other than a variance sign that does not possess a current operating permit shall be presumed to be either a prohibited sign or an abandoned sign and shall be removed. The following requirements and
procedure shall apply to the initial issuance of operating permits for nonconforming billboard signs:

(1) On or before December 31, 2002, all owners of any nonconforming billboard signs shall apply for an operating permit for each nonconforming billboard sign from the city. The application shall include the following information:

   a. The name, telephone number and address of the owner of the nonconforming billboard sign;

   b. The name and address of the owner of the parcel on which the sign is located;

   c. The size and height of the sign;

   d. A site plan, sketch or drawing of the parcel which accurately depicts the location of the sign; and

   e. Evidence that the sign is a nonconforming billboard sign as described in subsection 27-289.10(b) above.

(2) After reviewing the operating permit application, if the city determines that the application is incomplete, the city shall notify the applicant in writing, and the applicant shall provide the city with all requested information on or before forty-five (45) calendar days after the date the city has requested such information from the applicant. For good cause shown by the applicant, the official may grant the applicant an additional period of time, not to exceed an additional ninety (90) calendar days, in order to provide all requested information in connection with the application.

(3) Provided that the application contains the information required above and evidences that the sign is a nonconforming billboard sign as described in subsection 27-289.10 the city shall issue an operating permit to the owner of the nonconforming billboard sign. The operating permit shall be renewed thereafter on an annual basis.

(4) If the city determines that a billboard sign does not meet the criteria for the issuance of an operating permit, the city shall issue a written denial of the permit application to the permit applicant setting forth the reason(s) for the denial of the operating permit. On or before thirty (30) calendar days after the date of the written denial of the operating permit, the owner of the billboard sign may file an appeal of the denial to city council by filing a notice of appeal with the city clerk. The notice of appeal shall specify the grounds for the appeal, the relief desired, and applicable provisions of the Code.

(5) After February 1, 2003, any billboard sign, for which an operating permit is required and which has not been issued shall be cited by the city. Any billboard sign which does not possess an active operating permit required by this subsection by or at any time after February 1, 2003, shall be deemed either a prohibited billboard sign or an abandoned sign. In such an event, the city shall provide written notice to the owner of the parcel on which the sign is located (according to the most recent ad valorem tax rolls), and the owner of the sign, if that information is readily available in the city's permitting records, that unless a current operating permit is obtained from the city within sixty (60) calendar days, the billboard sign shall constitute an abandoned sign and must be immediately removed by the owner of the parcel or the sign owner.

(6) Upon the completion of an upgrade of any nonconforming billboard sign to an electronic billboard sign, the city shall issue a revised operating permit for the upgraded sign, reflecting the location and type of sign.

(7) Variance signs, including those variance signs which are electronic billboard signs, are not required to obtain or maintain an operating permit, or pay any fees applicable thereto.

(f) Transfer of operating permit. If the ownership of a nonconforming billboard sign is transferred, then the operating permit for that sign
shall be transferred within thirty (30) calendar days after ownership of the sign is transferred by filing a "notification of transfer of an operating permit" with the city. The "notification of transfer of an operating permit" shall be executed by both the person or entity that currently holds the operating permit for the nonconforming billboard sign and the new owner of the nonconforming billboard sign.

(g) Permit fees. City council shall establish by separate resolution permit fees for, (i) the initial issuance of an operating permit for a nonconforming billboard sign, (ii) the annual renewal of an operating permit, and (iii) the transfer of an operating permit.

(h) Relocation of nonconforming billboard signs. No nonconforming billboard sign may be relocated unless one (1) of the following conditions exist or will occur as a result of the relocation:

1. The relocation of the nonconforming billboard sign is expressly allowed by, and is made in accordance with, the terms of a variance granted by the city prior to the effective date of City of Tampa Ordinance No. 2000-206 [August 3, 2000]; or

2. The nonconforming billboard sign is located on land which is being acquired for public right-of-way purposes as a part of a federal or state road, including, without limitation, the "federal-aid primary highway system," the "interstate highway system," and the "state highway system" as those terms are defined in F.S. § 479.01; and further provided that the sign owner, property owner, and the condemning authority elect in writing to relocate the nonconforming billboard sign in accordance with F.S. § 479.15; (1999); and provided, however, the applicant shall demonstrate to the city that the proposed relocation conforms completely with the requirements and standards contained in F.S. § 479.15; (1999). Further, no relocation shall be allowed on or in any of the view corridors or areas described in section 27-289.11 of the Code after February 11, 2004; and any billboard sign that is relocated in one (1) of the designated view or scenic corridors described in section 27-289.11(a) of the Code shall be removed on or before February 11, 2004. In the event that F.S. § 479.15; (1999), is later amended, revised, superseded or revoked, then the relocation of nonconforming billboard signs shall only be allowed or permitted in accordance with such amendments, revisions or superseding statutes enacted by the Florida Legislature.

In addition to satisfying one (1) of the foregoing conditions, no relocation shall occur until the nonconforming billboard sign being relocated has been removed.

(i) [Relocation of variance signs.] Relocation of any variance sign shall be in accordance with the applicable approved settlement agreement, except as provided in section 27-289.10(b)(6). In the event that any provision of this section or the Code conflicts in any manner with an approved settlement agreement, the provisions of the approved settlement agreement shall control and prevail except as provided for in section 27-289.10(b)(6).

Sec. 27-289.11. Off-site signs; view corridors.

(a) Off-site signs (other than nonconforming billboard signs or variance signs) are prohibited anywhere in the city.

(b) The following are designated as "view corridors" in the city:

1. Kennedy Boulevard from its point of intersection with I-275 on the west to its point of intersection with the Hillsborough River on the east, at a width of two hundred fifty (250) feet in each direction measured from the centerline of Kennedy Boulevard.

2. MacDill Avenue from its point of intersection with West De Leon Street on the north to its point of intersection with West Bay Haven Drive to the south, at a
width of two hundred fifty (250) feet in each direction measured from the
centerline of MacDill Avenue.

(3) Within the boundaries of the Central Business District as established by section
27-182(a) herein.

(4) Within the boundaries of the Hyde Park Historic District, as established by City of
Tampa Ordinance No. 88-199.

(5) Within the boundaries of the Ybor City Historic District, as established by section
27-92 herein.

(6) Florida Avenue from its point of intersection with Humphrey Street on the south
to approximately three-tenths (\( \frac{3}{10} \) mile north of its intersection with Busch Bou-
levard, at a width of two hundred fifty (250) feet in each direction measured from
the centerline of Florida Avenue.

c) Removal of off-site signs and billboards located in the designated view corridors:

(1) Off-site and billboard signs legally erected and located within the above referenced
view corridors in accordance with a permit issued prior to April 4, 1996, and
which are specifically identified in 2.b. of those certain Variance Agreements en-
tered into by the City of Tampa and by National Advertising Company and the
3M Company and by Eller Media (a/k/a Patrick Media Group, Inc.) on or about
April 4, 1996, may remain at their approved locations until February 11, 2004,
after which said signs shall be subject to the prohibitions set forth in subsection (a)
above and shall be immediately removed.

(2) Off-site and billboard signs legally erected and located within the above referenced
view corridors in accordance with a permit issued after April 4, 1996 and prior to
February 11, 1999 may remain at their approved locations until February 11, 2004,
after which said signs shall be subject to the prohibitions set forth in subsection (a)
above and shall be immediately removed, provided however, if said sign(s) permit(s)
is determined to be invalid pursuant to an

Official Decision of the City of Tampa made pursuant to Section 1-19 of the City
of Tampa Code or by a court of competent jurisdiction, then said sign(s) shall be
subject to the prohibitions set forth in subsection (a) above and shall be immedi-
ately removed.

(3) Off-site and billboard signs proposed to be
located within the above referenced view corridors for which a permit was applied
for prior to February 11, 1999, but issued subsequent thereto, provided such permit
was subsequently issued pursuant to an
Official Decision of the City of Tampa
made pursuant to Section 1-19 City of
Tampa Code or by a court of competent
jurisdiction, may be erected at the loca-
tion identified in the application, and may
remain at said location for a period of five
(5) years from the date of the permit, after
which said signs shall be subject to the
prohibitions set forth in subsection (a)
above and shall be immediately removed.

(4) Variance signs located within the above
referenced view corridors which are not
identified for removal in an approved set-
tlement agreement may remain at their
approved locations in accordance with the
approved settlement agreement and shall
be subject to the provisions of section
27-289.10, including any standards for
upgrading to an electronic billboard sign.

(d) Upon failure to comply with the dates spec-
ified herein for sign removal, the neighborhood
improvement manager is hereby authorized to
cause removal of such sign, and any expense
incident thereto shall be paid by the owner, agent
or lessee of the sign or by the owner or lessee of
the property upon which the sign is located.

(e) Notwithstanding any other code provision
to the contrary, neither the city council nor any
board of the city may grant a variance from the
prohibitions set forth in subsection (a) above.

Sec. 27-289.12. On-site signs; permit re-
quired.

(a) General regulations.

(1) On-site signs on properties in office, com-
mmercial or industrial districts which abut
a residential district shall not be erected closer than ten (10) feet from any residential zoning district. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from the sign structure to the property line of the nearest residentially zoned property.

(2) Illuminated signs, including neon signs, shall not produce more than one (1) footcandle of illumination four (4) feet from the sign, when measured from the base of such sign.

(3) For purposes of conformance with right-of-way setback regulations, any property owner who has an on-site or an off-site sign which was made nonconforming in regard to required setbacks from the right-of-way by governmental right-of-way acquisition, may measure the setback from the property line location prior to acquisition, provided that the sign is erected on private property and not within the visibility triangle as defined in section 27-283.5 of the City Code.

(b) Standards for on-site signs in residential districts. The following signs may be erected in residential zoning districts:

(1) One (1) double-faced or two (2) single-faced permanent subdivision sign(s) may be located at each entrance to a platted subdivision provided that all of the following requirements are met:
   a. The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the subdivision and shall be set back a minimum of fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way (except as provided in subsection (c) below).
   b. An individual, firm, partnership, association, corporation or other legal entity shall be designated as the person responsible for the perpetual maintenance for the subdivision sign.
   c. The sign shall not exceed ten (10) feet in height.
   d. The sign shall not exceed forty (40) square feet in display area.

(2) One (1) wall, pylon or one (1) double-faced or two (2) single-faced ground signs may be located at each entrance to a multiple family residential development or mobile home park, provided that all of the following requirements are met:
   a. Such signs shall not exceed two (2) square feet in display area for each dwelling unit up to and including sixteen (16) units. In no event shall the sign exceed thirty-two (32) square feet of display area.
   b. Allow two (2) square feet per linear feet of building frontage for building signs within the CBD only. Such signs shall not exceed ten (10) feet in height.
   c. Such signs shall be set back fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way.

(3) One directional sign per subdivision entrance with a maximum height of five (5) feet for the structure, twelve (12) inches for the copy, and thirty-two (32) square feet. The directional sign shall meet the separation and setback requirements of on-site signs.

(c) Standards for on-site signs in office, commercial and industrial districts. Where property is in a site planned controlled zoning district or a designated Overlay District, additional or modified regulations may apply. In those zoned areas, the most restrictive regulation applies.

(1) Regulations for freestanding signs. Freestanding signs shall be allowed in office, commercial and industrial districts, provided the following specific regulations are met, in addition to the general regulations stated above.
   a. Number: One (1) Freestanding sign is permitted for each parcel having street frontage.
      i. If a parcel is a corner lot, as defined in section 27-161, then
one (1) additional freestanding sign is permitted to be located adjacent to the second street frontage provided that the second street frontage is a minimum of three hundred (300) feet of continuous, lineal public street frontage; or

ii. Three hundred (300) feet, one (1) additional freestanding sign is permitted for each additional three hundred (300) feet of continuous, lineal street frontage.

b. **Placement (See Diagram 2):**

i. The placement and orientation of a freestanding sign, as permitted by this section, shall be limited to arterial and/or collector street roadways (as identified in the City of Tampa Department of Public Works "Roadway Functional Classification System"), unless either of the following situations exist:

1. The zoning lot has street frontage only on local street; or
2. The zoning lot has street frontage on a local street where the entire block face on the local street, on both sides of the local street, has no residentially zoned parcels.

ii. Freestanding signs shall be placed no closer than one hundred fifty (150) feet apart on the same parcel.

c. **Size:**

i. The allowable sign area for a freestanding sign shall be one (1) square foot of sign surface area for each lineal foot of street frontage on an abutting public street as follows:

<table>
<thead>
<tr>
<th>Feet of Frontage</th>
<th>Sign Surface Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 20 feet</td>
<td>20 square feet per sign face</td>
</tr>
<tr>
<td>20 feet to 50 feet</td>
<td>20 square feet to 50 square feet per sign face, one foot square per foot of street frontage</td>
</tr>
<tr>
<td>&gt; 50 feet</td>
<td>50 square feet maximum, per sign face</td>
</tr>
</tbody>
</table>

ii. If a parcel is entitled to more than one (1) freestanding sign under this section, then two (2) or more allowable freestanding signs may be combined into a single freestanding sign, not to exceed a maximum allowable sign surface area of one hundred (100) square feet per sign face.

iii. The allowable sign surface area shall not include any decorative elements surrounding the sign face. However the decorative elements shall not protrude more than three (3) feet beyond the sign face.

d. **Height:** The maximum height of a freestanding sign at the five-foot setback line shall be ten (10) feet measured from the established grade at the property line, on which the parcel has access to that portion of the freestanding sign closest to the right-of-way at the leading edge of the freestanding sign. For every one (1) foot of additional setback, the height of the freestanding sign may be increased by one (1) foot to a maximum height of twenty (20) feet. In no event may the freestanding sign interfere with the visibility triangle as provided in section 27-283.5 of the City Code.

e. **Design:** The sign face shall be supported by a sign structure which shall consist of a single pier or pillar with a minimum diameter or hori-
zontal dimension of thirty (30) inches or, alternatively, by two (2) piers or pillars, each with a minimum diameter or horizontal dimension of twelve (12) inches. The sign structure shall have materials and architectural details consistent with the principal building it serves or in a manner shown in Diagrams 3 and 4 below.
Diagram 2
Diagram 3

SIGN SURFACE AREA ILLUSTRATION

* Sign surface area does not include the frame or structural supporting elements.

