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ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING); AMENDING SECTION 27-153, RESERVED; AMENDING SECTION 27-272, REGULATIONS GOVERNING INDIVIDUAL SPECIAL USES; AMENDING SECTION 27-437, DISTRICT AND SUBDISTRICTS ESTABLISHED; PROCEDURES FOR REZONING; AMENDING SECTION 27-439, OFFICIAL SCHEDULE OF DIMENSIONAL REGULATIONS; 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 27, 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. 27-153. Reserved.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

“**Sec. 27-153. Reserved 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

1 preserved to designated receiving areas. The TDR program uses market forces to
2 pay for preservation of historic buildings by allowing developers the right to
3 acquire development rights that can be used to increase development at a suitable
4 location.

5
6 (b) Eligibility. The TDR program shall apply to eligible Sending Sites that have
7 received a designation pursuant to Section 27-231.3. Eligibility is determined by
8 the Historic Preservation Manager and prior to the issuance of a Certificate of
9 Transfer, a site is subject to the following criteria:

- 10
11 (1) Designation as a historic property as a landmark pursuant to Section 27-
12 231.3;
13 (2) Completion of renovation up to Secretary of Interior standards and
14 compliance with Section 27-222;
15 (3) Issuance of a certificate of occupancy.

16
17 (c) Certificate of Availability. Once the eligibility of the sending site is established, a
18 site is eligible to receive a Certificate of Availability, as issued by the zoning
19 administrator or designee, which reflects the development rights available for
20 transfer from the sending site.

21
22 (d) Certificate of Transfer. Once a Certificate of Availability has been issued and a
23 Receiving Site has been identified, the zoning administrator or designee may
24 approve the Certificate of Transfer, which shall be numbered and shall be
25 recorded with the Clerk. The certificate shall reflect the development rights being
26 transferred.

27
28 (e) Enforcement through restrictive Covenant of Zoning. Prior to issuance of a
29 certificate of transfer, a restrictive covenant approved by the city in form and
30 content shall be executed and recorded in the public records (the TDR restrictive
31 covenant). The TDR restrictive covenant shall describe the adjusted development
32 rights of the sending site. Such restrictive covenants shall run with the land, shall
33 be binding on successors, heirs and assigns, and shall require the joinder of all
34 mortgagees of record.

35
36 (f) Destruction of property. If a structure located on a property with adjusted
37 development rights is destroyed, the property may only be redeveloped to the
38 extent of the adjusted development rights as recorded in the TDR restrictive
39 covenant.

40
41 (g) Calculation of development rights.

- 42
43 (1) Sending site. The amount of development rights that can be transferred
44 from an eligible sending site is calculated by multiplying the base
45 dimensions of the property, minus minimum zoning district setbacks,
46 multiplied by the number of stories (by a rate of 1-story = 10' 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 INSET:

Table 6-2 (Example):

<u>Sending Site base property dimensions</u>	<u>100' x 200'</u>
<u>Minimum RM-24 Zoning setbacks</u>	<u>25' front, 7' side/corner, 20' rear</u>
<u>Sending Site property base property dimensions less minimum setbacks</u>	<u>86' x 155'</u>
<u>Maximum Allowable Height under RM-24 Zoning</u>	<u>6-stories</u>
<u>Allowable development rights</u>	<u>(86' x 155') x 6 = 79,980 SF</u>
<u>Existing structure</u>	<u>30,000 SF</u>
<u>Transferable development rights</u>	<u>79,980 SF – 30,000 SF = 49,980 SF</u>

(2) Receiving site. The maximum amount of development rights that a receiving site can incorporate is limited by the maximum building height in stories (at a rate of 1-story = 10' in building height). For example:

TABLE INSET:

Table 6-3 (Example):

<u>Receiving site property dimensions</u>	<u>200' x 200'</u>
<u>Allowable height under CBD-1 or -2</u>	<u>12-stories</u>
<u>Existing development rights</u>	<u>480,000 SF or 40,000 SF per story (assume 0' setback)</u>
<u>TDR receiving site plan</u>	<u>15-stories</u>
<u>Extra development rights</u>	<u>(15-12) x 40,000 = 120,000 square feet</u>

(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

1 a certificate of transfer is permitted so long as a valid certificate remains in
2 compliance with this section.”
3
4

5 **Section 2.** That “**Sec. 27-272. Regulations governing individual special**
6 **uses.”** is hereby amended by adding the underlined language as follows:
7

