

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 17.5 (PLANNING AND LAND DEVELOPMENT); AMENDING SECTION 17.5-75 ADMINISTRATION; NOTICE; PUBLIC HEARING; DECISION; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa directed the Land Development Coordination office to complete the following amendments to Chapter 17.5, Code of Ordinances.

WHEREAS, the Hillsborough County City-County Planning Commission conducted a public hearing on this ordinance and made a finding on August 11, 2008 that it is _____ with the Tampa Comprehensive Plan;

WHEREAS, The City Council of the City of Tampa has determined that the following amendments promote and protect the general health, safety and welfare of the residents of the City of Tampa; and,

WHEREAS, duly noticed public hearings as required by law were held by the City Council of the City of Tampa, at which public hearings all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

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

Section 1. That **“Sec. 17.5-75. Administration; notice; public hearing; decision.”** is hereby amended by adding the underlined language and deleting the stricken language as follows:

“Sec. 17.5-75. Administration; notice; public hearing; decision.

(b) Notice requirements. Notice of public hearing of cases for variances, tree removals, or administrative appeals that will be heard before the VRB shall be given by the posting of a sign and mailing of letters as required below:

1 Petitioner shall attach to the affidavit the postmarked certificate of mailing
2 showing the date the notices were mailed and a copy of the notice letter that was
3 mailed. The affidavit and the postmarked certificate of mailing shall be filed with
4 the zoning administrator not less than fifteen (15) days prior to the date of the
5 public hearing.
6

7 (ef) Decision. Following the public hearing(s) and the VRB's decision on the
8 application, staff shall forward, written notice of the decision to the applicant. If
9 the board's decision is to grant a variance, the variance granted shall be tied to the
10 site plan submitted by the petitioner and approved by the board. If the board
11 places conditions on the site plan, prior to final adoption of the site plan and
12 variance request, the petitioner shall provide a revised site plan to the board for its
13 approval. The appropriate department(s) shall issue any permit(s) in accord with
14 the VRB's action on the application, if a permit is authorized by such action, and
15 the appropriate department(s) shall see to the faithful execution of all portions of
16 the such action, including the enforcement of any condition(s) attached to the
17 granting of a variance.
18

19 **Section 2.** That should a court of competent jurisdiction declare any part of
20 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
21 such determination as to the invalid part.
22

23 **Section 3.** That all ordinances or parts of ordinances in conflict herewith are
24 hereby repealed to the extent of any conflict.
25

26 **Section 4.** That this ordinance shall take effect on October 15, 2008.
27

28 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
29 TAMPA, FLORIDA, ON _____.

30
31 ATTEST:
32

33 _____
34 CHAIRMAN/CHAIRMAN PRO-TEM
35 CITY COUNCIL
36

37
38 _____
39 CITY CLERK/DEPUTY CITY CLERK
40

41 APPROVED BY ME ON _____
42

43
44 _____
45 PAM IORIO, MAYOR
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APPROVED AS TO LEGAL
SUFFICIENCY BY:

_____ E/S _____
JULIA MANDELL COLE
SENIOR ASSISTANT CITY ATTORNEY

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