15sq.ft. TOTAL 32sq.ft.
17sq.ft.

3 sq.ft. TOTAL 23 sq.ft.

City of Tampa

20sq.ft.

* Where sign is composed of individual letters, characters or symbols the area of the sign shall be the smallest geometric shape which will enclose all of the letters, characters or symbols.
Diagram 4

SINGLE PIER OR PILLAR SIGN

- Sign structure must have materials and architectural details consistent with the principal structure.
- Address sign shall not exceed 2 sq. ft. in a residential zoning district and shall not exceed 3 sq. ft. in an office, commercial or industrial zoning district.
(2) Regulations for building signs. Building signs shall be allowed in office, commercial and industrial districts, provided the following specific regulations are met, in addition to the general regulations stated above:

a. Number:
   i. Single occupancy parcels. One (1) building sign shall be permitted for each single-occupancy parcel having street frontage. Corner parcels or double-frontage parcels shall be allowed one (1) sign per street frontage.
   ii. Multi-occupancy parcels. One (1) building sign shall be permitted for each establishment with a main door entrance which faces a public street in a multi-occupancy parcel. Establishments located at a corner shall be allowed one (1) building sign for each side of the establishment which faces a public street. Building signs displayed on a multi-occupancy parcel shall be uniformly designed.

b. Size: The maximum allowable sign surface area for each building sign shall be one and one-quarter \((1\frac{1}{4})\) square feet per linear foot of building frontage abutting public street, excluding parking garages that abut a public street.

c. Design:
   i. One (1) Projecting sign may be substituted for each building sign, provided that the sign surface area of the projecting sign shall not exceed the maximum allowable display area of the building sign which the projecting sign replaces.
   ii. Building signs shall not project beyond the roofline or side walls of the establishment to which the sign is attached, nor shall the building sign project more than twelve (12) inches out from the wall to which it is attached.
   iii. Building signs may contain a six-inch decorative border which shall not be counted as part of the sign surface area calculations.

d. Awning signs: Copy contained on an awning attached to a building shall be considered a building sign for purposes of calculating the maximum allowable. Sign surface area. The awning upon which the copy is displayed must be a single color, made of opaque materials for the portion of the awning which is not used as the sign surface area. Down lighting shall be encouraged.

(3) Regulations for projecting signs. Projecting signs shall be allowed in office, commercial and industrial districts, provided the following specific regulations are met, in addition to the general regulations stated above:

a. Projecting signs may be substituted for the permitted wall sign referenced above, provided that the display area square footage of the projecting sign is not greater than the maximum square footage permitted for a wall.

b. Projecting signs shall not project more than four (4) feet from the building wall to which the projecting sign is attached.

c. Projecting signs shall not be located above the roofline of the building nor more than eighteen (18) feet above the grade of the street, whichever is less.

d. The supporting hardware of a projecting sign shall not be visible from the street or sidewalk.

e. Projecting signs shall not be constructed in violation of the public space encroachment limitations specified in this chapter.
f. Projecting signs shall not be erected closer than ten (10) feet from an interior lot line or an adjacent establishment.

g. Projecting signs, when specifically allowed by this Code, which project over any public or private pedestrian way shall be elevated a minimum of nine (9) feet above such pedestrian way. Projecting signs, when specifically allowed by this Code, which project over any public or private street shall be elevated a minimum of fifteen (15) feet above such street.

(4) Regulations for marquee, canopy and awning signs. Marquee, canopy and awning signs shall be allowed in office, commercial and industrial districts, provided the following specific regulations are met, in addition to the general regulations stated above:

a. One (1) sign located on a marquee, canopy or awning shall be affixed flat to the surface and shall not rise in vertical dimension above the marquee, canopy or awning.

b. The maximum allowable display area for awning, canopy and marquee signs shall not exceed two (2) square feet per linear foot of building frontage facing a public street.

c. Canopy and awning signs shall be permitted only when in lieu of a wall sign.

(5) [Reserved.]

(6) One directional sign per entrance into a commercial, office or industrial development, subdivision or zoning lot with a maximum height of five (5) feet for the structure, twelve (12) inches for the copy, and thirty-two (32) square feet. The directional sign shall meet the separation and setback requirements of on-site signs.

(7) Alternative signage plan. As an alternative to the foregoing regulations, the following developments may establish an alternative signage plan:

a. The owner(s) of one (1) or more parcels that constitute one (1) zoning lot of record or is/are subject to the same PD zoning site plan may erect on-site signs in accordance with an approved signage plan. A signage plan may be approved by city council as part of the PD zoning of the project or development. If a signage plan is not approved as part of the PD zoning of a project, then a permit may be issued for a signage plan according to the following criteria:

1. All parcels subject to the signage plan shall be part of the same zoning lot of record and shall be interconnected with internal driveways and easements so that the parcels function as a single project; and

2. The signage plan shall depict the location and nature of all signs to be erected; and

3. The signage plan shall not allow more signage than would be allowed under the foregoing regulations if applied to each parcel separately; and

4. The signs proposed in the signage plan shall conform with the height, setback and distance requirements from other parcels not subject to the signage plan or public place contained in the foregoing regulations; and

5. The proposed signage plan shall be set forth in a written agreement executed by all persons or entities owning property or having a mortgage interest in one (1) or more of the parcels subject to said signage plan. If the signage plan is approved by staff, then the agreement shall be recorded in the Public Records of Hillsborough County, Florida as covenants and restrictions applicable to signage on all of the subject parcels. A copy of the recorded agreement shall be provided to the city prior to
the issuance of any permits to construct or erect signs pursuant to said signage plan.

b. For developments consisting of more than one (1) parcel or as a single parcel if there is common ownership and there is common ownership and there is proposed a common signage plan which advances the purpose of this chapter by substantially relinquishing entitlements to signage on one (1) parcel in exchange for signage on the adjacent parcel. The signage plan must meet the following criteria:

1. The purpose of the signage plan is to provide direction to uses located off the arterial or collector roadway.

2. The directional sign may not exceed fifty (50) square feet in area and should be located so as to facilitate finding the "user" named on the sign.

3. For each square foot of signage placed off site, there shall be an "in kind" reduction of signage on site.

4. The allowable directional signage area on the parcel having frontage on the arterial or collector street may not exceed fifty (50) square feet above the maximum allowed for on-site sign, per this section 27-289.12.

5. The affected parcels of the development shall abut common improved street right-of-way.

6. The affected parcels of the development shall not be more than one-quarter (1/4) mile (one thousand three hundred twenty (1,320) feet) apart, measured from the nearest property lines.

7. The affected parcels of the development shall be located in non-residential zoning districts and shall not be separated by a residential zoning category.

8. The plan must be recorded at the clerk of the circuit court and any revocation of the approved plan must be done with the consent of the City of Tampa. The revocation of the plan will require that each individual zoning lot must comply with the sign regulations of the City of Tampa as a single site.

(8) Regulations for historic signs for local historic districts and landmark sites outside the Ybor City Historic District. Approval of the restoration, rehabilitation, or reconstruction, as defined in section 27-289.3, of an historic sign that is attached or was previously attached to the historic building shall be based upon documentation of prior existence and shall have existed as a character-defining feature of the historic building. Any historic sign in a historic district or on a landmark site outside the Ybor City Historic District is subject to the final approval by the Architectural Review Commission.

Historic signs shall maintain the historic square footage dimensions for their sign face area and shall be installed as follows:

a. Historic signs shall have no maximum projection into the right-of-way; however, no sign may project within two (2) feet, six (6) inches of that portion of the right-of-way intended for vehicular use.

b. Historic sign placement into the right-of-way shall leave street corners free of obstructions to allow for safe traffic movement and placement of utilities.

c. If the right-of-way is needed by the city for any reason, the owner shall remove or relocate the sign at the owner's expense within forty-five (45) working days of the written notice by the city.
d. The bottom-most portion of the projection shall be a minimum of nine (9) feet above grade.

e. Building columns or support poles for historic signs are prohibited from projecting into the right-of-way.

f. Lighting underneath sign projections shall be provided and maintained by the property owner.

g. A hold harmless agreement in a form acceptable to the city must be signed by the owner and submitted to the city prior to the issuance of the sign permit.

(9) Regulations for historic signs in the Ybor City Historic District. Approval of the restoration, rehabilitation, or reconstruction, as defined in section 27-289.3, of an historic sign that is attached or was previously attached to the historic building shall be based upon documentation of prior existence and shall have existed as a character-defining feature of the historic building. Any historic sign in the Ybor City Historic District is subject to the final approval by the Barrio Latino Commission.

Historic signs shall maintain the historic square footage dimensions for their sign face area and shall be installed as follows:

a. Historic signs shall have no maximum projection into the right-of-way; however, no sign may project within two (2) feet, six (6) inches of that portion of the right-of-way intended for vehicular use.

b. Historic sign placement shall leave street corners free of obstructions to allow for safe traffic movement and placement of utilities.

c. If the right-of-way is needed by the city for any reason, the owner shall remove or relocate the sign at his expense within forty-five (45) working days of the written notice by the city.

d. The bottom-most portion of the projection shall be a minimum of nine (9) feet above grade.

e. Building columns or support poles for historic signs are prohibited from projecting into the right-of-way.

f. Lighting underneath sign projections shall be provided and maintained by the property owner.

g. A hold harmless agreement in a form acceptable to the city must be signed by the owner and submitted to the city prior to issuance of sign permit.

Sec. 27-289.13. Signs; Lee Roy Selman Expressway.

(a) Definitions.

(1) Expressway shall mean the Lee Roy Selman Expressway passing through the City of Tampa, Florida, including all of its facilities, related approaches, viaducts, bridges, interchange facilities and service roads now existing or as may be later constructed or designated.

(2) Applicable regulations shall mean any pertinent zoning, building or other regulations in effect within the city limits of the City of Tampa of the State of Florida.

(3) Protected areas shall mean all property in the City of Tampa within five hundred (500) feet of the right-of-way of the expressway right-of-way. Property shall be designated a protected area as soon as it is designated as expressway right-of-way by official act of the Tampa-Hillsborough County Expressway Authority.

(4) Sign shall mean any display of characters, letters, illustrations, or any ornamentation designed or used as an advertisement, announcement or to indicate direction.

(5) Erect shall mean to construct, build, re-build (if more than fifty (50) percent of the structure members involved), relocate,
raise, assemble, place, affix, attach, paint, draw, or in any other manner bring into being or establish.

(6) **Temporary sign** shall mean signs to be erected on a temporary basis, such as signs advertising the sale or rental of the premises on which located; signs advertising a subdivision of property; signs advertising construction actually being done on premises on which the sign is located; signs advertising future construction to be done on the premises on which located, and special events such as public meetings, sporting events, political campaigns or events of a similar nature.

(7) **Point of sale sign** shall mean any sign advertising or designating the use, occupant of the premises, or merchandise or products sold on the premises.

(8) **Outdoor advertising sign** shall mean any sign which is used for any purpose other than of advertising to the public the legal or exact firm name or type of business conducted on the premises, or products or merchandise sold on the premises; or which is designed and displayed to offer for sale or rent the premises on which displayed, or the subdivision of such premises, of present or future construction or development of such premises, or advertising special events.

(b) **Signs prohibited in protected areas.** It shall be unlawful hereafter for any person, firm, corporation, or other legal entity to erect, permit or maintain any sign in protected areas, except as provided for hereinafter.

(c) **Exceptions.** Erection of the following signs shall be permitted in protected areas, subject to the conditions and limitations listed herein and further, subject to other applicable regulations where such regulations are more restrictive or more definitive than the provisions of this section and are not inconsistent therewith.

(1) Temporary signs which are located and oriented to serve streets other than the expressway, and are located at least one hundred (100) feet from the expressway right-of-way, except that such signs may serve and be oriented to the expressway if the property concerned abuts the expressway right-of-way and is not served by a parallel expressway service road, or is abutting the expressway right-of-way and has direct, permanent legal access to the expressway. In no event shall any temporary sign be larger than one hundred (100) square feet.