8 **“Sec. 27-272. Regulations governing individual special uses.**

9
10 *Transfer of Development Rights Receiving Site:*

- 11
12 (a) Must have received a Certificate of Transfer that identifies the amount of
13 entitlements eligible to be transferred pursuant to Section 27-153;
14
15 (c) Must provide the zoning administrator or designee a recorded restrictive Covenant
16 of Zoning for the Sending Site;
17
18 (d) Must comply with the provisions of Section 27-153;
19
20 (e) All parcels receiving an S-1 permit under this section shall be required to comply
21 with Article XVIII, notwithstanding previous review under that provision.
22
23

24 **Section 3.** That “**Sec. 27-437. District and subdistricts established;**
25 **procedures for rezoning.”** is hereby amended by adding the underlined language and
26 deleting the stricken language as follows:
27

28 **“Sec. 27-437. District and subdistricts established; procedures for rezoning.**

- 29
30 (a) Established; boundaries. The central business district (CBD) is hereby established
31 as a separate district with subdistricts therein. The boundaries of the CBD are as
32 follows:
33

34 An area within downtown Tampa which is generally located south of Interstate
35 275, west of the CSX Railroad and Nebraska Avenue, north of Garrison Channel,
36 and east of the Hillsborough River, and more particularly described as follows:
37 An area bounded on the west by the Hillsborough River; on the north beginning at
38 the Hillsborough River and extending east along the south boundary of Interstate
39 275 to Scott Street to the west boundary of Central Park Village Housing Project;
40 thence easterly along the southern boundary of the Central Park Village Housing
41 Project to the easterly boundary of Nebraska Avenue; thence southeasterly to the
42 southwest corner of Twiggs Street and Meridian Avenue; thence southerly along
43 the west boundary of Meridian Avenue to the north right-of-way boundary of
44 Platt Street; thence westerly along the north boundary of Platt Street, a distance
45 approximately two hundred fifty (250) feet to the west boundary of the CSX
46 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. However, through the approval of an S-1 Permit, high-rise structures may be allowed, subject to provisions set forth in this article, Section 27-153, and Article XI.

(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 XVI 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 XVI of this chapter, the site-plan review procedures set forth in section 27-323 and the provisions of sections 27-440 and 27-441, design approval and regulations.

Section 4. That “**Sec. 27-439. Official schedule of dimensional regulations.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

“Sec. 27-439. 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
SCHEDULE OF DIMENSIONAL REGULATIONS
TABLE INSET:

TABLE 18-2
SCHEDULE OF DIMENSIONAL REGULATIONS

District	Lot Size Area/Width	Required Yards Front/Side/Rear	Height	FAR
CBD-1	N/A	N/A ¹	<u>S-1</u> ⁶ / 120 ft. ³	N/A
CBD-2	SP/SP ⁴	SP/SP/SP ^{1,4}	<u>S-1</u> ⁶ /SP ^{2,3,4}	SP ⁴

Notes:

1
2 SP=as per city council approved site plan
3 N/A=not applicable
4

5 ¹Property located within the waterfront overlay district shall have a building/structure
6 setback of twenty-three feet from the water's edge, as measured from the waterside face
7 of the bulkhead.

8 ²Structures shall be compatible with any significant natural, historic or architectural
9 resources in proximity to the project. Examples of ways to achieve compatibility include
10 design features such as height-to-setback ratios or stepped or graduated building faces.

11 ³All buildings with a height in excess of one hundred (100) feet shall be equipped with a
12 fire control system approved by the city fire department.

13 ⁴Property zoned CBD-2 with or without a zoning site plan approved by the city council
14 may be developed provided it meets the dimensional regulations of CBD-1.

15 ⁵Developments in either CBD district that propose redevelopment of an entire city block
16 (excluding waterfront developments) under one (1) unified plan shall provide a minimum
17 five-foot building setback on all sides. The area created by the required building setback,
18 if open to the sky, may be counted towards the public open space requirement as required
19 by this article.

20 ⁶Developments may exceed the 120' height limit with the approval of an S-1 permit for
21 Transfer of Development Rights in any district, with the exception of the Cultural Arts
22 District and the Riverfront District.
23

24
25 **Section 5.** That should a court of competent jurisdiction declare any part of
26 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
27 such determination as to the invalid part.
28

29
30 **Section 6.** That all ordinances or parts of ordinances in conflict herewith are
31 hereby repealed to the extent of any conflict.
32

33
34 **Section 7.** That this ordinance shall take effect on October 15, 2008.
35

36
37 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
38 TAMPA, FLORIDA, ON _____.

39
40 ATTEST:

41
42 _____
43 CHAIRMAN/CHAIRMAN PRO-TEM
44 CITY COUNCIL
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CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON _____

PAM IORIO, MAYOR

APPROVED AS TO LEGAL
SUFFICIENCY BY:

E/S _____
JULIA MANDELL COLE
SENIOR ASSISTANT CITY ATTORNEY

K:/Debbie/Ordinances/Chapter27/TDR ord comp changes – 7-21-08v1