

Chapter 43

ZONING*

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ARTICLE I. IN GENERAL

Sec. 43-1. Definitions.

For the purpose of this ordinance, [chapter] certain terms and words are defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular unless the natural construction of the wording indicates otherwise; the words "used for" shall include the meaning "designed for", and word "structure" shall include the word "building", the word "lot" shall include the words "plot" and "tract" and the word "shall" is mandatory and not directory.

***Editor's note**—The zoning ordinance of the city, which appeared as Chapter 39 of the 1953 Code of Ordinances, was reenacted by Ordinance No. 1980-A, which was adopted January 17, 1956, with the exception of sections 39-17.1, 39-17.2 and 39-28.1 through 39-28.4. These sections were not repealed by Ordinance No. 1980-A and were incorporated in Chapter 39 in compliance with section 39-36 of that Chapter. Amendments to Ordinance No. 1980-A are indicated by appropriate history notes. The sections of this Chapter have been renumbered by the editors. The catchlines, article title, etc. of Chapter 39 of the 1953 Code of Ordinances have been retained.

Annotations—For case granting Texas Company a temporary injunction restraining enforcement of Tampa ordinances barring erection and operation of filling station on a lot purchased by the oil company for which a permit has been procured, see *City of Tampa v. Texas Company*, 89 F (2d) 221 (1937).

For case holding that it was within the police power of the state to prohibit the erection and maintenance of filling stations within a city, see *Texas Company v. City of Tampa*, 100 Fla. (2d) 347(1) (38).

Cross reference—Authority of standards and enforcement manager to enforce all provisions of Ch. 43, § 48-2(a).

Accessory use of building. A subordinate use of building customarily incident to and located upon the same lot occupied by the main use or building.

Adult bookstore. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, videotapes, 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 chapter, or an establishment with a segment or section devoted to the sale or display of such material.

Adult entertainment establishment. Any premises, except those businesses otherwise defined in this section, 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.

Adult theater. An enclosed building or an enclosed space within a building used for presenting either filmed, videotaped 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 chapter, for observation by patrons therein.

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, and aircraft parking areas; air carrier terminal buildings with associated ad-

ministrative offices, hotel facilities, restaurants and retail facilities; navigational, communications, and meteorological equipment; heliports/helistops; fuel storage and transmission facilities; aircraft hangars 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) *Related airport 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 trades schools; aviation research and testing laboratories; temporary contractors' offices and storage areas; and other airport-related uses compatible with the operation of airports.

Alley. A roadway dedicated to public use which affords only a secondary means of access to abutting property and not intended for general circulation.

Ambulatory service. (Included in definition of "outpatient facility").

Ambulatory surgical center. A facility, the primary purpose of which is to provide elective surgical care and in which the patient is admitted to and discharged from said facility within the same working day, and which is not a part of a hospital.

Appropriate land planning agency. That agency, city department, or entity which shall have been designated as

such by resolution by the city council of the City of Tampa, Florida.

Awning. Any movable rooflike structure cantilevered, or otherwise entirely supported from a building, so constructed and erected as to permit its being readily and easily moved within a few minutes time to close an opening, or rolled or folded back to a position flat against the building or a cantilevered projection thereof, or is detachable.

Automotive repairs, major. Any automotive repair or service not listed as a minor repair, and including work requiring the removal of any drive train component. Major automotive repair includes grinding valves, cleaning carbon, removing the head of engines and/or crankcases, welding, painting, automotive body and fender work, tire recapping and vulcanizing.

Automotive repairs, minor. Repairs of a minor nature, as follows:

- (1) Sale and servicing of spark plugs, batteries and fuses.
- (2) Tire repair and servicing, but no recapping or vulcanizing.
- (3) Replacement of mufflers and tail pipes (with no welding), water hoses, fan belts, brake fluids, light bulbs, air filters, floor mats, seat covers, and replacement of grease retainers and wheel bearings.
- (4) Radiator cleaning and flushing.
- (5) Washing and polishing, without specialized mechanical equipment.
- (6) Greasing and lubrications.
- (7) Exchanging fuel pumps and installing fuel lines.
- (8) Servicing and replacing carburetors, not rebuilding carburetors.
- (9) Emergency wiring repairs.
- (10) Adjusting brakes and installing exchange brake shoes.
- (11) Aligning the front end and balancing wheels.
- (12) Alignment of headlights.

- (13) Adjustment or tuning of engines not requiring the grinding of valves, cleaning of carbon, removing the head or crankcase of an engine or racing the engine.
- (14) Battery recharging.
- (15) The replacement of transmission fluid or filters; the adjustment of transmission bands or linkages, all of which do not involve the removal of the transmission itself.

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.

Basement. A story partly underground but having less than one-half ($\frac{1}{2}$) its clear height below the grade.

Billboard and poster panel. Any structure affixed to the surface of the land or to any building, tower or other structure designed, arranged, used or intended to be used exclusively for outdoor advertising and which is rented, leased or otherwise used in outdoor advertising where a consideration is charged.

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

Boarding (lodging) house. A building used predominantly by persons staying for extended periods, at which meals are provided only for persons living therein.

Building. A structure having a roof supported by columns or walls.

Canopy (marquise). Any fixed rooflike structure, not movable like an awning, and which is cantilevered or in whole or in part self-supporting but having no side walls or curtains other than valances not more than eighteen (18) inches deep. Lean-to canopies, fixed umbrellas and similar structures are included in this classification.

Children's day care center. A facility which provides care for five (5) or more children, unrelated to the operator or owner, or both, of the facility, either by blood, adoption, or foster care status.