(2) Point of sale signs which are located on and oriented to the frontage on the street which provides actual and direct access to the front or principal entrance of the place of business. "Oriented," in connection with point of sale signs shall mean, in the case of detached signs, placed at a ninety (90) degree angle to the street being served; in the case of roof signs, parallel to the fronting such street and within the front twenty-five (25) percent of the building concerned; and in the case of pylon signs, within the front twenty (20) percent of the building concerned. If point of sale signs are to be located within the two hundred (200) feet of the expressway, such signs shall be limited to the name of a shopping center or the name and type of business or profession of the occupant of the premises. Wall signs within two hundred (200) feet of the expressway shall be confined to the wall of the building containing the principal entrance, except that a wall sign may be placed on one (1) other wall of such building and shall be limited to ten (10) percent of such other wall area, but in no event shall be larger than eighty (80) square feet. In no event shall any detached point of sale sign be erected within the protected area which is greater in height than twenty-five (25) feet above the average grade of the premises concerned, and no point of sale roof sign shall be erected which is greater in height above the roof than ten (10) feet.

(3) Outdoor advertising signs shall not be erected for the purpose of servicing the expressway, and outdoor advertising signs in protected areas shall be erected and
oriented to serve only streets other than the expressway, subject to the following conditions:

a. That in no event shall any outdoor advertising sign be erected or placed closer than two hundred (200) feet to the right-of-way lines of the expressway.

b. That outdoor advertising signs shall be erected and placed only in business or commercial (not including industrial) zoning districts which permit outdoor advertising under the applicable zoning regulations of the City of Tampa.

c. That no outdoor advertising sign shall be erected that is larger than fifteen (15) feet in width and fifty (50) feet in length, whether single or multiple boards.

d. That no detached outdoor advertising sign shall be erected which is more than twenty-five (25) feet above the average existing grade of the site on which such sign is erected, or the flood criteria elevation (if property is filled to such elevation) whichever is the greater; nor shall an outdoor advertising roof sign be erected which is more than twenty (20) feet above the roof.

e. That no advertising signs shall be erected or placed within three hundred (300) feet of another outdoor advertising sign, such distance to be measured in all directions from the outermost edges of such sign.

f. That no outdoor advertising signs shall be erected or placed within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, state or national forest.

g. That outdoor advertising signs shall be erected and placed at right angles to the street which they are serving and shall be located within the front seventy (70) feet of the lot or tract on which erected.

h. That no outdoor advertising signs shall be erected or placed on a street dead-ended by the expressway, between the expressway and the first street running parallel to the expressway and on the same side of the dead-end street, even though such distance may be greater than two hundred (200) feet.

i. That outdoor advertising signs shall be erected and placed only on property conforming in sign and frontage to the requirements of the zoning district in which located, and detached outdoor advertising signs shall not be erected on property already containing a use or structure.

j. That detached outdoor advertising sign structures shall be of the so-called cantilever-type construction (double-faced sign, both faces of the same size, secured back to back on vertical supports with no supporting bracing).

(d) Nonconforming signs. Signs which have been erected prior to the effective date of this section may continue to be maintained until March 1, 1986. Thereafter, unless such signs conform to the provisions of this section, they shall be removed. If a nonconforming spacing situation can be eliminated by the removal of one (1) sign, the sign which has been erected for the longest period of time shall have priority.

(e) Variances. No variances shall be granted through provisions of applicable regulations which will in any way conflict with or vary the provisions of this section.


(a) Any sign not specifically permitted or authorized by this Code is prohibited; provided, however, that any authorized or permitted sign under this Code is allowed to contain non-
commercial speech in lieu of any other speech. The following types of signs are expressly prohibited, except as otherwise provided by this Code:

1. Abandoned signs;
2. Activated signs;
3. Revolving signs, sidewalk signs and advertising balloons;
4. Snipe signs attached to trees or natural features, telephone poles, utility poles, public benches, streetlights or on any public property or right-of-way;
5. A-frame signs;
6. Billboard signs, except nonconforming billboard signs or variance signs described in section 27-289.10 of this Code;
7. Beacon lights;
8. Vehicle signs or trailers when such are used exclusively for the purpose of displaying a sign;
9. Signs which imitate or resemble official traffic or government signs and signals;
10. Back to back sign faces that are not parallel;
11. Revolving signs.
12. Roof signs;
   a. Exception: A roof sign shall be permitted to replace an existing or historic sign on the roof of a building located in a local historic district or on a landmark site when the all of the following four (4) conditions have been satisfied:
      i. If an historic sign, the design of the roof sign shall be based upon a historic reference for the original design, location, and size of the sign, and photographic information shall be presented to verify the historic reference.
      ii. The maximum size of the sign shall not exceed twenty-five (25) percent of the total roof area of the building.
   b. The sign shall identify a tenant in, or the use of, the building. The sign shall not permit advertisement of a use or product not available within the building.
   c. The Architectural Review Commission or the Barrio Latino Commission, as appropriate, shall approve the location and design of the sign prior to the application for the sign permit.
13. Portable signs;
14. Window signs which, in aggregate, cover more than twenty-five (25) percent of the total window surface;
15. Off-site signs;
16. Signs in or upon any river, bay, lake, or other body of water within the limits of the city;
17. Signs attached to or painted on piers or seawalls, other than official regulatory or warning signs.
18. Pennants.
19. Any sign which:
   a. Bears or contains statements, words or pictures which have been adjudged obscene in the community;
   b. Employs motion picture projection or has visible moving parts or gives the illusion of motion, except as permitted by this Code;
   c. Emits audible sound, vapor, smoke, odor particles or gaseous matter;
   d. Obstructs, conceals, hides, imitates or otherwise obscures from view any official traffic or government sign, signal or device;
   e. Has unshielded illuminated devices that produce glare or are a hazard or nuisance to motorists or occupants of adjacent properties;
   f. Due to any lighting or control mechanism causes radio, television or other communication interference;
g. Is erected or maintained so as to obstruct any firefighting equipment, window, door or opening used as means of ingress or egress for fire escape purposes, including any opening required for proper light and ventilation;

h. Is erected on public property or a public right-of-way, except government signs or other signs as expressly allowed in the Code.

Notwithstanding any Code provision to the contrary, neither the city council nor any board of the city may grant a variance allowing the erection of any of the prohibited signs expressly enumerated in this section 27-289.14.

Sec. 27-289.15. Nonconforming signs.

(1) Any sign which did not conform to the City of Tampa Sign Code on the day before November 8, 2007, and which should have been removed or modified under prior law shall be illegal nonconforming signs. Any sign which was legally permitted and constructed which do not conform to provision of the City of Tampa Sign Code as of November 8, 2007, shall be considered legal nonconforming signs and shall be governed as provided for herein.

(2) Unless otherwise subject to the provisions of F.S. § 70.20 or subject to the provisions of section 27-289.10, any sign made nonconforming by this sign code shall be considered a nonconforming sign and shall be made to conform to this sign code as provided for herein. In connection with any billboard sign, if any conflict exists between the terms of this section and section 27-289.10 of this City of Tampa Sign Code, then section 27-289.10 shall control.

(3) A nonconforming sign may not be enlarged or altered in a way which increases its degree of nonconformity, but any sign or portion thereof may be altered to decrease its degree of nonconformity, except as provided for herein.

(4) A nonconforming sign shall not be structurally altered to prolong the life of the sign. Reasonable repair and maintenance of nonconforming signs, including change of copy, is permitted, as provided for herein. Reasonable repair and maintenance means the work necessary to keep the sign, including the sign structure, in a good state of repair, but does not include replacement of materials in the sign structure. Reasonable repair does not include:

a. Any modification that changes the structure, or type of structure, such as conversion of a wooden sign structure to a metal sign structure;

b. Any modification, including the addition of embellishments, that changes the sign area or the height above ground level;

c. Any modification that enhances the visibility of the sign's copy, or the period of time that the copy is visible;

d. Any modification that adds changeable faces or electronic message signs; or

e. Any modification that adds artificial lighting, or changes the existing lighting such that illumination is increased.

(5) Should a nonconforming sign become damaged, destroyed or deteriorated by any means to the extent that it requires more than reasonable repair and maintenance, as defined in subsection (4) above, then the sign shall not be reconstructed except in compliance with the sign code. In the event that a nonconforming sign was approved as part of a site plan zoning approval, then the nonconforming sign may be reconstructed in accordance with the site plan zoning approval.

(6) Should a nonconforming sign be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(7) A nonconforming sign shall be considered an abandoned sign and shall be removed if either the sign or the sign structure has not been used, or if the parcel or parcels upon which the sign is located becomes vacant or unoccupied for a period of ninety (90) consecutive calendar days or more, unless the parcel or parcels upon which the sign is located undergo a major renovation, as provided for herein.
(8) If there is a major renovation on a parcel or parcels upon which the nonconforming sign is located, as defined in Chapter 27 of the Code, then any sign located upon the parcel or parcels must comply with the current sign code unless it can be demonstrated the freestanding sign or signs comply with current wind-load standards as set forth in Chapter 5 of this Code of Ordinances.

(9) When the city acquires, or is in the process of acquiring property, pursuant to its power of eminent domain, and the acquisition would result in the creation of a nonconformity to the size or location of signs, the size and location of the sign shall not be considered nonconforming.

Sec. 27-289.16. Illegal signs.

(a) Unless expressly authorized by this chapter, nonconforming status shall not be afforded to preexisting signs which have been installed, constructed, placed or maintained in violation of this Code.

Sec. 27-289.17. Abandoned signs; maintenance of all signs.

(a) An abandoned sign is prohibited and shall be removed by the advertiser, sign owner, sign contractor or owner of land upon which such sign is found within thirty (30) days after written notice by the neighborhood improvement manager. Permanent on-site signs applicable to a business temporarily suspended because of a change in ownership or management shall not be deemed to be abandoned unless the property remains vacant for a period of ninety (90) days or more.

(b) All signs regulated by this Code, including their supports, braces, guys and anchors, electrical parts, lighting fixtures and all painted and display areas shall be maintained so as to present a neat, clean appearance. Painted areas and sign surfaces shall be kept in good condition, and illumination, if provided, shall be maintained in safe and good working order.

(c) Weeds and grass shall be kept cut in front of, behind, underneath and around the base of ground signs for a distance of ten (10) feet, and no rubbish or debris shall be permitted under or near such signs.

Sec. 27-289.18. Removal by neighborhood improvement manager.

(a) Any sign erected or maintained in violation of this Code or erected in violation of any previously existing ordinance may be removed by the neighborhood improvement manager or his designated agent at the expense of the owner of the property upon which the sign is located. If the sign violation discovered is on private property, then the neighborhood improvement manager or his designated agent shall first give thirty (30) days' written notice, by certified mail or hand delivery, to such person of the violation charged. If the sign is a temporary sign the neighborhood improvement manager will follow the procedure set out below, except that all time frames will be five (5) days rather than thirty (30) or fifteen (15) days.

Sec. 27-289.19. Signs on right-of-way.

(a) Prohibition of signs on rights-of-way. It shall be unlawful for any person, firm, corporation or other entity, for its own or the benefit of another, to erect, place, post, install, affix or in any other way locate or maintain a sign upon, within or otherwise encroaching on a City of Tampa right-of-way or upon a structure located within such a right-of-way. Information contained in any sign, including names, addresses or phone numbers of persons or entities benefiting from or advertising on the sign shall be sufficient evidence of ownership and/or beneficial use or interest for purposes of enforcing this section. More than one person or entity may be deemed jointly and severally liable for the placement or erection of the same sign. Each unlawful sign shall be deemed a separate violation of this section.

(b) Exclusions. Signs approved or permitted for placement or erection on the right-of-way under the City Code and historic signs as allowed by section 20.5-10(5) are exempted from this section.
(c) **Abatement.** Except as provided otherwise in this section, any sign located upon or encroaching on a city right-of-way as described in subsection (a) above, shall be subject to immediate removal and impounding by the neighborhood improvement manager at the joint and several expense of (1) the owner of the sign; (2) the person or entity which erected the sign and (3) the person or entity for whose benefit the sign was erected or maintained.

1. **Illegal signs of negligible or no value; destruction.** Any sign placed or erected in a right-of-way in violation of subsection (a), which has negligible or no value due to its perishable or nondurable composition, including, but not limited to, those made out of paper, cardboard or posterboard, shall be deemed abandoned and may be destroyed by the city after removal. No opportunity to reclaim such a sign shall be given by the city.

2. **Recovery of impounded signs; abandonment and destruction.** Except for those signs described in subparagraph (c)(1) above, any sign removed and impounded by the city shall be held in storage and the owner, if the owner's identity and whereabouts are known to city, shall be provided with written notice of impoundment and fifteen (15) days from the date of notice to reclaim any such sign. Any impounded sign stored by the city may be destroyed if not reclaimed within fifteen (15) days of the written notice date or within fifteen (15) days of the date of removal if the identity and whereabouts of the owner is not known to city.

(d) **Failure to pay.** A violator who fails to pay or request a hearing as provided herein shall be deemed to owe a civil debt to the city which may be recovered with accrued interest by civil action in a court of competent jurisdiction.

(e) **Prosecution and penalties.** Any violation of this section is hereby declared a civil infraction and may be brought before the County Court in and for Hillsborough County pursuant to and in accordance to the provisions of Chapter 23.5, City of Tampa Code. Such enforcement is supplemental to any other means of enforcement available to the city under this or any other section of the Code.

1. **Civil penalty.** Any person or entity found in violation of section 27-289.19 shall be subject to a civil penalty of no less that seventy-five dollars ($75.00) per violation, if not contested but not to exceed two hundred fifty dollars ($250.00) for a first violation and a civil penalty of no less than two hundred fifty dollars ($250.00) per violation, if not contested but not to exceed five hundred dollars ($500.00) for a second or repeated violations. Community service hours shall not be substituted for payment of the monetary penalty.

