

ORDINANCE NO. 2009-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING); AMENDING SECTION 27-77, OFFICIAL SCHEDULE OF DISTRICT REGULATIONS; AMENDING SECTION 27-137.5, NOISE ATTENUATION REQUIREMENTS; AMENDING SECTION 27-272, REGULATIONS GOVERNING INDIVIDUAL SPECIAL USES; AMENDING SECTION 27-294, SPECIAL USES NOT TO BE CONSIDERED NONCONFORMING; AMENDING SECTION 27-394, PUBLIC NOTICE REQUIREMENTS; AMENDING SECTION 27-545, DEFINITIONS; 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 that it is consistent 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. 27-77. Official schedule of district regulations.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

1 “Sec. 27-77. Official schedule of district regulations.

2
3 TABLE 4-1
4 SCHEDULE OF PERMITTED USES BY DISTRICT*
5

6 TABLE INSET:

*Legend:

- X -- Permitted principal use
- S1 -- Special use--Zoning administrator review
- S2 -- Special use--City council review
- A -- Permitted accessory use
- Blank -- Prohibited use

7
8 TABLE INSET:

Uses	RS-150	RS-100	RS-75	RS-60	RS-50	R-M-12	R-M-16	R-M-18	R-M-24	R-M-35	R-M-50	R-M-75	R-O	R-O-1	OP	OP-1	CN	C-G	CI	IG	IH	PP	U-C
<i>Use Group C</i>																							
Alcoholic Beverage Sales – Large Venue ¹⁴																							
															S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2		
Alcoholic Beverage Sales – Small Venue ¹⁴																							
															S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2	S1 ¹ / _{6/S} 2		
Alcoholic Beverage Sales – Temporary ¹⁴	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1		
Alcoholic Beverage Sales – Sidewalk Café sales ¹⁴																							
															S2 S1	S2 S1	S2 S1	S2 S1	S2 S1	S2 S1	S2 S1		

9 Notes:

10 ¹⁶ Requests for “R” classifications shall may process as an S1 administrative special use
11 permit only when located within a large scale commercial development that contains
12 500,000 square feet or more in gross floor area (not including residential or office floor
13 area).
14

15
16 (c) Schedule of area, height, bulk and placement regulations. Except as specifically
17 provided in other sections of this chapter, regulations governing the minimum lot
18 area and width, required front, side and rear yards, floor area ratio, height of
19 structures, area of signs and related matters shall be as shown in the schedule of
20 area, height, bulk and placement regulations.
21

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 4-2, 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 27-78
- YC--Article VIII
- PD and PD-A--Article XIII
- ~~TQD--Article XIII~~
- CBD--Article XVIII
- CD--Article XIX

**TABLE 4-2
SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS**

District	Minimum Area (sq ft)	Lot Size Width (ft)	Dwelling Unit (sf)	Required Yards (ft) ¹³				Maximum FAR	Maximum Height (ft) ¹
				Front ⁴	Side ⁵	Interior Lot/Corner Lot ⁸	Corner ⁸		
RS-150	15000	100	15000	30	15	20/12	15	n/a	35
RS-100	10000	100	10000	25	7	20/12	15	n/a	35
RS-75	7500	75	7500	25	7	20/12	15	n/a	35
RS-60	6000	60	6000	25	7	20/20	7	n/a	35
RS-50	5000	50	5000	20	7	20/20	7	n/a	35
RM-12	5000	50	3630	25	7	15/15	7	n/a	35
RM-16	5000	50	2723	25	7	15/15	7	n/a	35
RM-18	5000	50	2420	25	7	15/15	7	n/a	35
RM-24	5000	50	1815	25	7	20	7	n/a	60 ²
RM-35	5000	50	1243	25	7	20	7	n/a	120 ³
RM-50	5000	50	871	25	7	20	7	n/a	200 ³
RM-75	5000	50	580	25	7	20	7	n/a	n/a ⁵
RO	5000	50	5000	25	7	20	15	0.35	35
RO-1	5000	50	5000	25	7	20	15	0.5	35
OP	10000	60	1815	25	10	20	25	1.0-1.5 ⁷	60 ²
OP-1	10000	60	871	20	10	20	20	3.0-3.5 ⁷	200 ³
CN	5000	60	2500	20	10	10	20	0.35	35
CG	10000	75	n/a	10	10 ¹²	10	10	1.0-1.5 ⁷	45 ⁶
CI	10000	100	n/a	10	0	0	10	1.0-1.5 ⁷	45 ⁶
IG	5000	50	n/a	10	0	0	10	0.75	60
IH	5000	50	n/a	10	0	0	10	0.75	n/a ⁴
U-C	1 acre ⁹	100 ¹⁰	n/a	50	25	50	n/a	0.25	100 ¹¹