Clinic. (Included in definition of "outpatient facility").

Club. Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Commercial equipment. Any vehicle, licensed by any state of the United States or Mexico or province or territory of Canada, other than domestic equipment, as defined in this chapter.

Court. A court is a required open, unoccupied space on the same lot and fully enclosed on at least three (3) adjacent sides by walls of the building. An outer court is any court facing for its full required width on a street or on any other required open space not a court. An inner court is any other required court.

Community centers. Structures owned and operated by the city, philanthropic or church groups primarily for the assembly and the noncommercial recreation uses of the people residing in the tributary neighborhood area.

Curb level. The elevation of the top of the curb or the established curb grade opposite the center of the building or portion thereof under consideration. Where no curb level has been established, the elevation of the ground at the center of the traveled portion of the street in front thereof shall be considered the equivalent of the curb level. Where the building does not adjoin the street the average elevation of the proposed grade line of the ground immediately adjacent to the building as shown on the building plans shall be considered as the curb level.

Domestic equipment. Any vehicle, licensed by any state of the United States or Mexico or province or territory of Canada, as a private vehicle for operation on public streets.

Drive-in window. A window or other opening in the wall of a principal or 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.

Dwelling. A building or portion thereof designed exclusive for residential occupancy, including one family, two family and multiple family dwellings, but not including hotels, boarding,

lodging houses or house trailers whether such trailers be mobile or located in a stationary fashion as when on blocks or other foundation.

Dwelling one (single) family. A building containing but one kitchen designed to be occupied or occupied by not more than one (1) family.

Dwelling, two family (duplex). A building containing not more than two (2) kitchens, designed to be occupied or occupied by not more than two (2) families living independently of each other.

Dwelling, multiple family (apartment house). A building designed to be occupied or occupied by three (3) or more families living independently of each other, each as a separate housekeeping unit; provided such definition shall include buildings properly designed to provide joint eating facilities for occupants in buildings operated on a cooperative basis.

Emergency ambulance heliport. A helicopter landing facility, developed as part of a hospital on hospital property or on property immediately adjacent, for the exclusive purpose of transporting emergency injury or illness victims, but having no facilities for a fuel station, waiting room, or repairs.

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, which escort service is required to be licensed as an escort service under Chapter 20 of this Code.

Extended care facility. A facility providing active convalescent or rehabilitative care beyond the acute phase of an illness, usually following admission to a general hospital and/or an acute illness or injury.

Family. An individual or two (2) or more persons related by blood, marriage or adoption, together with an adult, adults, child, children or up to four (4) foster care children as defined in this chapter, or up to two (2) foster care adults as defined in this chapter, together with any domestic servants employed

for services on the premises; or a group of not more than five (5) persons who need not be so related or defined living together as a single nonprofit housekeeping unit, together with any domestic servants employed for services on the premises.

Floor area. The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor areas used for access.

Floor area ratio. The ratio of permitted floor area to the area of the lot.

Foster care, adult. Provision of normal family home care for not more than two (2) adults who are unable to receive this type of care in their own families or to live by themselves, on a long-term basis, as an integral part of the providing family.

Foster care, child. Provision of normal family home care for children who are not related by birth or adoption, and who are unable to receive this type of care in their own families, on a long-term basis, as an integral part of the providing family.

Frontage. Property on one side of the street measured along the line of the street.

Garage apartment. An accessory or subordinate building, not a part of or attached to the main building where a portion thereof contains living facilities for not more than one (1) family and the enclosed space for at least one automobile is attached to such living quarters.

Garage, private. An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport would be considered a private garage.

Garage, service and repair. Any building or portion thereof, other than a private or storage garage, where minor or major automotive repairs may be conducted.

Garage, storage. A building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services, Supp. No. 63

other than storage, shall be limited to refueling, lubrication, washing, waxing and polishing.

Gasoline dispensing facility. Any building or plot of land used, or designed to be used, for the storage and retail sale of automobile fuels, oils and lubricants. The following categories of such facility are authorized:

- (1) Automotive filling/service stations.
- (2) Self-service gasoline dispensing facilities which have no facilities for washing, polishing, greasing, waxing, tire repairing or other minor automotive repairs.
- (3) Self-service or station service gasoline dispensing in conjunction with a convenience store, grocery store or other retail business, with no facilities for washing, polishing, greasing, waxing, tire repairing or other minor automotive repairs.
- (4) Dispensing of motor fuels and lubricants as part of an automotive repair or storage facility, or both.

Guest house (tourist home). A private dwelling in which transient's sleeping accommodations are provided for compensation, especially motor tourists or travelers.

Height. The vertical distance between the mean elevation of the proposed finished grade at the structure front and the highest point of the structure. Finished grade shall be determined by utilizing all applicable regulations of the city, county, state and federal government.

Home occupation. Any vocation, trade or profession carried on within a dwelling by the occupants thereof, where no power other than electric is used, no signs, no merchandise or other articles are displayed for advertising purposes, no assistants are employed and not more than twenty-five (25) per cent of the ground floor is so utilized unless otherwise provided by the regulations of the certain districts; provided, however, that the proper occupational license has been issued by the City of Tampa for such vocation, trade or profession. Such home occupations shall not include experimentation that involves the use of chemicals or matter of energy that may create or cause to be created noises, noxious odors or hazards that will endanger the health, safety or welfare

of the community. Swimming pool instruction may be granted as a home occupation when the instruction is conducted by an occupant of the residence. As exceptions to the general home occupation definition, this swimming pool instruction may occur outside of the dwelling in a back-yard pool and there shall be no more than one (1) assistant permitted to assist the occupant with the instruction or handling of the participants.