2. **Restitution.** The courts may order a violator, in addition to a civil penalty, to make restitution to the city for the damage or loss caused by the violator, which may include, but is not limited to any property damage caused by the placement or attachment of a sign or signs, the costs of any abatement action and court costs. Community service hours shall not be substituted for monetary restitution.

Sec. 27-289.20. Hazardous signs.

(a) The CE Director may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed immediately at the expense of the owner, agent, lessee or other person having beneficial use of the sign, the sign contractor or the owner or lessee of the land upon which the sign is located.

Sec. 27-289.21. Permitting process and permitting fees.

(a) **Fees** may be charged for the following:

1. Sign removal; and
2. Permits.

Fees shall be established by one (1) or more resolutions enacted by city council.

(b) **Permitting procedure:**

1. Administration by building official or building official's designee. The building official...
or the building official's designee shall be responsible for the administration, processing, review and determination of applications for sign permits.

(2) Unless otherwise expressly provided for in this chapter, the building official or the building official's designee shall review an application for any permit for the erection, relocation, repair, removal or in any way pertaining to signs, and issue a written determination to the applicant within thirty (30) business days of receipt of the completed application. The review and determination period may be extended for an additional forty-five (45) business days at the request of the applicant or agent thereof. If the application is in conformity with the terms and requirements of this chapter, the application shall be granted. If the application is not in conformity with the terms and requirements of this chapter the application shall be denied. In the event the application is denied, the building official or the building official's designee shall include the specific basis for the denial in the written determination provided to the applicant. Failure of the building official or the building official's designee requested to review an application relating to constitutionally protected first amendment activity to review and issue a final determination within thirty (30) days of receipt of the completed application shall authorize the applicant to conduct the activity for which the approval of the application would otherwise be required.

Sec. 27-289.22. Review of sign related decisions.

(a) An owner of any building or structure to which the provisions of this chapter apply, or his duly authorized agent, who has been aggrieved by any order, requirement, decision or determination made by any staff member in interpreting the sign-related provisions of this chapter may seek review of said order, requirement, decision or determination pursuant to section 1-19. In the event that the zoning administrator delegates the authority to render a sign related decision, then the zoning administrator shall be the reviewing official; otherwise, the reviewing official shall be the director.

(b) Persons with standing to seek review of any order, requirement, decision or determination under this chapter related to constitutionally protected first amendment activity shall be entitled, as a matter of right, to seek immediate review of such final determination by filing an appropriate pleading with the circuit court.

Sec. 27-289.23. Boards authorized to grant sign-related variances.

(a) Variance review board. Except as provided in subsections (b) and (c) below, the variance review board (VRB) established pursuant to Chapter 27, Article II, Division 3, Planning and Land Development, shall have the authority to hear and grant variances from any of the sign-related provisions of this chapter.

(b) Architectural Review Commission. In any historic districts or landmark sites, excluding the Ybor City Historic District, designated by the historic preservation commission pursuant to section 27-114.

(c) Barrio Latino Commission. In the Ybor City Historic District, as designated and defined in section 27-96, Zoning, the Barrio Latino Commission (BLC) shall have the authority to hear and grant variances from any of the sign-related provisions of this chapter.

Sec. 27-289.24. Penalties and remedies.

(a) Unless otherwise stated, a person who engages in conduct in violation of this chapter shall be subject to the following penalties and/or remedies:

(1) Violations of this chapter may be punished as provided in the City of Tampa Code Section 1-6, General Penalty.

(2) Each day that a violation continues after receipt of written notice of such violation shall constitute a separate violation and separate offense for purposes of the penalties and remedies specified herein.
In addition to the penalties and remedies above, the city may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this chapter, as provided by law.

DIVISION 7. MISCELLANEOUS STANDARDS

Sec. 27-290. Accessory structures.

The following requirements apply to all structures which are accessory to conforming uses. Expansion of nonconforming uses by the construction or addition of accessory structures shall not be permitted.

1. Accessory structures to a single-family detached dwelling in all districts.
   a. Accessory structures with a gross floor area (including parking areas) of less than fifteen (15) percent of the minimum required lot size.
      1. Accessory structures must meet the following setbacks:

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<thead>
<tr>
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<th>RS-75, RS-100, RS-150</th>
<th>In All Other Residential Districts</th>
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<tr>
<td>From front lot line</td>
<td>60 feet</td>
<td>60 feet</td>
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<tr>
<td>From corner lot line</td>
<td>15 feet</td>
<td>7 feet*</td>
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<td>From side lot line</td>
<td>3 feet</td>
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<tr>
<td>From rear lot line</td>
<td>3 feet</td>
<td>3 feet</td>
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*The structural edge of the vehicular entrance to the garage, carport or any vehicular storage area must be setback a minimum of fifteen (15) feet from the property line (see Diagram 6.2).

2. Accessory structures shall not exceed fifteen (15) feet in height, unless the proposed structure is located in a national or local historic district. In such instances, the zoning administrator, after consultation with the administrator for historic preservation, may determine that taller structures are characteristic of the district, and may approve a height increase of up to fifty (50) percent of the height limitation.

3. For RS-150, RS-100 and RS-75 districts, there shall be a minimum separation of ten (10) feet between principal and accessory structures on the same zoning lot. For all other districts, the minimum separation between the accessory and principal structure shall be five (5) feet. For all districts, a covered walkway open at least two (2) sides may be attached to the principal structure. The required separation shall be the distance measured between the vertical planes established from the eaves to the ground. (See Diagram 6.1) Principal and accessory structures shall not be connected by any type of enclosed passageway or room addition unless all structures meet principal structure setbacks.

b. Accessory structures with a gross floor area (including parking area) larger than fifteen (15) percent of the minimum required lot size must meet principal structure setbacks as referenced in section 27-156, Table 3-2, Schedule of Area Height, Bulk and Placement Regulations.

c. An accessory structure shall not be separately metered for electricity or water.

2. Accessory structures to multi-family residential dwellings in all districts.
   a. Accessory structures shall not exceed thirty-five (35) feet in height.
   b. Accessory structures shall comply with yard requirements for principal structures in that district.

(3) Portable accessory structures in all residential districts. Portable accessory structures are those structures without a permanent foundation and capable of being...
moved intact. Portable accessory structures shall meet all of the requirements for accessory structures as outlined in subsection (1) above and shall also meet the following specific requirements:

a. Only one (1) portable accessory structure shall be allowed per zoning lot.

b. Portable accessory structures shall not be permitted within the required water yards of waterfront property.

c. No mechanical equipment shall be operated within or attached to the structure.

d. Trailers, storage containers, mobile homes, and tractor trailers shall not be used as permanent or portable accessory structures, except that a commercial storage container may be used while renovation is occurring on the building(s) on the property with an active building permit. The storage container must be placed on the property in compliance with accessory structure setbacks as required above, and shall be removed upon completion and sign-off of the final inspection of the active building permit noted herein.

(4) Accessory structures to nonresidential uses in all zoning districts.

a. All structures must comply with yard requirements of the zoning district in which they are located.

b. Portable accessory structures shall be limited to one (1) per zoning lot and shall be anchored in a method approved by the building department.

c. Portable accessory structures shall not be located within the required setback of water lots.

d. Trailers, mobile homes and tractor trailers shall not be used as permanent or portable accessory structures.

(5) Accessory parking structures.

a. Parking structures which are accessory to the principal residential use of the property may be permitted in any multi-family district or any multi-family PD project provided the structure meets the schedule of area, height, bulk and placement regulations for primary structures in that district.

b. Parking structures which are accessory to mixed nonresidential uses are permitted provided they meet the schedule of area, height, bulk and placement regulations for primary structures in that district.

(6) Temporary portable buildings and trailers located on Hillsborough County School Board property.

a. All portable buildings and trailers must comply with yard requirements of the zoning district in which they are located.

b. Installation or relocation of portable buildings or trailers requires compliance with section 27-284, Buffers and screening, and section 27-283.2, Off-street parking required, and a low hedge when across from residences.

c. Two-year time limit. After two (2) years, the temporary status of the portables and trailers will be deemed to be permanent and their continued use will require approval (including special use approval by city council, if required) as if the use was an increase in intensity.

(7) All accessory structures must be setback a minimum of fifteen(15) feet from any seawall or jurisdictional high water line on the Hillsborough River.
Diagram 6.1: Measurement for minimum building separation for principal and accessory structures.
Sec. 27-290.1. Fence and wall regulations.

(a) Visibility triangle. All fences and walls shall conform to the requirements of section 27-283.5.

(b) Conflict with buffer requirements. Where a fence or wall is required to comply with section 27-284, and which fence may be in conflict with this section, the more restrictive regulation shall apply.
(c) **Materials.** Fences and walls shall be constructed of chain link, wood, masonry or decorative wrought iron, galvalume corrugated metal panels with a decorative perimeter framing and structural bracing or a PVC (poly vinyl chloride) product manufactured and designed as a fence, except as varied below or as may be further regulated by Historic District design standards or Overlay District regulations.

1. **Security fencing.**
   a. **Broken glass.** The use of broken glass or other similar materials is prohibited in all districts.
   b. **Electric fences.** Electric fences or walls may be permitted as accessory to an agricultural use or may be used for security purposes in any industrial district, provided that the following standards are met:
      1. Only low-voltage electrical fencing shall be used with a maximum of twelve (12) volts, primary voltage;
      2. The electrical fence shall be no higher than ten (10) feet tall;
      3. The electrical fence shall be completely surrounded by a non-electrical fence or wall with a height not to exceed six (6) feet;
      4. The surrounding non-electrical fence or wall shall be separated from the electrical fence by at least six (6) inches at the closest point between the electrical fence and the non-electrical surrounding fence or wall;
      5. The electrical fence is identified as such with signage, no larger than one (1) square foot in area, at least every sixty (60) feet;
      6. Any property protected by an electrically charged fence shall provide, outside the perimeter of the fence, an emergency shut-off switch for fire and police department access. Fire department access shall be of a type, location, and marking specified and approved by the fire marshal. Police department access shall be of a type, location, and marking specified and approved by the police chief; and

2. **Variances.** The variance review board (VRB), the Architectural Review Commission (in historic districts, generally, or landmark sites) (ARC) or the Barrio Latino Commission (in the Ybor City Historic District) (BLC) may grant a variance to allow electric fencing, barbed wire, or razor wire for commercial and industrial zoned parcels. As part of demonstrating compliance with the variance criteria utilized by the VRB, ARC, or BLC, as applicable, the applicant must demonstrate a practical difficulty or unnecessary hard-
ship, which for the purposes of this code section only, can be satisfied by showing a significant security need.

a. In applying the variance criteria, the VRB, ARC, or BLC shall balance the applicant's need for the variance with the visual impact to the surrounding community. The purpose of the provision is to ensure that any use of electric fencing, barbed wire, or razor wire should be used only as the extreme last resort of property protection.

b. Standards. When approved, the barbed wire and/or razor wire shall be located at a minimum elevation of six (6) feet above the ground. Electric fencing shall be setback a minimum six (6) feet from any property line adjacent to a residential use or residentially zoned property and must meet the first six (6) criteria stated in (c)1.b. above. When the subject parcel is adjacent to a residential use all barbed wire and razor wire shall be removed from the subject property prior to or in conjunction with the installation of an electrically charged fence, unless otherwise approved as a condition of approval by the appropriate board. The variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District) may require the fence to be setback from property lines and screened. Buffering and screening requirements shall be consistent with section 27-284. If screening is required, the property must be posted with warning signs (Danger—High Perimeter Security) every one hundred (100) lineal feet along the fence line.

(3) Exposed framing. Walls or fences made from any permitted building material must be constructed so that the exposed framing of each section of fence faces the interior yard. However, prior to the installation of the fence, the zoning administrator may allow the exposed framing of the fence to face adjacent side and rear yards where the owner or contractor can clearly demonstrate one (1) of the following conditions:

a. There is an existing fence and/or hedge located on the property adjacent to the parcel for which the new fence is required and the existing fence or hedge is of a construction and location such that it is physically impractical and infeasible to install a wood fence with the exposed framing facing the interior yard.

b. All adjacent affected property owners have declared in writing that they have no objection to the exposed framing.

d) Method of measurement. Where a fence or wall is located at a common property line with varying elevation, including berms or permanent planters, the height shall be measured and averaged at regular intervals on both sides of the property line. The final height shall be determined by averaging the dimensions obtained from the measure interval averages. The measured interval distances shall typically be eight (8) feet.

e) Front yards.

(1) Within the single-family residential zoning districts, and YC-2 and YC-4 subdistricts, fences and walls may be located within required front yards provided that the height does not exceed three (3) feet for fences built of opaque materials, or four (4) feet for fences built of transparent materials which do not obstruct light, air and visibility.

(2) For all residential uses in any zoning district, fences and walls may be located within required front yards provided that the height does not exceed three (3) feet for fences or walls made of opaque mate-
rials, or four (4) feet for fences built of transparent materials, which do not obstruct, light, air and visibility.

(f) **Maximum height.** The maximum height for fences and walls are as follows:

<table>
<thead>
<tr>
<th>Height</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single- and multiple-family district</td>
<td>6 feet</td>
</tr>
<tr>
<td>YC-2 and YC-4</td>
<td>6 feet</td>
</tr>
<tr>
<td>All other: office, commercial, industrial districts, M-AP 1—4, YC-1, YC-3, YC-5, YC-6, CD-1, and CD-2</td>
<td>8 feet</td>
</tr>
<tr>
<td>TQD, PD, PD-A and CD-3</td>
<td>As per zoning site plan</td>
</tr>
<tr>
<td>For CBD-1 and CBD-2 zoning districts refer to section 27-186(h) Fence regulations.</td>
<td></td>
</tr>
</tbody>
</table>

Decorative architectural features on fences/walls shall not be included in the height of a fence except that they shall not extend more than one (1) foot above the maximum height and shall have a minimum of eight-foot spacing between them.