Section 2. That “**Sec. 27-137.5. Noise attenuation requirements.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

“**Sec. 27-137.5. Noise attenuation requirements.**”

1
2 Within the Accident Potential Zone I, (APZ), as identified in the Future Land Use Map of
3 the Tampa Comprehensive Plan, all developments of single-family, multifamily and
4 congregate residential uses, schools and hospitals shall be designed and constructed to
5 reduce noise levels by twenty-five (25) decibels. Noise level reduction is the difference,
6 in decibels, between the noise level outside a building and the noise level inside a
7 designated room in the building that was caused by the exterior noise. Refer to section ~~5-~~
8 ~~326.5~~ 5-301 for construction standards to achieve noise level reduction of twenty-five
9 (25) decibels.”

10
11 **Section 3.** That “**Sec. 27-272. Regulations governing individual special**
12 **uses.**” is hereby amended by adding the underlined language and deleting the stricken
13 language as follows:

14
15 **“Sec. 27-272. Regulations governing individual special uses.**

16
17 The following specific standards for individual special uses shall be applied by the city
18 council or the zoning administrator, as appropriate, in deciding applications for approval,
19 in addition to the general standards listed above in this article:

20
21 *Alcoholic beverage sales – large venue:* The following specific standards shall be used in
22 deciding an application for approval of this use:

23
24 (a) In addition to the provisions below, all large venues, which do not have a “full
25 kitchen,” must include the following items as part of the application and placed on
26 the development site plan:

- 27
28 (1) Business hours of operation.
29
30 (2) If within Channel District, Central Business District, or Ybor City Historic
31 District, provide security plan for the establishment and any parking
32 facility, including enforcement of patron age restrictions, see section 27-
33 522.
34
35 (3) If within Channel District, Central Business District, or Ybor City Historic
36 District, provide a noise attenuation plan which addresses how noise will
37 be controlled to meet the requirements of the noise ordinance.
38

39 The information submitted pursuant to this subsection will be attached to the
40 special use permit as conditions and subject to section 27-270.

41
42 For purposes of this section, “full kitchen” shall mean having commercial grade
43 burners, ovens and refrigeration units of sufficient size and quantity to
44 accommodate the occupancy content of the establishment. Full kitchens must
45 contain grease trap interceptors, and meet all applicable city, county and state
46 codes.

1
2 (b) Within a large scale commercial development of five hundred thousand (500,000)
3 square feet or more of gross floor area:

4
5 (1) Applications shall comply with parking requirements, in effect at the time
6 of the application, and contained in the applicable section of this chapter.
7

8 (2) Minimum distance separation shall be measured in a straight line, from the
9 nearest point of the structure/area from which the alcoholic beverage sales
10 will occur, to the specified surrounding uses.

11
12 (3) Minimum Distance Separation: ~~Requests for "R" classifications shall~~
13 ~~maintain zero (0) feet from other alcoholic beverage sales establishments,~~
14 ~~residential uses, and institutional uses. All other requests shall maintain a~~
15 ~~minimum distance separation of one thousand (1000) feet from other~~
16 ~~alcoholic beverage sales establishments, residential uses, and institutional~~
17 ~~uses. Requests shall maintain a minimum distance separation of one~~
18 ~~thousand (1000) feet from other alcoholic beverage sales establishments,~~
19 ~~residential uses, and institutional uses. For those requests for "R"~~
20 ~~classifications that process as an S-1, such requests shall:~~

21
22 a. Maintain zero (0) feet from other alcoholic beverage sales
23 establishments, residential uses, and institutional uses.

24
25 b. Close for business no later than 12:00 a.m.