The following conditions shall apply to the swimming pool instruction:

- (1) No more than eight (8) persons shall be instructed at the same time.
- (2) The hours during which such swimming pool instruction may occur shall be limited to 9:00 a.m. through 5:00 p.m.
- (3) The petitioner shall submit a statement to the board of adjustment that this use will not create traffic problems or inconsistencies with the city traffic or parking codes.
- (4) Any such use shall comply with all other applicable state, municipal and other laws and regulations.
- (5) That all other provisions of the home occupation definition shall apply.

Hospital. A short-term general, specialized, or long-term facility providing person care for surgery, major diagnostic procedures and/or treatment for acute short-term illnesses or acute episodes of chronic illnesses.

Hotel. Any building containing principally sleeping rooms in which transient guests are lodged with or without meals, with no provision made for cooking in any individual room or suite. Such building would structurally and for purposes of safety be obliged to conform to the laws of the state regulating hotels.

Junkyards. Any uncovered area for the storage of unoperative machinery or parts thereof including other merchandise unusable for its original purpose and any other materials normally classified as junk.

kennel. Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

Kitchen. Any room or space used or designed to be used for cooking and preparing food.

Laundry, self-service. A business rendering a retail service by renting to the individual customer equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management.

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.

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 or female, where such models are provided as subjects for photography, sketching, drawing, painting, any artistic endeavor, or any similar purpose however designated, or where such models are simply provided for viewing, which live model studio is required to be licensed as a live model studio under Chapter 20 of this Code.

Lot. A parcel of land occupied or to be occupied by one main building and its accessory buildings with such open and parking spaces as are required by the provisions of this ordinance [chapter] and having its principal frontage upon a street.

Lot of record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Hillsborough County, Florida.

Lot, corner. A lot situated at the junction of two (2) or more streets or highways.

Lot depth. The depth of a lot is the distance measured in a mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot.

Lot, interior. A lot other than a corner lot.

Lot line. The lines bounding a lot as defined herein.

Lot, through. An interior lot having frontage on two (2) streets.

Mental health facility. A facility which provides a full range of short-term and/or long-term mental health services, including inpatient and outpatient care, community services including consultation and education, diagnosis, rehabilitation, pre- and post-hospital care, training, and research and evaluation.

Mobile home park. A tract of land in single ownership which has been developed with all necessary facilities and services in accordance with a site development plan meeting all the requirements of this ordinance [chapter] and which is intended for the express purpose of providing a satisfying living environment for mobile home residents on a long-term occupancy basis.

Motel. A group of two (2) or more attached, detached or semi-detached buildings, containing guest rooms or apartments with automobile storage or parking space provided in connection therewith, designed for use primarily by automobile transients.

Nonconforming lots. A lot which does not meet either the lot width or lot area or both, as required by the zoning district in which the lot is located.

Nonconforming use. A building or the use of a building, or land, that does not conform to the regulations of the use district in which it is located.

Nonprofit community use. Community clubs, centers, meeting halls (including boys' clubs and girls' clubs), golf clubs, swimming clubs, tennis clubs and other not-for-profit private recreational or social uses where membership may be limited to residents of adjacent residential areas.

Nursing home. Either a skilled or intermediate care facility providing guidance and assistance for patients in carrying out a personal health program that assures proper protective measures, treatment and medication.

Office, business. An establishment offering primarily services to the business community and to individuals. Such services would include, by way of illustration but not limitation, accounting, brokerage, insurance, advertising, employment services, real estate services, arbitrage and order taking.

Office, professional. An establishment within which practitioner(s) of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include, by way of illustration but not limitation, physician, lawyer, dentist, architect, engineer, interior decorator and psychologist.

Outpatient facility (clinic). A facility providing health services to persons who are not confined overnight in a health care institution.

Parking lot. An area or plot of ground used for the storage or parking of motor vehicles either for compensation or to provide an accessory service to a business, industrial or residential use.

Personal services. An establishment that primarily provides services generally involving the care of a person or his apparel, such as barber shops, beauty salons, seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, and coin-operated laundry and dry cleaning facilities.

Planned commercial cluster development. A new or remodeled single structure or group of structures providing individual commercial spaces or shops for two (2) or more commercial businesses planned as a single development with a single site plan, usually with common ingress and egress points, common parking areas and shared circulation areas, with a minimum public street frontage of sixty (60) feet for two (2) or more business occupying a single existing structure and a minimum of ninety (90) feet of public street frontage for each two (2) commercial enterprises.

Professional. A professional includes a person practicing any occupation or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. A professional is distinguished from a business person or crafts person in that a professional dispenses primarily knowledge or guidance and a business person or crafts person dispenses primarily products or services. As examples of the foregoing, an

architect is a professional, a building contractor is a business person; an interior decorator is a professional, one selling furniture is a business person, one reupholstering furniture is a crafts person.

Psychiatric facility. (Included in definition of "mental health facility").

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 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.

Publishing and printing. An establishment primarily engaged in preparing, publishing, and printing newspapers, periodicals, books, and pamphlets.

Radio or television transmitting or receiving facility. The use of land, buildings, or structures for the aboveground transmission or reception of airborne radio or television signals, including all transmitting and receiving towers, dishes and antennas, except accessory radio or television transmitting and receiving antennas.

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.