**Sec. 27-290.2. Antennas.**

(a) **General regulations.**

(1) Subsections (a) through (g) of this section shall apply to satellite dish antenna and conventional receive-only communication antennae. Amateur radio antennae are regulated under subsection (h). All other wireless communication antennae are regulated under subsection (i).

(2) Where the term "antenna" is used, the term refers to both types of antennas. The terms "satellite dish antenna" and "conventional antenna" refer separately to the individual types of antennas.

Satellite dish antennas are defined to include all parabolic or spherical antennas whose purpose is to receive and/or transmit satellite signals of both audio and video transmission.

All antennas are considered structures and shall be installed in accordance with all applicable provisions of the building code of the city.

(3) No advertising or signage of any type is permitted on an antenna.

(4) The height of a ground-mounted antenna shall be the total maximum distance to which it is capable of being raised and shall be measured from the finished grade adjacent to the structure. The height of roof-mounted antennas shall be the total maximum distance to which it is capable of being raised and shall be measured from the highest point of the finished grade of the portion of the roof on which it is mounted.

(b) **Regulations for single-family and the RM-12 residential districts and for single-family detached use in any zoning district.**

(1) General regulations. An antenna shall be considered an accessory structure and shall not constitute the principal use of the property.

(2) Dimensional regulations.

a. The placement of antennas shall be limited to one (1) satellite dish antenna and one (1) conventional antenna per zoning lot upon which the primary use is located.

b. The maximum size of the satellite dish antenna shall be limited to twelve (12) feet in diameter. The maximum height of a conventional antenna shall not extend four (4) feet above the roof of the principal structure.

c. The antenna shall only be located in the rear or side yard provided that the location is between the rear main building wall of the principal structure and the rear lot line. The antenna shall not be located in a front or corner yard.
d. The satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its height.

e. The satellite dish antenna may be roof-mounted only when the dish is no larger than eighteen (18) inches in diameter. A satellite dish antenna over eighteen (18) inches in diameter shall not be permitted on the roof of any structure, regardless of whether the zoning district height limitation can be met.

f. The overall height of the antenna shall not exceed the maximum height restriction of the applicable zoning district. The height measurement shall include both the antenna and any base or fixture upon which it is constructed.

If the satellite dish antenna is ground-mounted upon a base or fixture, the bottom of the antenna shall not be located more than eighteen (18) inches above the eaves of the roof of the principal structure.

(c) Regulations for multiple-family residential (except RM-12), office and CN and CG districts.

(1) General regulations. The following regulations shall apply to an antenna considered an accessory structure to the primary use of the property. Any accessory use shall not be utilized for any off-site commercial purposes.

(2) Number of antennas.

a. Single occupancy parcel shall be limited to two (2) antennas per zoning lot.

b. Multiple occupancy parcel shall be limited to two (2) ground-mounted antennas per zoning lot, one (1) roof-mounted antenna per each establishment in a multiple occupancy parcel, or one (1) wall-mounted antenna, provided the wall-mounted antenna is conventional or satellite dish less than twenty-four (24) inches in diameter. The total number of antennas on the zoning lot may not exceed the number of establishments on the zoning lot.

(3) Dimensional regulations. The antenna may either be located on the ground or may be located on the wall or roof of the principal structure as prescribed below.

a. Location, yard and height regulations for ground-mounted antennas.

1. The antenna shall not be located in the front or corner lot.

2. The ground-mounted satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its diameter. The conventional antenna shall maintain rear and side yards of a depth equal to or greater than its height.

3. The overall height of the satellite dish antenna shall not exceed twenty-two (22) feet. The height measurement shall include both the satellite dish antenna and any base or fixture upon which the antenna is constructed. The maximum height of a conventional antenna shall not exceed the maximum height of the underlying zoning district.

4. The satellite dish antenna shall be screened from view of adjacent street rights-of-way by intervening buildings and/or trees and vegetation, per section 27-284(2)a. The applicant shall provide documentation to the zoning administrator that the proposed location meets the screening requirements.

b. Location and height of roof-mounted antennas.

1. Antennas may be roof-mounted only on principal structures in excess of thirty (30) feet in height. The roof-mounted antenna shall not be more than
twenty-two (22) feet in height, including the base and any fixture upon which the antenna is constructed.

2. The total combined height of the building and antenna shall not in any case exceed the maximum height restriction of the applicable zoning district.

3. Satellite dish antennas shall be setback a minimum ten (10) feet from the perimeter edge of the roof.

c. Location and height of wall-mounted antennas.

1. Antennas may be wall-mounted on a building wall along the side or rear yard of the zoning lot.

2. The maximum size of a satellite dish shall be twenty-four (24) inches in diameter.

3. The overall height of the antenna shall not exceed the maximum height restriction of the applicable zoning district. The height measurement shall include both the antenna and the structure upon which it is constructed. The bottom of the antenna shall not be located more than eighteen (18) inches above the eaves of the roof of the structure upon which it is constructed.

(d) Regulations for CI, industrial and M-AP districts.

(1) General regulations. The following regulations shall apply to any antenna considered accessory structure unless the transmission and/or reception of satellite signals is intrinsic to the principal use of the property. When considered an accessory structure, the antenna shall not be constructed prior to the construction of the principal use of the property.

a. Antennas as accessory structures.

1. The number of antennas shall be limited as follows:

   i. Single occupancy parcel shall be limited to two (2) antennas per zoning lot.

   ii. Multiple occupancy parcels shall be limited to two (2) ground-mounted antennas or one (1) wall-mounted antenna (provided the antenna is conventional or a satellite dish less than twenty-four (24) inches in diameter) per each establishment in a multiple occupancy parcel. At no time can the number of antennas on a zoning lot exceed the number of establishments.

2. The location, yard, and height shall be required as follows:

   i. Ground-mounted antenna. The antenna shall not be located in the front or corner yard. A satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its diameter. The conventional antenna shall maintain rear and side yards of a depth equal to or greater than its height. The overall height of the antenna shall not exceed twenty-two (22) feet. The height measurement shall include both the antenna and any base or fixture upon which it is constructed.

   ii. Roof-mounted antenna. The satellite dish antenna
shall not be more than twenty (20) feet in overall height. The height measurement shall not be more than twenty (20) feet in overall height. The height measurement shall include both the satellite dish antenna and any base or fixture upon which it is constructed. The total combined height of the building and satellite dish antenna shall not in any case exceed the maximum height restriction of the applicable zoning district. The antenna shall be setback a minimum ten (10) feet from the perimeter edge of the roof.

iii. Wall-mounted antenna. A satellite dish or conventional antenna may be attached to any building wall along the side or rear yard of the zoning lot. The maximum size of a satellite dish shall be twenty-four (24) inches in diameter. The overall height of the antenna shall not exceed the maximum height restriction of the applicable zoning district. The height measurement shall include both the antenna and the structure upon which it is constructed. The bottom of the satellite dish antenna shall not be located more than eighteen (18) inches above the eaves of the roof of the structure upon which it is constructed.

(b) Antennas when the transmission and/or reception of satellite signals is intrinsic to the principal use of the property:

1. Satellite dish antennas may be roof or ground-mounted. If ground-mounted, the satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its diameter.

2. The total combined height of the building and satellite dish antenna shall not in any case exceed the maximum height restriction of the applicable zoning district.

(e) Regulations for satellite dishes located at radio and television studios and colleges.

(1) The utilization of antennas at radio and television stations and colleges is intrinsic to the operation of the station or college; therefore, the number of antennas is not limited, provided the following location, yard and height regulations are met.

(2) Antennas may be roof-, wall- or ground-mounted. If ground-mounted, the antenna shall maintain required yards of a depth equal to or greater than its diameter. The total combined height of the building and antenna shall not in any case exceed the maximum height restriction of the applicable zoning district.

(f) Regulations for the Ybor City Historic District. Antennas are not permitted within the Ybor City Historic District except for locations at a college or office in the YC-3 subdistrict where the utilization of antennas is intrinsic to the operation of the college or office and subject to the following requirements:

1. Antennas shall be roof- or ground-mounted.

2. Ground-mounted antennas shall maintain any required yards as set forth in Table 8-2, subject to minimum required yards of a depth equal to or greater than its diameter.

3. The total combined height of the building and antenna shall not in any case exceed the maximum height restrictions of the applicable zoning district as set forth in Table 8-2.
(g) Variances. Variances to these requirements shall only be authorized by the variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District), according to its procedures as outlined in this Code. However, in the single-family, multiple-family, office, CN and CG districts, the board shall not be authorized to grant variance requests which would allow the installation of an antenna in the required front or corner yard. In addition to the provisions of sections 27-80, 27-99(i)(3)b, 27-114(d), the applicant must clearly demonstrate that the requirements of this section mandate a location of the antenna such that reception is severely restricted or impaired.

(h) Regulations for amateur radio antennae.

(1) General regulations.

a. Antenna shall mean the arrangement of wires or metal rods utilized for the purpose of transmission or reception of electromagnetic waves.

b. Antenna support structure shall mean any structure, mast, pole, tripod, or tower utilized for the purposes of supporting an antenna or antennae for the purpose of transmission or reception of electromagnetic waves by federally licensed amateur radio or citizens band radio operators.

c. Antenna height shall mean the overall vertical length of the antenna and antenna support structure above grade, or if such system is located on a building, then the overall vertical length includes the height of the building upon which the structure is mounted.

d. All antennae are considered structures and shall be installed in accordance with all applicable provisions of Chapter 5, Building Code of the City of Tampa.

e. No advertising or signage of any type is permitted on an antenna.

(2) Dimensional regulations.

a. In all single-family and the RM-12 residential districts, the placement of antennae shall be limited to one (1) antenna per zoning lot upon which the primary use is located. The antenna shall not be permitted on the roof of any structure and no antenna height shall exceed forty-five (45) feet above finished grade.

b. In RM-16, RM-18, RO, RO-1, CN and all other zoning districts, the placement of antennae shall be limited to two (2) antennae per zoning lot. The antenna may either be located on the ground or may be located on the roof of the principal structure; however the total combined height of the building and antenna shall not exceed forty-five (45) feet above finished grade.

c. The antenna height allowed if located in all other multi-family residential districts and all office, commercial or industrial zoning districts shall not exceed the maximum height restriction of the applicable zoning district.

d. The antenna shall maintain accessory structure setbacks as required in section 27-290, Accessory structures.

(3) Variances. Variances to these requirements shall only be authorized by the variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District), according to its procedures as outlined in this Code. In addition to the provisions of sections 27-80, 27-99(i)(3)b, 27-114(d), the applicant must clearly demonstrate the following:

a. That the requirements of this section mandate a location of the antenna such that reception is severely restricted or impaired, and
b. That the variance requested is the minimum necessary to make possible the reasonable use of the antenna.

The variance review board or the Architectural Review Commission (in historic districts, generally, or landmark sites) or the Barrio Latino Commission (in the Ybor City Historic District) must consider the following objectives of the Federal Communications Commission in determining whether a variance is appropriate:

a. There is a strong federal interest in promoting amateur operations.

b. Amateur communications provide an effective means of communication during disaster and emergency situations.

c. Amateur radio service provides a reservoir of trained operators, technicians and electronic experts who can be called on in times of national or local emergencies.

d. By its nature, the amateur radio service also provides the opportunity for individual operators to further international goodwill.

(i) Wireless communication antennas. Wireless communication antennas may be attached to any structure, conforming or nonconforming. The following conditions must be met:

(1) Wireless communication antennas shall be installed in accordance with all applicable provisions of the building code of the city.

(2) No advertising or signage of any type is permitted on wireless communication antennas or equipment storage buildings or areas. Attachment to existing signs following restrictions of this section is permitted.

(3) The installation of the antenna shall not create any restriction or interference with air safety and any operations as per the Federal Aviation Administration, Hillsborough Aviation Authority or MacDill Air Force Base.

(4) If visible from surrounding property the wireless communication antenna and equipment storage buildings or area shall be designed to be consistent with the aesthetic properties of the building or structure to be utilized, such as color or material.

(5) The wireless communication antenna shall comply with the FCC and other applicable federal or state regulations relative to telecommunications and radio frequency emission levels.

Additionally, the following restrictions shall apply:

(6) On structures (except commercial communication towers) sixty (60) feet and higher:

a. In the case of building rooftop installation, any wireless communication antenna or equipment storage buildings or areas shall not exceed a height of fifteen (15) feet above the roof line. Height shall be measured from the finish level of the portion of the roof on which it is mounted.

b. Any antenna placed on any structure other than a building roof (e.g. water tower, billboard, etc.), may not be greater than twenty (20) feet in height.

(7) On structures (except commercial communication towers) less than sixty (60) feet; but not less than thirty (30) feet:

a. In the case of building rooftop installation, any wireless communication antenna or equipment storage buildings or areas shall not exceed a height of ten (10) feet above the roof line. Height shall be measured from the finish level of the portion of the roof on which it is mounted.

b. Any antenna placed on any structure other than a building roof (e.g. water tower, billboard, etc.), may not be greater than ten (10) feet in height.