26
27 ~~(4) Requests for "R" classifications that are processed as an S-1 shall close for~~
28 ~~business no later than 12:00 a.m.~~

29
30 (4) City Council shall grant waivers to the minimum distance separation if
31 City Council finds that the application, after granting the waiver, is
32 consistent with the general standards set forth in section 27-269.
33

34 (5) Any violation(s) to the above criteria subjects the permit to revocation or
35 suspension pursuant to Article XXII, section 27-523.

36
37 (c) Within any other commercial development (less than 500,000 square feet gross
38 floor area):

39
40 (1) Applications shall comply with parking requirements, in effect at the time
41 of the application, and contained in the applicable section of this chapter.
42

43 (2) Minimum distance separation shall be measured in a straight line, from the
44 nearest point of the structure/area from which the alcoholic beverage sales
45 will occur, to the specified surrounding uses.
46

- 1 (3) Minimum Distance Separation:
2
3 a. All classifications with the exception of 4-PGC: 1,000 feet from
4 other alcoholic beverage sales establishments, residential uses, and
5 institutional uses;
6
7 b. 4-PGC: 0 feet from other alcoholic beverage sales establishments,
8 residential uses, and institutional uses.
9
- 10 (4) City Council ~~may consider~~ shall grant waivers to the minimum distance
11 separation if ~~the application~~ City Council finds that the application, after
12 granting the waiver, is consistent with the general standards set forth in
13 section 27-269.
14
- 15 (5) Any violation(s) to the above criteria subjects the permit to revocation or
16 suspension pursuant to Article XXII, section 27-523.
17

18 *Alcoholic beverage sales - sidewalk café:* ~~Applications that meet the following minimum~~
19 ~~criteria shall be processed as an S-2; no waivers shall be granted for sidewalk café sales~~
20 ~~permits. The following specific standards shall be used in deciding an application for~~
21 approval of this use:
22

- 23 (a) Permits shall not be issued until such time the right-of-way permit is issued by the
24 Transportation Division for a sidewalk café. Approvals shall not be granted for a
25 period longer than one (1) calendar year and if granted, shall be valid for the same
26 timeframe as the right-of-way permit for sidewalk cafes;
27
- 28 (b) ~~Subsequent to approval by City Council, permits~~ Permits may be renewed by the
29 zoning administrator, subject to the criteria herein, on an annual basis;
30
- 31 (c) Approvals shall only be granted for an alcoholic beverage classification which is
32 less than or equal to the alcoholic beverage zoning classification assigned to the
33 establishment adjoining the sidewalk café, and shall be limited to on premises
34 consumption only (either “-X” or “-R”);
35
- 36 (d) For sidewalk café sales, an original certificate of insurance naming the City of
37 Tampa as an additional insured showing a Commercial General Liability
38 Insurance Policy with a limit of no less than \$1,000,000, a Liquor Liability
39 Insurance policy with a limit of no less than \$1,000,000, and an aggregate limit of
40 \$2,000,000 must be provided to the city. The insurance coverage and limits
41 required must be evidenced by properly executed certificates of insurance forms
42 that are to be furnished by the City. All insurance policies must be signed by the
43 Authorized Representative of the insurance company. Cancellation or
44 modification of the insurance policy requires a 30-day written notification to the
45 city. During the term of the approval, the applicant shall provide, pay for, and
46 maintain insurance with companies authorized to do business in Florida, with a

1 AM Best rating of B+ (or better) Class IV (or higher), or otherwise be acceptable
2 to the city if not rated by AM Best. The permit holders, participants and
3 volunteers waive all rights against the city, its agents, officers, directors, and
4 employees for recovery damages to the extent such damage is covered under the
5 Commercial General Liability or Liquor Liability Insurance policies;
6

7 (e) Sidewalk cafes are not permitted to have outdoor amplified music;
8

9 ~~(e)(f)~~ Any violation(s) to the above criteria subjects the approval to revocation or
10 suspension pursuant to Article XXII, section 27-523.
11

12 *Alcoholic beverage sales – small venue:* The following specific standards shall be used in
13 deciding an application for approval of this use:
14

15 (a) Within a large scale commercial development of five hundred thousand (500,000)
16 square feet or more of gross floor area:
17