Radio/TV transmitter site. The use of land, buildings or structures for the above-ground transmission of radio and/or television signals on commercial or public AM, FM, television or international shortwave broadcast frequencies, together with receiving facilities and such other transmitting facilities, operating on other than the commercial or public AM, FM, television or international shortwave broadcast frequencies, as may be necessary or desirable for the purpose of relaying radio and/or television signals between the radio/TV transmitter site and radio/TV studios, communications satellites, mobile broadcast units, microwave relay facilities or other such facilities the use and accessibility of which are limited to the broadcast industry.

Recreation facility, commercial. A private profit-making facility providing recreational activities enclosed within buildings,

including but not limited to, commercially operated indoor swimming pools and tennis courts, health clubs, gymnasiums, amusement arcades, discotheques, bowling alleys, theatres, indoor skating rinks, and pool halls.

Recreation facility, nonprofit. A private nonprofit facility providing recreational activities, including but not limited to, private country clubs, golf courses, riding stables, tennis clubs, and athletic fields.

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.

Restaurant. An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following:

- (1) Customers, normally provided with an individual menu, are served their foods, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- (2) A cafeteria style operation is provided where foods, frozen desserts or beverages are consumed within the restaurant structure.

Restaurant, drive-in. An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready-to-consume state, and whose design, method of operation, or any portion of whose business includes one (1) or both of the following characteristics:

- (1) Food, frozen desserts or beverages are served directly to the customer in a motor vehicle by a carhop or by other means which eliminate the need for the customer to exit the motor vehicle.
- (2) The consumption of foods, frozen desserts or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed, encouraged to permitted.

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, confectionaries, delicatessens, meat and produce markets, food stores with less than ten thousand (10,000) square feet in floor area; specifically excluded from this class of uses is retail sale of spirits and liquors.

Sanitarium. (Included in definition of "mental health facility").

Service station. An establishment where gasoline or diesel fuel is supplied and dispensed at retail and where, in addition, the following services only may be rendered and sales made:

- (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, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
- (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) Sale of beverages, packaged foods, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal operations.
- (12) Provision of road maps and other travel information to customers.
- (13) Provision of restroom facilities.

(14) Warranty maintenance and safety inspections.

Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

Small retail shop. A business premises in which the major activity is the selling of merchandise, in accordance with all applicable city regulations, at retail only and not to other sellers of merchandise, with a total structure size of three thousand (3,000) square feet or less.

Special cabarets. Any bar, dance hall, or other place of business at which food or beverages, alcoholic or nonalcoholic, are served, which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers, or any such establishment, the advertising for, or a sign or signs identifying which, use the words "adult," "topless," "nude," or other words of similar import.

Specified anatomical areas.

- (1) Less than completely and opaquely covered:
 - (a) Human genitals or pubic region;
 - (b) Buttock;
 - (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, buttock, or female breast.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. A basement shall be counted as a story for the purpose of height measurement if subdivided and used for dwelling or business purposes.

Street. A public or private thoroughfare which affords the principal means of access to abutting property.

Street line. The line between the street and abutting property.

Street grade. The established grade of the front street or other higher street upon which the lot abuts at the midpoint of the frontage of the plat thereon. If there is no established grade, the city engineer shall be consulted, and his approval obtained as to the ultimate grade to be established by the owner.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground and shall include tents, lunch wagons, dining cars, camp cars or other structures on wheels or other supports and used for business or living purposes. Utility poles, fences and walls used as fences not more than five (5) feet in height are excepted.

Structural alterations. Any change, except for repair or replacement, in the supporting members of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.

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 said employees are to work a full-time or part-time schedule. Provided, however, that this section shall not apply to agencies which

provide professional employees, who are licensed and regulated by the State of Florida, to other businesses on a temporary basis.

Temporary parking lot for construction purposes. A plot of ground located outside of any public rights-of-way or easements; used, during the construction or reconstruction of a structure, 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 of the structure.

Town house. Also known as row house, patio town house, atrium town house, court dwelling, and other names of similar import, is a single-family fixed dwelling in a structure generally containing three (3) or more such dwelling units, each having a separate lot subject to individual ownership, with individual front and/or rear yards, and generally with individual front and rear entrances, and generally separated on one or both sides from adjacent similar units by a common wall or by not more than one inch between side walls.

Trailers (house, coach or mobile homes). Any unit used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting said unit from place to place, whether by motive power or other means, or from which the wheels have been removed and used for living quarters.

Trailer court. An area where one or more automobile trailers can be parked, designed or intended to be used as temporary living quarters of one or more families and intended primarily for automobile transients. The site plan and all sanitary facilities of a trailer camp must conform to the requirements of the State and County Health authorities.

Used car lot. A lot or group of contiguous lots, used for the display and sale of used automobiles and where no repair work is done, except the necessary reconditioning of the cars to be displayed and sold on the premises.

Used car junkyard. A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.

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.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, front. A yard across the full width of the lot extending from the front line of the building to the front line of the lot, excluding steps and unroofed porches or terraces.

Yard, rear. A yard extending across the full width of the lot and measured between the rear line of the lot and the rear line of the main building.