(8) The applicant may petition the Variance Review Board, Barrio Latino Commis-
Sec. 27-290.3. Swimming pools.

Swimming pools, both aboveground and below ground, are permitted as accessory structures to residential or nonresidential structures, provided that the following requirements are met. Similar structures such as spas shall also meet these requirements.

(1) Location. Swimming pools may be located within side or rear yards, but shall not be allowed in front or corner yards, as follows:

a. In-ground (pool deck and water level designed to be at or within twelve (12) inches of the finished grade) swimming pools shall be located a minimum of five (5) feet from any side or rear lot line and no closer to the corner lot line than the corner yard setback, established in section 27-156 Table 4-2, for the underlying zoning district as measured from the water's edge.

b. Above-ground pools or pools designed within a retaining wall or having an elevated deck (over twelve (12) inches above finish grade) must meet the required setbacks for principal structures as established in the underlying zoning district. The setback is measured from the property line to the edge of the pool, elevated deck or retaining wall which ever is closer to the property line.

c. Pools (pool deck and water level designed to be at or within thirty-six (36) inches of the finished grade) may be located in rear yards of waterfront lots and shall be setback a minimum of five (5) feet from the rear property line, mean high water line, or seawall, which ever is more restrictive, as measured from the water's edge of the pool.

d. Hot tubs and associated decks (deck and water level designed to be at or within thirty-six (36) inches of the finished grade) shall be setback a minimum of three (3) feet from the side and rear property line, however, shall be limited to four hundred (400) total square feet in area.

(2) Required pool enclosures. All swimming pools and spas for all uses shall be enclosed with a fence, barrier, or screen enclosure that complies with all local, state, and federal regulations. The use of self-latching gates or similar locking/security mechanism shall also be required. The utilization of fencing to enclose the pool or spa must also comply with section 27-290.1, Fence and wall regulations. A screened cage may be installed instead of or in addition to a fence or wall, provided the screen cage meets the protection requirements cited herein and meets the dimensional requirements set forth in section 27-290.5, Screen enclosures.

(3) Pool equipment and accessory structures. Pool equipment and accessory structures, such as cabanas and pool houses, shall be permitted in compliance with the regulations described in section 27-290, Accessory structures, except that pool equipment is not required to have a ten-foot separation from the principal structure. Accessory structures may be connected to the principal structure by a screen enclosure provided the required separation between the principal and accessory structure is met.

Sec. 27-290.4. Noise attenuation requirements.

Within the Accident Potential Zone I (APZ), as identified in the Future Land Use Map of the Tampa Comprehensive Plan, all developments of
single-family, multi-family and congregate residential uses, schools and hospitals shall be designed and constructed to reduce noise levels by twenty-five (25) decibels. Noise level reduction is the difference, in decibels, between the noise level outside a building and the noise level inside a designated room in the building that was caused by the exterior noise. Refer to section 5-301 for construction standards to achieve noise level reduction of twenty-five (25) decibels.

Sec. 27-290.5. Screen enclosures.

The following requirements shall apply to all screen enclosures:

(1) Screen enclosures in single-family residential districts.
   a. All screen enclosures must meet the following setbacks:
      From front lot line—Same as required front yard for zoning district
      From corner lot line—Same as underlying for zoning district
      From side lot line—5 feet*
      From rear lot line—5 feet**
   Notes:
   *For each ten (10) feet of building height above fifteen (15) feet, the required yards shall be increased by one (1) foot.
   **For each one (1) foot of building height above fifteen (15) feet, the required yards shall be increased by one (1) foot.

b. Screen enclosures shall not exceed thirty-five (35) feet in height.

c. Screen enclosures with solid roofs shall comply with yard requirements for principal structures in that district.

(3) Screen enclosures in other than single-family and multi-family residential districts. Screen enclosures in these districts shall comply with the development requirements for principal structures in said district.

Sec. 27-290.6. Air conditioning and pool equipment.

(a) For single-family residential uses, air conditioning and pool equipment shall not be permitted in front of the principal structure. The air conditioning and pool equipment may be placed in the corner, side and rear yard provided that the following setbacks are maintained:

   Corner 11 feet
   Side 3 feet
   Rear 3 feet

(b) For all other uses, air conditioning and pool equipment shall be placed in compliance with required principal structure setbacks.

Sec. 27-290.7. Transit shelters.

A transit shelter is a typical improvement located on public right-of-way. At times there is insufficient space in the right-of-way to accommodate transit shelters. When a municipal or other governmental agency acquires an easement on private property for the purpose of constructing a transit stop shelter, these improvements shall not be subject to minimum setback requirements. Placement of the shelter shall be subject to the provisions of section 27-283.5, Visibility at intersections.

Sec. 27-290.8. Tents.

Tents may be erected only as temporary structures provided that the activity for which the tent
is being used is consistent with the uses permitted in the underlying zoning district. There shall be no extension to the duration or time frame for which a tent may be erected as specified in this section. Structures erected for longer periods of time than allowed by this section must be designed as permanent structures and comply with current building codes, land development regulations and fire codes.

(a) Tents one hundred (100) square feet or less in covered area are subject to the following limitations:

1. Tents are allowed on public right-of-way during special events or festivals as designated and approved by city council pursuant to a parade, block party or road festival permit, subject to and in accordance with the provisions of such permit, or on private property located contiguous to a public right-of-way that has been closed during a parade, block party or festival. Tents are also allowed in City of Tampa Parks if approved by the City of Tampa Parks Department in connection with an event of limited duration, on residential property when erected for five (5) days or less for an activity normally associated with a residential use, or as otherwise provided by law.

2. One (1) tent of this size may be permitted per zoning lot or portion thereof, only as an accessory to an existing approved principal structure. An exception to this condition may be given when multiple tents are requested in conjunction with a major festival and when an approved assembly permit for the zoning lot has been issued through the City of Tampa Fire Marshal’s office.

3. A tent may be erected for no more than thirty (30) total cumulative days during any consecutive twelve-month period.

(b) Tents larger than one hundred (100) square feet are subject to the following limitations:

1. Tents are allowed on public right-of-way during special events or festivals as designated and approved by city council pursuant to a parade, block party or road festival permit, subject to and in accordance with the provisions of such permit, or on private property located contiguous to a public right-of-way that has been closed during a parade, block party or festival. Tents are also allowed in City of Tampa parks if approved by the City of Tampa Parks Department in connection with an event of limited duration, on residential property when erected for five (5) days or less for an activity normally associated with a residential use, or as otherwise provided by law.

2. Tents when erected for five days or less for an activity normally associated with a residential use and on residential property must comply with subsections 27-290.8(b)(6), (8) and (10) below.

(4) The tent must be placed in compliance with the minimum setback requirements of the underlying zoning district.

(5) The tent may not block access to any required parking spaces, or impede the safe passage of any vehicle in a parking lot.

(6) All tent installations shall comply with the latest edition of the applicable Fire Safety Codes.

(7) All electrical, plumbing or mechanical installations shall be permitted through the applicable City of Tampa Departments.

(8) Tents shall be taken down in cases of impending tropical storms twenty-four (24) hours in advance.
(3) Tents when used for longer than a five day period must submit a site plan showing compliance with the following requirements:

a. Sufficient parking must be available on the zoning lot to accommodate the proposed use taking place within the tent in addition to any other use on the zoning lot, per section 27-283.7, Number of off-street parking spaces, and section 27-283.12, Off-street parking space standards. For vacant, undeveloped property, it is not required that the parking lot surface be paved, provided DPW determines the surface is suitable for the quantity and frequency of traffic expected to use it. A level and flat surface free from tripping hazards and other potential safety hazards must be maintained in good condition so as not to become a public nuisance.

b. Driveway access, to be approved by the department of public works, is required to provide safe ingress and egress to and from the site without damaging existing sidewalks or curbs.

c. Adequate restroom facilities must be available at the tent site, or a written agreement allowing access to restroom facilities within two hundred fifty (250) feet of the tent site must be provided.

(4) Only one (1) tent may be erected per zoning lot or portion thereof. An exception to this condition may be given when multiple tents are requested in conjunction with a major festival and when an approved assembly permit for the zoning lot has been issued through the City of Tampa Fire Marshal's office.

(5) A tent may be erected for no more than one hundred twenty (120) total cumulative days within any consecutive twelve-month period. There must be a minimum thirty (30) day hiatus for every sixty (60) consecutive days a tent remains erected.

(6) A tent must be placed in compliance with the setback requirements of the underlying zoning district.

(7) All tent installations shall comply with the latest edition of the applicable Fire Safety Codes.

(8) All electrical, plumbing or mechanical installations shall be permitted through the applicable City of Tampa Departments.

(9) When applicable from other city departments, approvals and permits shall be obtained prior to issuance of the fire marshal tent permit.

(10) Tents shall be taken down in cases of impending tropical storms twenty-four (24) hours in advance.

(11) If the listed use of the tent changes from the original use, a new permit is required.

(12) An assembly permit is required for any tent that is capable of having an occupant capacity of one hundred (100) or more persons. Documentation of seating and table arrangements and emergency exit locations shall be shown on-site plans submitted for review and approval by the fire marshal.

(c) The zoning administrator may approve tents on an annual basis in commercial and industrial districts when it can be demonstrated by the applicant that:

1. The use of a tent is shown to be integral to the type of business proposed.

2. There is no signage or advertising on the tent.

3. The tent is attached to the ground and maintained free from excessive wear.
The tent is in compliance with section 27-290.8(b), except as it relates to the time limits set forth therein.

ARTICLE VII. NONCONFORMITIES

Sec. 27-291. Classification.

(a) Nonconformities shall be classified as:

1. Lots;
2. Uses of land without structures or minor structures only;
3. Uses of major structures and premises;
4. Structures;
5. Characteristics of use;
6. Tents.

(b) To be considered and established as a nonconformity, the property owner or authorized agent must request a written determination for formal decision by the zoning administrator, pursuant to section 27-54. A nonconformity must have been in compliance with the zoning requirements which were lawful when it was established, but would be prohibited, regulated, or restricted by the enactment of this chapter or subsequent amendments thereto. To establish a nonconformity, the applicant must demonstrate one (1) of the following:

1. The nonconformity must have been deemed nonconforming under the former zoning code and continue to be designated nonconforming under the provisions of this chapter or subsequent amendments hereto; or
2. The nonconformity must have been deemed conforming under the former zoning code and made nonconforming and continue to be designated nonconforming by the provisions of this chapter or subsequent amendments hereto.

(c) A nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violation of this chapter.

Sec. 27-292. Intent concerning nonconformities generally.

(a) It is the intent of this chapter to require the cessation of certain nonconformities and to permit others to continue until such time there is an intentional and voluntary abandonment of such nonconformity.

(b) It is further the intent of this chapter that nonconformity shall not be used as grounds for addition of other prohibited uses or structures, nor the enlarging by means of extension or expansion, except as specifically provided by this chapter.

Sec. 27-293. Intent concerning nonconforming uses.

It is the intent of this chapter that nonconforming uses shall be considered to be incompatible with the permitted uses within the several districts. Such nonconforming uses shall not be enlarged or extended in any respect.

Sec. 27-294. Special uses not to be considered nonconforming.

(a) Uses other than alcoholic beverage sales. Any existing use which would require a special use approval under the terms of this chapter shall be deemed a conforming use. However, any of the following changes to the use shall require a special use approval as though it were a new use:

1. Enlargement of the existing structure by five (5) percent of the floor area or one hundred fifty (150) square feet, whichever is less; or
2. If the use has ceased operation for one hundred eighty (180) consecutive days; or
3. When there is a decrease or lessening of the existing buffering to adjacent uses; or
(4) When there is a change in use or new use added to the existing use or uses.

(b) Alcoholic beverage sales. When the sale of alcoholic beverages at a location was approved by the City of Tampa pursuant to regulations in effect prior to April 1, 2008, or if an establishment was lawfully selling alcoholic beverages on June 19, 1945, said use may continue as a conforming use for the classification that was granted, subject to the provisions set forth in Article IX. Any violations of these sections require a special use approval as though it were a new use.

(c) Clubhouses and bottleclubs. When a location was legally licensed as a clubhouse or bottle club prior to April 1, 2008, said use may continue as a conforming use, subject to the provisions set forth in Article IX. Any violations of these sections require a special use approval as though it were a new use.

Sec. 27-295. Nonconforming lots.

(a) Use of single nonconforming lots for a single-family dwelling. A single-family dwelling and customary accessory structure may be erected, occupied and used on a single, nonconforming lot of record that is not in continuous frontage with other lots in the same ownership (except as provided below) in accord with other requirements applying in the separate districts.

(b) Rules concerning combination of contiguous residential nonconforming lots in same ownership and with continuous frontage.

(1) Combination required where nonconformity was created at enactment or amendment of this chapter. Where more than one (1) residential nonconforming lot of record in single ownership and with continuous frontage exist, they shall be combined and considered a single zoning lot, and a zoning compliance permit authorizing their use shall only be issued when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full setback requirements shall apply to all of the newly created lots.

(2) Combination not required where nonconformity created by public taking or court order. Where the nonconforming lots were created by public taking action or as a result of a court order, combination of the lots shall not be required.

(c) Use of nonresidential nonconforming lots.