18 (1) Applications shall comply with parking requirements, in effect at the time
19 of the application, and contained in the applicable section of this chapter.
20

21 (2) Minimum distance separation shall be measured in a straight line, from the
22 nearest point of the structure/area from which the alcoholic beverage sales
23 will occur, to the specified surrounding uses.
24

25 (3) Minimum Distance Separation: ~~Requests for “R” classifications shall~~
26 ~~maintain zero (0) feet from other alcoholic beverage sales establishments,~~
27 ~~residential uses, and institutional uses. All other requests shall maintain a~~
28 ~~minimum distance separation of one thousand (1000) feet from other~~
29 ~~alcoholic beverage sales establishments, residential uses, and institutional~~
30 ~~uses. Requests shall maintain a minimum distance separation of one~~
31 ~~thousand (1000) feet from other alcoholic beverage sales establishments,~~
32 ~~residential uses, and institutional uses. For those requests for “R”~~
33 ~~classifications that process as an S-1, such requests shall:~~
34

35 a. Maintain zero (0) feet from other alcoholic beverage sales
36 establishments, residential uses, and institutional uses.
37

38 b. Close for business no later than 12:00 a.m.
39

40 ~~(4) Requests for “R” classifications that are processed as an S-1 shall close for~~
41 ~~business no later than 12:00 a.m.~~
42

43 (4) City Council shall grant waivers to the minimum distance separation if
44 City Council finds that the application, after granting the waiver, is
45 consistent with the general standards set forth in section 27-269.
46

1 (5) Any violation(s) to the above criteria subjects the permit to revocation or
2 suspension pursuant to Article XXII, section 27-523.

3
4 (b) Within any other commercial development (less than 500,000 square feet gross
5 floor area):

6
7 (1) Applications shall comply with parking requirements, in effect at the time
8 of the application, and contained in the applicable section of this chapter.

9
10 (2) Minimum distance separation shall be measured in a straight line, from the
11 nearest point of the structure/area from which the alcoholic beverage sales
12 will occur, to the specified surrounding uses.

13
14 (3) Minimum Distance Separation:

15
16 a. All classifications with the exception of 4-PGC: 1,000 feet from
17 other alcoholic beverage sales establishments, residential uses, and
18 institutional uses;

19
20 b. 4-PGC: 0 feet from other alcoholic beverage sales establishments,
21 residential uses, and institutional uses.

22
23 (4) City Council ~~may consider~~ shall grant waivers to the minimum distance
24 separation if ~~the application~~ City Council finds that the application, after
25 granting the waiver, is consistent with the general standards set forth in
26 section 27-269.

27
28 (5) Any violation(s) to the above criteria subjects the permit to revocation or
29 suspension pursuant to Article XXII, section 27-523.

30
31 *Lot, Irregular.* A lot of record as of the adoption of the ordinance from which this chapter
32 was derived may be divided to create one (1) conforming regular lot with frontage on the
33 public street and one (1) irregular lot, provided the following conditions are met:

34
35 a. The original lot is an interior lot located.

36
37 b. The original lot has sufficient width to provide for only one (1) lot with frontage
38 on the public street, but has unusual depth to meet the lot area requirement for two
39 (2) lots.

40
41 c. The dimensional and access requirements of this section shall be met.

42
43 d. Creation of three (3) or more lots shall meet all requirements of the subdivision
44 code.

- 1 e. *Dimensional requirements.* An irregular lot shall meet the lot area as required in
2 the applicable zoning district. However, no portion of the lot that is used primarily
3 for access and that does not constitute a portion of the main body of the lot shall
4 be included in the lot area computation. The required setbacks of the applicable
5 zoning district shall be met as shown in the ~~figure below~~ Diagram 5-3, Section
6 27-101. For fence purposes only, the common lot line shall be considered a side
7 yard.
8
- 9 f. *Access.* The irregular lot shall have access to a public street through a portion
10 thereof or through an approved private street or an approved access easement. If
11 providing two-way circulation, such portion of lot or access way shall be at least
12 twenty (20) feet in width if serving uses requiring nine (9) or less off-street
13 parking spaces in combination, twenty-five (25) feet in width if serving uses
14 requiring ten (10) or more off-street spaces in combination. If providing one-way
15 circulation, such portion of lot or access way shall be at least ten (10) feet in
16 width if serving uses requiring nine (9) or less off-street parking spaces in
17 combination, twelve (12) feet in width if serving uses requiring ten (10) or more
18 off-street parking spaces in combination.
19
- 20 g. *Existing irregular lots.* An irregular lot that is a lot of record as of the adoption of
21 the ordinance from which this chapter was derived may be developed, provided it
22 meets the dimensional and access requirements as outlined in this section.”
23