Yard, side. An open unoccupied space on the same lot with a building between the building and the side line of the lot extending through from the front building line to the rear yard or to the rear line of the lot, where no rear yard is required. (Ord. No. 1980-A, § 39.1, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 3198-A, § 1, 7-10-62; Ord. No. 3226-A, § 1, 8-21-62; Ord. No. 3488-A, § 1, 12-26-63; Ord. No. 3677-A, § 1, 1-19-65; Ord. No. 5244-A, § 1, 12-28-71; Ord. No. 6349-A, § 1, 4-13-76; Ord. No. 6370-A, § 1, 5-20-76; Ord. No. 6629-A, § 1, 4-7-77; Ord. No. 6672-A, § 1, 6-7-77; Ord. No. 6884-A, § 1, 3-23-78; Ord. No. 7016-A, § 1, 8-15-78; Ord. No. 7035-A, § 2, 9-7-78; Ord. No. 7209-A, § 1, 5-15-79; Ord. No. 7472-A, § 1, 8-7-80; Ord. No. 7511-A, § 2, 11-4-80; Ord. No. 7943-A, § 1, 5-13-82; Ord. No. 8020-A, § 1, 8-5-82; Ord. No. 8034-A, §§ 1-5, 8-12-82; Ord. No. 8068-A, § 1, 9-30-82; Ord. No. 8456-A, § 1, 1-12-84; Ord. No. 8532-A, § 1, 4-5-84; Ord. No. 8571-A, § 1, 6-7-84; Ord. No. 8810-A, § 3, 3-7-85; Ord. No. 8895-A, §§ 2, 3, 6-6-85; Ord. No. 9233-A, § 1, 3-27-86)

Sec. 43-2. Adoption of zoning map.

The districts and boundaries hereinafter designated and described are shown upon the maps attached hereto and made a part hereof, consisting of a title sheet entitled "Official Zoning Supp. No. 67

Atlas of the City of Tampa," upon which shall be placed the date of adoption hereof, together with the subsequent dates and sections as same shall hereafter, from time to time, be revised; an index map entitled "Index Map for Atlas City of Tampa"; and one hundred twenty-two (122) section sheets covering one hundred twenty-three (123) sections (sections 14 and 15, Township 28S Range 18E, being on one page only) as follows: Township 28S Range 17E Sections 30, 31, and 32; Township 29S Range 17E Sections 4, 5, 8, 9, 10, 11, 12, 13, 14, 17 and 18; Township 28S Range 18E, Sections 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35 and 36; Township 29S Range 18E All sections EXCEPT 30, 31 and 35; Township 30S Range 18E Sections 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 19 and 20; Township 28S Range 19E All sections EXCEPT 11, 14, 23, 26 and 35; Township 29S Range 19E All sections EXCEPT 1, 2, 24, 25, 26, 27, 32, 34, 35 and 36; together with such other section sheets as may hereafter, from time to time be added. Said Official Zoning Atlas of the City of Tampa, and all of the notations, references and information shown thereon shall be as much a part of this section as if same were fully described and set forth herein. (Ord. No. 1980-A, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 2040-A, § 1, 5-29-56; Ord. No. 3748-A, § 1, 6-8-65)

Sec. 43-3. Districts and boundaries thereof.

In order to classify, regulate and restrict the locations of trades, industries and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of use of lots; to regulate and determine the area of yards and other open spaces within and surrounding buildings, and to regulate and restrict the density of population, the City of Tampa, Florida, is hereby divided into districts of which there shall be nine (9) known as:*

R-1A Single-Family Dwelling District.

R-1 Single-Family Dwelling District.

R-2 One- and Two-Family Dwelling District.

*Editor's note—Additional zoning districts are as follows: R-3(HR) High-rise Multiple Family District; R-4 Multiple Family Dwelling—Institutional-Professional District; C-E Commercial Extension District; M-AP Airport District; and I-P Institutional-Professional District.

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R-3A Multiple-Family Dwelling District.

R-3 Multiple-Family Dwelling District.

C-1 Neighborhood Commercial District.

C-2 General Commercial District.

M-1 Light Industrial District.

M-2 Heavy Industrial District.

Except as hereinafter provided:

- (1) No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose, other than is permitted in the district in which such building or land is located.
- (2) No building shall be erected, reconstructed, or structurally altered to exceed the height or bulk limits herein established for the district in which such building is located.
- (3) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance [chapter] nor shall the density of population be increased in any manner except in conformity with the area regulations hereinafter defined.
- (4) No yard or other open spaces provided about any building for the purpose of complying with the provisions of these regulations shall be considered as providing a yard or open space for any other building; provided, further, that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.
- (5) Every building hereafter erected shall be located on a lot as herein defined; and in no case shall there be more than one building on one lot except as hereinafter provided. (Ord. No. 1980-A, § 39.3, 1-17-56; Ord. No. 7517-A, §§ 3, 4, 11-13-80; Ord. No. 8810-A, §§ 1, 2, 3-7-85)

Cross reference—Limits of districts established in which storage of flammable liquids in outside aboveground tanks is prohibited, Ch. 14.

Sec. 43-4. Interpretation of boundaries.

Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- (1) Where boundaries are indicated as approximately following street and alley lines, section lines or lot lines, such lines shall be construed to be such boundaries.
- (2) In unsubdivided property or tracts, where a district boundary divides a lot, the locations of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale of the map.
- (3) In case any further uncertainty exists, the Board of Representatives [city council] of the City of Tampa shall determine the location of boundaries, by the adoption of an appropriate ordinance.
- (4) Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street or alley.
- (5) Where boundaries are so indicated that they are appropriately parallel to the center line or street lines of streets, the center lines or alley lines of alleys, or the center lines of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimensions shall be determined by the use of the scale of the map. (Ord. No. 1980-A, § 39.4, 1-17-56)

Sec. 43-5. Central solid waste storage area.

(a) All new buildings and uses, except for single-family and two-family dwellings, shall provide facilities for the central storage of solid waste within the lot. Where such facilities are provided outside of a building, they shall be screened from the public right-of-way and adjacent property by an enclosure containing

materials compatible with the materials on the front building wall of the main building.