(1) A separate nonconforming lot of record which is not in continuous ownership with other lots in the same ownership in office, commercial, industrial and other districts which are nonconforming due to inadequate area, width or both may be used for permitted principal and accessory uses and special uses in the district in which located. Such lots may be used, provided that all other provisions of this chapter, except the requirements for minimum lot size and minimum lot width, are met.

(2) On January 1, 1988, where more than one (1) nonconforming lot of record existed in a single ownership with continuous frontage, the lots shall be considered a single zoning lot.

(d) Nonconforming lots due to governmental acquisition. If a nonconforming lot is created by a governmental acquisition, required yards shall be measured from the property line location prior to acquisition.

Sec. 27-296. Nonconforming uses of land without structures or with minor structures.

(a) Nonconforming uses of land not involving any permanent structure with a replacement cost in excess of two thousand dollars ($2,000.00) or a combination of permanent structures with a replacement cost not exceeding five thousand dollars ($5,000.00), as determined by the zoning
administrator, shall cease within two (2) years of the adoption of the ordinance from which this chapter was derived, or any amendment which shall cause such uses to assume nonconforming status.

(b) Prior to termination the following limitations shall apply:

(1) There shall be no enlargement, increase in intensity or alterations to the use, its permanent structure or both.

(2) If the use ceases for more than ninety (90) days, subsequent use of the premises shall conform to the district regulations.

(3) No such use shall be relocated or moved to any portion of the lot other than that occupied at the time that nonconforming status was created.

(4) No such land shall be subdivided nor any structure added, except for purposes and in a manner conforming to district regulations. Subdivision that does not increase the degree of nonconformity, however, shall be permitted.

(Ord. No. 8482-A, § 43A-191, 2-16-84; Ord. No. 9322-A, § 64, 7-24-86; Ord. No. 9739-A, § 1(43A-211), 9-24-87)

Sec. 27-297. Nonconforming uses of major structures or structures and premises in combination.

Nonconforming use(s) of structure(s) with a value higher than the respective values set forth in section 27-296 shall be considered a major structure, and may be continued exactly as such use(s) existed at the time its nonconforming status was established, provided:

(1) A nonconforming use may not be enlarged, extended, intensified, or changed, except for a change to a use permitted in the district in which the property is located, except as provided below.

a. A nonconforming use may be extended through portions of a building manifestly arranged or intended for such use, and,

b. A nonconforming use shall not extend to occupy land outside such building or any additional building not used for such nonconforming use at the time that nonconforming status was established.

(2) If there is an intentional and voluntary abandonment of a nonconforming use for a period of more than one hundred eighty (180) consecutive days, or if a nonconforming use is changed to a conforming use, said use shall lose its nonconforming status. Thereafter, subsequent occupancy and use of the land, building, and/or structure shall conform to the regulations of the districts in which the property is located and any structural alterations necessary to conform the structure or building to the regulations of the district in which the property is located shall be required. An intentional and voluntary abandonment of use includes, but is not limited to, vacancy of the building or structure in which the nonconforming use was conducted, or discontinuance of the activities consistent with or required for the operation of such nonconforming use.

(3) Upon the zoning administrator's own action or through the formal decision process set forth in section 27-54, the zoning administrator will evaluate the evidence of an intentional and voluntary abandonment of a nonconforming use and determine the status of the nonconforming use. The evidence, collectively, must at a minimum demonstrate the following:

1. Continual operation (or intent to operate) of the use;

2. Continual maintenance (or intent to maintain) of the structure and property;

3. Continual possession of any necessary and valid state and local permits, licenses, or active/pending application(s) for approval related to prolonging the existence of the use.

Evidence of an intentional and voluntary abandonment of a nonconforming use may
include, but is not limited to, public records, utility records, property records, personal records, or other general research and documentation as follows:

1. Public records, including those available through applicable City of Tampa, Hillsborough County, and State of Florida agencies;

2. Utility records, including water/sewer accounts, solid waste accounts, and electricity accounts;

3. Property records, including executed lease or sales contracts and real estate listings for property sale/lease/rent;

4. Personal records, including photographs and notarized statements of direct personal observations;

5. Other general research and documentation, including listings from the Polk Directory, Burgert Brothers photographs, SanBorn Maps, aerials and other maps available through a geographic information system.

(4) When building(s) or structure(s) devoted to a nonconforming use are destroyed or damaged, by any cause, to the extent of sixty (60) percent or more of the current assessed taxable value of all the building(s) or structure(s) comprising the nonconforming use, such building(s) or structures, if restored, shall thereafter be devoted to conforming uses.

(5) No structural or non-structural alterations may be made to a nonconforming use, except where the following type alterations do not conflict with the provisions set forth above:

a. Alterations made in the course of ordinary maintenance and repairs, or

b. Alterations made to comply with the requirements of law, or

c. Alterations made to accommodate a conforming use provided the alteration does not increase the degree on nonconformity, or

d. Within a local historic district, the zoning administrator, after consultation with the historic preservation administrator, may approve alterations and new construction if the proposed work includes the restoration of a contributing historic structure, and the proposed improvement(s) do not increase the degree of nonconformity, or

e. Alterations made to comply with the schedule of area, height, bulk and placement regulations.


Sec. 27-298. Nonconforming structures, other than signs.

A structure that is nonconforming due to noncompliance with the dimensional requirements of the official schedule of district regulations of this chapter and that is used for a use permitted in the district in which it is located may remain, provided that:

(1) Any structural change to the structure shall not increase the degree of nonconformity. Structural changes which decrease or do not affect the degree of nonconformity shall be permitted.

(2) A nonconforming structure or a portion thereof, if destroyed to the extent of seventy-five (75) percent or more of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located.

(Ord. No. 8482-A, § 43A-194, 2-16-84; Ord. No. 9739-A, § 1(43A-214), 9-24-87)

Sec. 27-299. Nonconforming characteristics of use.

Nonconforming characteristics of use, which may include, by way of illustration but not limi-
Nonconforming structures or portions thereof that are declared unsafe, but not because of lack of maintenance, by the zoning administrator or other competent authority, may be repaired and restored, except as provided in section 27-298.

(Ord. No. 8482-A, § 43A-197, 2-16-84; Ord. No. 9739-A, § 1(43A-217), 9-24-87)

Sec. 27-301. Nonconforming temporary help agencies and blood donor centers.

Temporary help agencies or blood donor centers that have been lawfully established at their existing locations prior to the effective date of Ordinance No. 8068-A (October 1, 1982) and that are not in conformity to the requirements of this chapter may continue to operate until October 1, 1987. Thereafter, unless such temporary help agency or blood donor center conforms to the provisions of this chapter, it shall no longer be permitted to operate. Notwithstanding any other provisions of this chapter, any temporary help agency or blood donor center that discontinues active operation for a continuous period in excess of three (3) months shall thereafter only operate in a manner consistent with the provisions of this chapter. If a distance requirement in violation of this chapter can be brought into conformity with this chapter by the abatement of one (1) or more temporary help agencies or blood donor centers, the establishment which has been operating continuously for the longest period of time shall be permitted to remain.


Sec. 27-302. Nonconforming adult bookstores, adult theaters or cabarets.

(a) Nonconforming. Adult bookstores, adult theaters or special cabarets that have been established at their existing locations prior to the effective date of Ordinance No. 8068-A (October 1, 1982) and that are not in conformity to the requirements of this chapter may continue to operate until October 1, 1987. Thereafter, unless such adult bookstore, adult theater or special cabaret conforms to the provisions of this chapter, it shall no longer be permitted to operate. If a nonconforming spacing situation can be eliminated by the abatement of one (1) or more such establishments, the establishment that has been in business for the longest period of time shall be permitted to remain.

(b) Enforcement. In addition to the penalty provided for in section 27-328, adult uses not in conformity to the requirements of this chapter are declared to be nuisances, and the city attorney's office is authorized to bring appropriate civil action to the court of competent jurisdiction for their abatement.

(c) Effect. Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited or otherwise contrarily regulated under any other section of this Code, or under state law or federal law.


Sec. 27-303. Approved nonconforming eighty percent lots.

(a) An administratively approved eighty (80) percent nonconforming lot of record for development is considered a conforming lot. A single-family dwelling and customary accessory structure may be erected, occupied and used on an administratively approved nonconforming lot of record in accord with the underlying zoning district. The following shall constitute an administratively approved eighty (80) percent nonconforming lot of record made conforming:

(1) Nonconforming residential lots of record which met the requirements of former
section 43A-210(b)(1)(A), eighty (80) percent rule (enacted by Ord. No. 9322-A, § 63, 7-24-86), which was in effect prior to the effective date of the ordinance from which this section was derived (July 6, 1989), and which are in separate ownership and are unimproved (vacant) prior to the effective date of the ordinance from which this section was derived;

(2) Nonconforming residential lots of record which met the requirements of former section 43A-210(b)(1)(A), eighty (80) percent rule (enacted by Ord. No. 9322-A, § 63, 7-24-86), which was in effect prior to the effective date of the ordinance from which this section was derived (July 6, 1989) and which are unimproved (vacant) and for which complete and sufficient building permit applications have been submitted to and accepted by the department of business and housing development prior to the effective date of the ordinance from which this section was derived, which permit proposes to construct single-family structures on all of the nonconforming lots of record; or

(3) Nonconforming residential lots of record which met the requirements of former section 43A-210(b)(1)(A), eighty (80) percent rule (enacted by Ord. No. 9322-A, § 63, 7-24-86), which was in effect prior to the effective date of the ordinance from which this section was derived (July 6, 1989), and which contain a single-family structure that was constructed prior to the effective date of the ordinance from which this section was derived, utilizing the provisions of former section 43A-210(b)(1)(A).

(b) A nonconforming eighty (80) percent lot approved for development by action of city council through the special use (2) permit process is and shall be considered a conforming lot. However, development on such lot(s) is and shall be subject to the conditions and limitations set in the ordinance approving the eighty (80) percent lot development. Any proposed change or modification to the approved special use site plan is subject to section 27-128. Minor changes to be approved by zoning administrator, substantial deviations require approval by city council.

(Ord. No. 89-156, § 5, 7-6-89; Ord. No. 96-105, § 48, 5-23-96; Ord. No. 2005-51, § 4, 2-10-05)

Sec. 27-304. Nonconforming tents.

Nonconforming tents may not be altered, changed or relocated except in a manner that is in compliance with this chapter. Existing nonconforming tents may remain for a period not exceeding thirty (30) days or the approved duration granted by a previous permit review process, which ever is longer, after which the tent must be removed.

(Ord. No. 98-35, § 3, 2-19-98)

Secs. 27-305—27-310. Reserved.

ARTICLE VIII. DEVELOPMENT OF REGIONAL IMPACT

Sec. 27-311. Applicability.

No development activity or development permits in a development of regional impact (DRI) as defined by state statutes shall commence prior to its approval by the city council, except for development authorized by an approved preliminary development agreement pursuant to state statutes. This section shall also apply to areawide developments of regional impact and Florida Quality Developments, as defined by state statute.

(Ord. No. 9739-A, § 2(43A-300), 9-24-87)

Sec. 27-312. Fees.

The applicant shall pay a fee, as established by the city council, to cover the costs associated with the review of the development of regional impact. If the applicant amends or continues the DRI application, the applicant shall pay an additional fee, as established by the city council, to review the amended or continued application. If readvertisement of the public hearing is required, the applicant shall pay for the additional advertising costs.

(Ord. No. 9739-A, § 2(43A-301), 9-24-87)
Sec. 27-313. Public notice requirement.

When required by state statute the city council shall hold a public hearing to consider (i) an application for development approval of a development of regional impact and (ii) a notice of proposed change to a development of regional impact. The notice for the public hearing on an application for development approval of a development of regional impact or a notice of proposed change to a development of regional impact shall meet the same notice requirements as established herein for parcel rezonings as well as any public hearing and notice requirements prescribed by state statutes.

The above referenced public hearing and public notice requirements shall not apply to areawide developments of regional impact nor Florida Quality Developments, as defined by state statute, which developments shall be governed solely by the public hearing and notice requirements prescribed by state statutes.

Sec. 27-314. Review.

(a) The zoning administrator shall administer the review of the development of regional impact and shall formulate a recommendation to the city council in accordance with the requirements of state statutes.

(b) Where possible, applications for a land use plan amendment and/or a rezoning may be submitted concurrently with the DRI application or notice of the proposed change or amendment to the DRI.

Sec. 27-315. Reserved.

ARTICLE IX. ALCOHOLIC BEVERAGES

Sec. 27-316. Alcoholic beverage permit required.

It shall be unlawful for any person or entity to sell any type of alcoholic beverage from any parcel of land within the city, unless the parcel of land has been granted a permit for the sale of alcoholic beverages, pursuant to the provisions of this chapter.

Sec. 27-317. Specified districts with increased security requirements.

(a) Specified districts are the Central Business District (CBD), Channel District (CD), and Ybor City Historic District (YC), as described in this chapter.

(b) Conditions for approval in the specified districts above. Whenever the subject property of an application is located within a specified district, and it is approved for alcoholic beverage sales for any classification involving on-site consumption, the following conditions shall automatically be imposed:

Security. If, at any time, the property use is a bar/lounge or club, as these terms are defined in this chapter, the following security shall be provided:

(1) Exterior security officers consisting of off-duty (extra-duty) sworn law enforcement officers, of a number as determined appropriate in an application to the law enforcement agency requesting the same, which number shall not be less than two (2); provided however, one (1) exterior security officer may be permitted in the event two (2) immediately adjacent establishments mutually utilize the same two (2) officers, and said arrangement is approved by the law enforcement agency assigning said officers. Exterior security officers shall only be required if the number of occupants exceeds two hundred fifty (250) persons.