24 **Section 4.** That “**Sec. 27-294. Special uses not to be considered**
25 **nonconforming.**” is hereby amended by adding the underlined language and deleting the
26 stricken language as follows:
27

28 **“Sec. 27-294. Special uses not to be considered nonconforming.**
29

- 30 (b) Alcoholic beverage sales. When the sale of alcoholic beverages at a location was
31 approved by the City of Tampa pursuant to regulations in effect prior to April 1,
32 2008, or if an establishment was lawfully selling alcoholic beverages ~~permitted by~~
33 ~~a license in effect~~ on June 19, 1945, said use may continue as a conforming use
34 for the classification that was granted, subject to the provisions set forth in Article
35 XXII. Any violations of these sections require a special use approval as though it
36 were a new use.”
37

38 **Section 5.** That “**Sec. 27-394. Public notice requirements.**” is hereby
39 amended by adding the underlined language and deleting the stricken language as
40 follows:
41

42 **“Sec. 27-394. Public notice requirements.**
43

- 44 (c) Parcel rezonings. The following procedures shall be followed for any parcel
45 rezoning initiated by the owner of property or his agent:
46

1 (1) The date for the public hearing on the certified application shall be
2 scheduled by the zoning administrator and forwarded to the city clerk.
3 Notice of the public hearing shall be published in a newspaper of general
4 circulation in the city at least ten (10) days prior to the ~~first~~ second reading
5 public hearing on the rezoning ordinance as provided for in section 27-393
6 (c)."
7

8 **Section 6.** That "**Sec. 27-545. Definitions.**" is hereby amended by adding the
9 underlined language as follows:
10

11 "**Sec. 27-545. Definitions.**

12
13 The following words, terms and phrases, when used in this chapter, shall have the
14 meanings ascribed to them in this section, except where the context clearly indicates a
15 different meaning:
16

17 Arbor: A shady resting place in a garden or park, often made of rustic work or
18 latticework on which plants, such as climbing shrubs or vines, are grown.
19

20 Institutional uses: A category of uses that includes places of religious assembly, public
21 facilities, and elementary, secondary, and post-secondary educational facilities.
22

23 Large scale commercial development: (for purposes of the alcoholic beverage sales
24 permit process) a development that contains 500,000 square feet or more in gross floor
25 area, exclusive of residential and/or office floor area.
26

27 Pergola: An arbor or a passageway of columns supporting a roof of trelliswork on which
28 climbing plants are trained to grow.
29

30 Trellis: A structure of open latticework, especially one used as a support for vines and
31 other creeping plants."
32

33 **Section 7.** That should a court of competent jurisdiction declare any part of
34 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
35 such determination as to the invalid part.
36

37 **Section 8.** That all ordinances or parts of ordinances in conflict herewith are
38 hereby repealed to the extent of any conflict.
39

40 **Section 9.** That this ordinance shall take effect on December 15, 2009.
41
42

1 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
2 TAMPA, FLORIDA, ON _____.

3
4 ATTEST:

5
6
7 _____
8 CHAIRMAN/CHAIRMAN PRO-TEM
9 CITY COUNCIL

10
11
12
13 _____
14 CITY CLERK/DEPUTY CITY CLERK

15
16
17 APPROVED BY ME ON _____

18
19 _____
20 PAM IORIO, MAYOR

21
22
23 APPROVED AS TO LEGAL
24 SUFFICIENCY BY:

25
26 _____ E/S _____
27 JULIA MANDELL COLE
28 SENIOR ASSISTANT CITY ATTORNEY

29
30 K:/Debbie/Ordinances/Chapter27/Ord_General clean up_Ch27_10.16.09_v5