(b) The storage facilities shall contain equipment, space and access that will be compatible with the City of Tampa's mechanical solid waste collection system. (Ord. No. 8603-A, § 1, 7-12-84)

Sec. 43-6. Nonconforming lots.

(a) *Use of Single Nonconforming Lots for a Single-Family Dwelling.* A single-family dwelling and customary accessory structures may be erected, occupied and used on a separate, nonconforming lot of record as of November 13, 1980, which 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 Nonconforming Lots in Same Ownership and with Continuous Frontage; Exception.*

- (1) **Combinations Required Where Nonconformity was Created at Enactment or Amendment of this Chapter:** Where two (2) or more nonconforming lots, of record as of November 13, 1980, in and with continuous frontage exist, they shall be considered a single zoning lot and a 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, except as provided in (2) below. Full setback requirements shall apply to all of the newly created lots.
- (2) **Exception: Eighty (80) Percent Rule Applicable Where Three (3) Lots or Less are Involved:** Where land in single ownership as of November 13, 1980, and in continuous frontage is of sufficient width and area to provide at least eighty (80) percent of the width and area required for three (3) lots or less, it may be used or divided to provide no more than three (3) lots, each with at least eighty (80) percent of the width and area required in the district in which they are located. Full setback requirements shall apply to all of the newly created lots.

- (3) Rules for Other Combinations of Lots: Land in single ownership and common frontage consisting of four (4) or more lots, if divided, shall conform to all applicable district regulations; except, that in the division, up to three (3) lots may have not less than eighty (80) percent of width and area generally required. Full setback requirements shall apply to all newly created lots.
- (4) 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.* A separate nonconforming lot of record which is not in continuous ownership with other lots in the same ownership (except as provided in (b) above) in Institutional, Commercial, Industrial and Miscellaneous 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. (Ord. No. 8810-A, § 2, 3-7-85; Ord. No. 8960-A, § 1, 7-25-85; Ord. No. 8933-A, § 1, 7-18-85; Ord. No. 9141-A, § 1, 1-2-86)

Secs. 43-7--43-14. Reserved.

ARTICLE II. USE REGULATIONS

Sec. 43-15. R-1A and R-1 single-family dwelling districts.

(A) Uses permitted.

Within any R-1A and R-1 Single-Family Dwelling Districts, no building structure or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance [chapter] except for one or more of the following uses:

(1) Single-family dwellings.

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- (2) Parks, playgrounds, playfields and airports under the supervision of the City of Tampa.
- (3) Golf course, except miniature courses, driving tees and the like operated for commercial purpose.

- (4) Accessory buildings, including one private garage, where located not less than sixty (60) feet from the front lot line nor less than five (5) feet from any other street line, and with a side lot line of not less than two (2) feet in the case of fireproof, or not less than four (4) feet in case of nonfireproof construction, except as otherwise provided for in this ordinance [chapter], provided, however, that a private garage may be constructed as a part of the main building or be attached to it by a covered passage.
- (5) No nameplate exceeding one (1) square foot in area, nor bulletin board; no sign exceeding nine (9) square feet in area appertaining to the lease, hire or sale of a building or premises; nor advertising structure of any other character shall be permitted, and, where a lot is vacant said sign or bulletin board must be placed back of the building line. Further, not more than one (1) such sign, plate, bulletin board, or advertising structure, shall be placed on any lot or land or any improvement or improvements thereto.
- (6) Off-street parking for commercial uses, subject to review and approval by the building inspector of a site plan prepared in sufficient detail to show full compliance with the following requirements:
 - (a) The property to be utilized for off-street parking shall be immediately adjacent to the commercial use it is intended to serve, which use shall be located wholly within a commercial zoning district other than a (C-E) Commercial Extension District and shall be a permitted use within said zoning district. The off-street parking facility shall not extend further than one hundred fifty (150) feet, exclusive of depth utilized for landscaping and screening purposes, from the commercial district nor beyond an intervening public street right-of-way, except that it may extend beyond an alley right-of-way. No such parking facility shall be permitted which, by its establish-

ment, will leave additional land or property in nonconformance or further nonconformance with the provisions of the zoning district in which it is located. (Ord. No. 3631-A, § 2, 10-20-64; Ord. No. 4718-A, § 1, 8-6-69)

- (b) Property utilized for off-street parking facilities serving the business or professional use within the adjacent commercial district shall not itself be used for any other business purpose, and no outside storage of any type shall be permitted on said property.
- (c) No improvements shall be placed on said property other than paving on hard surfacing for parking purposes, and appropriate landscaping and buffering improvements.
- (d) No vehicle other than passenger cars, or trucks weighing three thousand fifty (3,050) pounds or less, shall be permitted to park on said property, and no overnight storage of vehicles shall be permitted.
- (e) All parking areas shall be paved or hard surfaced.
- (f) Vehicular ingress and egress to and from the parking area shall be through the related property within the commercial district, unless otherwise specifically approved by the Board of Adjustment in accordance with such conditions as said Board may deem appropriate for the protection of adjacent residential property.
- (g) The off-street parking area shall be fully screened at its boundary from all adjacent properties within the residential district classification, including those separated by an alley right-of-way, by a solid masonry wall at least six (6) feet high, except that this provision shall not apply to a boundary line immediately adjoining an area utilized for off-street parking in accordance with this section. A similar wall shall be provided

along any building setback line bordering a public street right-of-way, and shall be suitably landscaped with a hedge or shrubbery along its exterior. Land between the building setback line and the property line bordering the street right-of-way shall be landscaped and properly maintained.