(2) Interior security personnel of a number equaling one (1) security officer per one hundred fifty (150) occupants.

(3) When required, interior and exterior security personnel shall be provided seven (7) days a week.
Sec. 27-318. Expiration, suspension, and revocation of approvals for alcoholic beverage sales; posting of notice for discontinuance of sales; evidence of resumption of sales.

(a) Expiration, posting of notice, resumption of sales.

(1) An approval for alcoholic beverage sales shall expire if alcoholic beverages sales do not occur for sixty (60) consecutive days, subject to the provisions below.

(2) Posting of notice. The property shall be posted with notice, as defined below, immediately upon a determination by the zoning administrator that the sale of alcoholic beverages has been discontinued. The posted notice shall contain at a minimum:

NOTICE

Pursuant to Chapter 27, City of Tampa Code of Ordinances, if no alcoholic beverages are sold for sixty (60) consecutive days beginning (date), the approval for alcoholic beverage sales for this location will automatically expire on (date).

To apply for a one hundred twenty-day administrative extension of time for the expiration, contact the Land Development Coordination Division, (phone number), prior to the expiration date on this NOTICE. Application for the administrative extension of time must be made prior to (date).

a. The land development coordination division, no later than two (2) business days after the notice is posted, shall send a copy of the notice to the property owner, per the most recent tax roll, and the holder of the alcoholic beverage license, via certified mail.

b. Within sixty (60) consecutive days of the date that the property was posted (the "posting period"), the property owner or the holder of the alcoholic beverage license shall either produce evidence of sales of resumption or request an administrative extension. If the property owner or the holder of the alcoholic beverage license does not provide any evidence or request the administrative extension within the posting period, which shall constitute the clear intention to abandon the sales of alcoholic beverages and the approval for said sales shall expire.

1. Evidence of resumption of sales of alcoholic beverages. If the sale of alcoholic beverages has resumed within the posting period, the written notification and associated documentation as described below must be filed with the zoning administrator, prior to the expiration of the posting period. The following documentation, if applicable to the subject property, shall be submitted as evidence that the sale of alcoholic beverages has resumed:

i. A notarized "Resumption of Sales" form identifying the date alcoholic beverages sales resumed (blank forms are provided by the land development coordination division); and,

ii. The most current invoices, delivery receipts, and payments to a distributor of alcoholic beverages; and,

iii. The most current records of state sales tax payments; and,

iv. The most current records of electric usage, consumption, and payment of same for the property or establishment; and

v. The most current records of water usage, consump-
tion, and payment of same for the property or establishment; and

vi. Photographs of the property or establishment that demonstrate compliance with property maintenance and structural standards in Chapter 19; and

vii. Copy of a valid and current alcoholic beverage sales license from the State of Florida; and

viii. Copy of valid and current city business tax receipt; and,

ix. Copy of valid and current occupational license.

The documentation, collectively, must at a minimum demonstrate on going sales activity, the possession of a valid state and local license, and continual operation and maintenance of the property. The zoning administrator shall review and evaluate the documentation provided and determine whether the sales of alcoholic beverages have resumed in accordance with this chapter. The zoning administrator shall advise the property owner and the holder of the alcoholic beverage license in writing of his/her determination. While the documentation is under review, the posting period shall be tolled.

2. Administrative extension of posting period. The property owner or the holder of the alcoholic beverage license may apply to extend the posting period for an additional one hundred twenty (120) days without affecting the status of the approval. Applications shall be legible and notarized, on a form provided by the land development coordination division and shall, at a minimum, include the following:

i. Name and address of property owner;

ii. Copy of the original ordinance granting the sales of alcoholic beverages from the subject property; and,

Only one (1) one hundred twenty-day administrative extension may be granted by the land development coordination division to extend the initial posting period. Failure to timely file a complete application shall result in the expiration of the approval for alcoholic beverage sales. The zoning administrator may consider additional administrative extensions of the initial posting period, not to exceed one hundred eighty (180) consecutive days per extension period, the applicant must provide evidence that supports an intent not to abandon the sales of alcoholic beverages as part of the application. Examples of evidence include, but are not limited to:

i. Active building permits or application for variance or zoning approval;

ii. Active listing or contract for lease/sale of property and/or business for similar use; or

iii. Active litigation involving the property and/or business.

c. Exemptions. Public cultural facilities and public golf courses shall be exempt from the posting period.

Alcoholic beverage sales approvals, which have been suspended pursuant to section 27-318(b) shall be ex-
empt from the expiration provisions of this section during the period of the suspension.

(b) Expiration, voluntary extension.

(1) If a property has not been posted pursuant to subparagraph (a) above, a property owner may apply to the zoning administrator for a voluntary extension of time, not to exceed one hundred eighty (180) consecutive days upon the initial approval of the extension. The owner must provide evidence that supports an intent not to abandon the sales of alcoholic beverages as part of the application. Examples of evidence include, but are not limited to:

a. Active building permits or application for variance or zoning approval;
b. Active listing or contract for lease/sale of property and/or business for similar use; or
c. Active litigation involving the property and/or business.

(2) If approved, the site will not be posted within the one hundred eighty-day extension period; however, if the circumstances change within this period, the property may be subject to (a) above.

(3) The extension may be renewed for no more than one hundred eighty (180) consecutive days upon resubmittal and submission of additional evidence supporting (1) above.

(c) Revocation or suspension of sales for cause.

(1) Revocation or suspension of sales for cause. The city council, after conducting a public hearing as provided for in section 27-318(d) is authorized to suspend or revoke the ability to sell alcoholic beverages from property which has previously been granted an approval. In order for city council to suspend or revoke, it must determine that the property owner, holder of the alcoholic beverage license, operator of the establishment, or any agent or employee thereof, have been found to have violated or have been convicted of any one (1) or more of the following:

a. Commission of an act, on or about the property, amounting to a felony under the laws of the state or the United States. For purposes of this section, the term 'on or about' shall include, but not be limited to, activities directly attributable to the approval to sell alcoholic beverages on the property, which occur on or about all adjacent sidewalks, rights-of-way and parking areas, both public and private, which patrons or employees may utilize to provide transportation to or from the property;
b. The maintaining of a nuisance on the property (as said term is defined by this code or common law);
c. Engaging in or permitting disorderly conduct on or about the property;
d. Operation of the establishment in a manner that repeatedly, or on an ongoing basis, has negative secondary effects on surrounding property, including but not limited to violations of city code, ordinance or state law related to noise, parking, or trash and debris, after having received reasonable notice to terminate or correct any condition that is in violation of such code, ordinance or law;
e. Failing to comply with any of the provisions of the fire prevention ordinance after having received reasonable notice to eliminate or correct any condition that is in violation of such code, ordinance or law;
f. Failing to comply with any of the provisions of the health and sanitation ordinances of the city, the county or laws of the state after having received reasonable notice to eliminate or correct any condition existing on the property that is in violation of such ordinances or laws;
g. Conviction for selling, giving, serving or permitting to be served alcoholic beverages to persons under twenty-one (21) years of age or permitting a person under twenty-one (21) years of age to consume alcoholic beverages on such property, in accordance with state law;

h. Revocation of a license for the sale of alcoholic beverages by the state department of business and professional regulation, division of alcoholic beverages and tobacco;

i. The inclusion of false information in applying for an approval to sell alcoholic beverages;

j. Conviction or withholding of adjudication or finding of delinquency of any patron of the property for underage possession of any alcoholic beverage;

k. Allowing the sale of alcoholic beverages at or from an establishment, while the license for the sale of alcoholic beverages is suspended by the state department of business and professional regulation, division of alcoholic beverages and tobacco.

l. Been convicted of the exterior maximum sound levels as provided for in section 14-151, excessive noise.

m. Violated any part of section 27-319; Records; annual reports; revocation of "R" classification zoning.

n. Violated any section of chapter 14 or chapter 27, any condition, limitation or restriction imposed by city council or the zoning administrator at time of approval, or any other section of the City of Tampa Code relating to alcoholic beverages.

City council may suspend the ability to sell alcoholic beverages for up to thirty (30) days for the first (1st) violation, sixty (60) days for the second (2nd) violation, and ninety (90) days for the third (3rd) violation. Upon the fourth (4th) or subsequent violation, city council may consider revocation of the approval to sell alcoholic beverages. In determining whether to suspend or revoke an approval to sell alcoholic beverages, city council shall consider:

a. The gravity of the violation;

b. Any actions taken by the violator to correct the violation; and

c. Any previous violations committed by the violator.

Unless a public record is exempt from disclosure pursuant to F.S. Ch. 119, the owner of property shall be provided written notice of a violation by the city.

(2) For purposes of this section, the terms "convicted" or "conviction" shall mean being found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a violation of a municipal or county ordinance or state or federal law, as provided herein. The terms "violation" or "violated" shall mean being found in non-compliance with any part of this Code and shall include the terms "convicted" or "conviction," as determined by the reviewing city department.

(d) Notice to owner and licensee of intention to revoke or suspend; public hearing. Prior to revoking or suspending, city council shall hold a noticed public hearing. The city clerk shall notify the owner of the property and the holder of the alcoholic beverage license by certified mail pertaining to the property of its intention to revoke or suspend the sale of alcoholic beverages from the subject property. City council shall grant the affected party a public hearing at a time and place to be specified in the notice and at a time not less than thirty (30) days from the date of the notice. If city council suspends or revokes the sale of alcoholic beverages from a property, the city shall cause the subject property to be posted with a notice of such suspension or revocation.
Sec. 27-319. Records; annual reports; violation of "R" zoning, "R" special use permit, or "alcoholic beverage sales special restaurant" or "alcoholic beverage sales restaurant" special use permit requirements.

(a) The property owner or the holder of the alcoholic beverage license of a business from which alcoholic beverage sales are made pursuant to an "R" zoning, "R" special use permit, or "alcoholic beverage sales special restaurant" or "alcoholic beverage sales restaurant" special use requirements, as defined in section 27-43 and subject to 27-132, is subject to the following requirements:

(1) The property owner or the holder of the alcoholic beverage license shall:
   a. Keep and maintain separate books and records on the premises from which the alcoholic beverage sales are made or provide a certified copy of the books and records to the land development coordination division within ten (10) days of the request to view said documents;
   b. The books and records shall be of such a nature as to accurately identify each daily sale of food and each daily sale of alcoholic beverages (i.e. pre-numbered and dated sale slips; cash register tapes or machine printouts that date and identify each sale as being food or alcoholic beverages, etc.);
   c. The books and records shall reflect the gross sale of food and the gross sale of alcoholic beverages for each calendar year; and,
   d. The books and records shall, at a minimum, reflect that the combined gross sales of the business are not less than fifty-one (51) percent attributable to the sale of food during each calendar year.

(2) The property owner or the holder of the alcoholic beverage license shall:
   a. Submit a signed (hand or electronic accepted) statement to the land development coordination office reflecting separately the gross sale of food, and the gross sale of alcoholic beverages made from the business for the preceding annual period; and,
   b. The statement shall be either submitted electronically, hand-delivered sent via mail and postmarked on or before the thirty-first (31st) day of January of each year.

(b) Failure to comply with any part of subsection (a) shall result in the following actions:

(1) The land development coordination office shall immediately call for an inspection of the premises by the business tax division; and,

(2) The land development coordination office shall immediately issue a "notice of non-compliance and late fee" to the business and property owner by certificate of mail, and shall impose and collect an administrative fee from said business, of one hundred dollars ($100.00) for the 1st occurrence within the filing history of that business, and five hundred dollars ($500.00) for each subsequent occurrence. The required documentation and late fee shall be submitted and paid to the land development coordination office. Said documentation and fee shall be either hand-delivered or sent via certified mail and postmarked on or before the thirtieth (30th) calendar day following the original required due date as stated in section 27-319(a)(2)b.

(c) Non-compliance with any part of this section shall be deemed a violation of this section and are subject to the provisions of section 27-318.

Secs. 27-322—27-325. Reserved.

ARTICLE X. LEGAL STATUS AND ENFORCEMENT

DIVISION 1. ENFORCEMENT

Sec. 27-326. Violations.

Whenever by the provisions of this chapter the performance of any act is required or the perfor-
mance of any act is prohibited or whenever any regulation or limitation is imposed on the use of any land or on the erection of a structure, a failure to comply with such provisions of this chapter shall constitute a violation of this chapter.

Sec. 27-327. Liability.

The owner, tenant or occupant of any land or structure or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and be subject to the penalties and remedies provided herein.

Sec. 27-328. Penalties and remedies.

(a) Violations of this chapter may be punished as provided in City of Tampa Code Section 1-6; provided further, notwithstanding any provision to the contrary, a repeat violation of City of Tampa Code Section 27-132, Regulations governing individual special uses, extended family residence, shall be punished in accordance with City of Tampa Code Section 1-6.

(b) Each day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

(c) In addition to the penalties and remedies above, the zoning administrator may institute any appropriate action or proceedings to prevent, restrain, correct or abate a violation of this chapter, as provided by law.

(d) Once an action or proceeding is instituted by the zoning administrator pursuant to the provisions set forth above, any decision, determination or interpretation made by the zoning administrator related to said action or proceeding may not be appealed to the board of adjustment pursuant to section 27-52.