- (h) Any lights used to illuminate such areas shall face directly towards the business and away from any adjoining residential district property.
- (i) Signs erected within any such area shall be only for the purpose of directing vehicular movement and parking upon the site and shall be located so as not to be visible from, or direct illumination or glare toward, any adjacent residential district property.
- (j) Where it can be clearly demonstrated that a critical need for off-street parking facilities exists which cannot be satisfied by the above provisions, land within five hundred (500) feet of a commercial use located within a commercial district may be used as a parking facility to serve the needs of said use subject to the following additional requirements:
 - (1) The petitioner shall show that the proposed development contributes to a comprehensive plan which will serve the parking needs of the general area.
 - (2) The petitioner shall furnish a satisfactory site development plan of the proposed parking facility showing the dimensions and arrangements of parking spaces, location of access drives, proposed buffering and other landscaping, and the arrangement of improvements on adjacent property.
 - (3) Reserved.

- (7) Substations of public or private utilities, subject however to the following guidelines and conditions imposed to insure visual compatibility with the surrounding residential land uses:
- (a) Any such structure shall be of automatic operation and shall require no personnel other than those necessary for routine maintenance and/or inspection.
 - (b) There shall be no open storage of supplies and equipment or permanent storage of vehicles upon the premises.
 - (c) Any off-street parking area of such facility installed shall be visually screened from adjacent properties or rights of way by the means prescribed by subparagraph (d) hereof.
 - (d) Any such facility either shall be enclosed with a structure or completely surrounded by an opaque material up to a height of eight (8) feet. Such buffers shall be compatible in texture, color, material, and with the design and character of the surrounding residential neighborhood and may be composed of landscaping elements.
 - (e) The proposed plans for each new facility shall be submitted to and reviewed by the department of public works of the city, the Hillsborough County Planning Commission, and the City council of the City of Tampa for the determination of adequacy of the proposed site for the facility to accommodate all necessary uses, the provision of suitable setbacks from all adjacent properties and/or public rights-of-way, and the compatibility of the facility design with the surrounding community. The city council shall be the final determining body and no facility shall be authorized to be constructed unless the city council, by a two-thirds vote, shall so approve.

(B) Conditional uses:

- (1) *Conditional uses subject to approval by the board of adjustment.* After a review of an application and hearing thereon, if the board of adjustment finds as a fact that the proposed use is consistent with the general zoning plan and with the public interest, the board of adjustment may permit the following uses:
 - (a) Churches and associated educational buildings, cemeteries, columbariums and mausoleums may be approved, provided that the following criteria shall be met:
 - (1) The proposed use is buffered on the side and rear property lines by a continuous solid buffer fence of six (6) feet high, except that no such buffer shall extend nearer to a street than the established building line of the adjoining residential properties. Any wall or fence in front of the established building line of the adjoining residential properties, shall comply with all other applicable sections of the City Code.
 - (2) The proposed use shall have no advertising visible from the street or from adjacent properties, except that one (1) identification sign may be permitted, provided it complies with all sign requirements for the zoned district.
 - (3) Parking shall be provided to conform with the requirements for off-street parking and loading set forth in this Code and provided that columbariums shall allot one (1) parking space for each fifty (50) units.
 - (4) Columbariums shall be constructed to conform in appearance with the character and nature of the surrounding neighborhood and, if constructed as a part of a church, shall conform to the general architectural character of that church.
 - (b) Schools of general education, elementary, high, junior college and nursery schools, except correctional institutions.
 - (c) Home occupations.

- (d) Libraries, community centers and buildings or land used exclusively by the federal, state, county or city governments for public purposes.
- (e) Nongovernmental, nonprofit community uses, such as community centers or clubs, including but specifically not limited to private clubs, lodges, girls clubs and boys clubs.
- (f) Children's day care centers may be approved, provided that the following criteria shall be met:
 - (1) That the operator or owner, or both, of such facility shall reside at such facility.
 - (2) That the facility shall only operate between the hours of 7:00 a.m. and 7:00 p.m.
 - (3) That the maximum number of children for which each facility shall be licensed shall not exceed fifteen (15) if the facility is located on a local street, and shall not exceed thirty (30) if the facility is located on an arterial or collector street. The functional street classifications shall be as determined by the City of Tampa's department of public works, utilizing commonly accepted professional traffic engineering standards.
 - (4) That no children's day care center located within the R-1A and R-1, single-family dwelling districts, shall be located within one thousand (1,000) feet of any other such children's day care center; distances shall be measured from property line to property line along the shortest distance between the property lines, without regard to the route of normal travel.
 - (5) That outdoor play space of the facility, if required, shall not be located in front of the front building line.
 - (6) That when a side or rear property line of a lot, upon which a children's day care center is located, is immediately touching, abutting or adjacent to property in any residential zoning district, there shall be provided along the side or rear property lines a solid masonry wall or solid wood fence, six (6) feet in height. The wall or fence along the side

property line shall only extend to the front building line. Any wall or fence in front of the front building line, shall comply with all other applicable sections of the City Code.

- (2) *Conditional uses subject to approval of the city council.* After a review of an application and a hearing thereon, if the city council finds as a fact that the proposed use is consistent with the public interest, then it may permit the following use:

(a) **Temporary parking lots for construction projects:** An application for plan approval for such temporary lots shall be filed in the same manner as petitions for individual parcel rezonings as controlled by section 43-96. The department of housing, inspections, and community services (HICS) shall review the application to insure that it includes, among other items:

- (1) A site plan, clearly illustrating the design arrangement of the parking spaces and the interior drive aisles, which design shall be consistent with the requirements of section 43-40(6)(c)(2);
- (2) The length of time such temporary parking lot is to be in use;
- (3) The hours of operation of the temporary lot.

The HICS shall make recommendations as to the conditions under which a temporary parking lot may be operated and shall forward copies of the application to the city council for its determination. The procedure specified in section 43-93.1 of the Code shall be followed in regard to such applications to the extent that it is consistent with section 43-96. Denials of such application by city council shall be by simple motion. City council approval of such conditional use, with conditions, if any, shall be by ordinance.

- (b) **Temporary correctional facilities:** A petition for approval of such temporary facilities shall be submitted as set forth in section 43-93.1. The department of housing, inspections and community services (HICS) and the department of public safety shall review the petition to insure that it includes among other items:

- (1) A site plan, illustrating specific proposed use and capacity.
- (2) Site location in relation to proximity to populated residential areas and public facilities.
- (3) The length of time such temporary facility is to be in use.
- (4) Security measures to be implemented to insure safety of any surrounding property owners.

The department of HICS shall make recommendations as to the conditions under which a temporary correctional facility may be operated and shall forward copies of the application to city council for determination. The procedure specified in section 43-93.1 of this chapter shall be followed in regard to such petitions. Denials of such petitions by city council shall be by motion. City council approval of such conditional use, with conditions, if any, shall be by ordinance.

(C) *Building height regulations.* No building or structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height except as provided in section 43-37 hereof.

(D) *Building site area regulations.* The minimum lot or building site area for each single-family dwelling shall be a lot having an area of:

- (1) Six thousand (6,000) square feet with a minimum width of sixty (60) feet measured at the building line, in the R-1A District; and
- (2) Five thousand (5,000) square feet with a minimum width of fifty (50) feet measured at the building line, in the R-1 District.

(E) *Front, side and rear yard regulations.*

- (1) *Front yard.* There shall be a front yard of not less than twenty-five (25) feet in the R-1A District and twenty (20) feet in the R-1 District, measured from the street line to the wall of the main building.
- (2) *Rear yard.* There shall be a rear yard not less than thirty (30) feet in depth.

(a) Provided that in the event the rear yard line is bound by a sea wall, beyond which there is an open expanse of tide lands or tide waters, the owner may use up to five (5) feet of such submerged or tide lands, if he has a conveyance thereof standing in his name, in computing the above minimum thirty (30) feet.

(3) *Side yard.* On interior lots there shall be a side yard on each side of the building of not less than eight (8) feet in the R-1-A District and seven (7) feet in the R-1 District.

On corner lots the side yard regulation shall be the same as for interior lots, except in the case of a reversed frontage, where the lot faces an intersecting street. In this case there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard requirement on the lot on the rear of such corner lot and no accessory building on said corner lot shall project beyond the front line of the building in the rear.

(F) *Off-street parking regulations.* See section 43-40.

(Ord. No. 1980-A, § 39.5, 1-17-56; Ord. No. 2549-A, § 1, 3-17-59; Ord. No. 3631-A, § 2, 10-20-64; Ord. No. 6169-A, § 1, 7-3-75; Ord. No. 6293-A, § 1, 12-30-75; Ord. No. 6294-A, § 1, 12-30-75; Ord. No. 6644-A, § 1, 5-10-77; Ord. No. 6779-A, § 1, 11-1-77; Ord. No. 7021-A, §§ 1, 2, 8-29-78; Ord. No. 7185-A, § 1, 3-29-79; Ord. No. 7244, §§ 1, 2, 7-17-79; Ord. No. 7517-A, § 1, 11-13-80; Ord. No. 7742-A, § 1, 8-20-81; Ord. No. 7943-A, § 2, 5-13-82; Ord. No. 8456-A, §§ 2, 3, 1-12-84; Ord. No. 9463-A, § 1, 12-11-86)

Sec. 43-16. R-2 one- and two-family dwelling district.

(A) *Uses permitted.*

Within any R-2 one- and two-family dwelling district, no building, structure or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance [chapter], except for one or more of the following uses:

(1) Any use permitted in the R-1A and R-1 single-family dwelling districts, including accessory uses.

(2) Two-family dwelling and their accessory uses.

(B) *Conditional uses.*

Same as for the R-1A and R-1 single family dwelling districts.

(C) *Building height regulations.*

Same as for the R-1A and R-1 single family dwelling districts.

(D) Building site area regulations.

The minimum lot or building site area shall be:

- (1) A lot having an area of five thousand (5,000) square feet for a single family dwelling and
- (2) A lot having an area of five thousand five hundred (5,500) square feet for a two family dwelling.

The minimum lot width shall be fifty (50) feet measured at the building line. Not more than thirty (30) per cent of any lot or parcel of land shall be occupied by the main structure and its accessory building or buildings.

(E) Front, side and rear yard regulations.

- (1) *Front yard.* There shall be a front yard of not less than fifteen (15) feet measured from the street line to the main wall of the building. Where lots comprising twenty-five (25) per cent or more of the frontage in the same side of the street within the block are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected shall project beyond the average line so established.
- (2) *Rear yard.* There shall be a rear yard of not less than thirty (30) feet in depth.
 - (a) Accessory buildings may be located in the rear yard provided they do not occupy more than twenty (20) per cent of such rear yard area and in the case of fireproof construction are not less than two (2) feet, and in the case of nonfireproof construction are not less than four (4) feet from any lot line. (Ord. No. 2006, § 1, 3-13-56)
- (3) *Side yards.* On interior lots there shall be a side yard on each side of a building of not less than seven (7) feet.

On corner lots the side yard regulation shall be the same as for interior lots, except in the case of a reversed frontage, when the lot faces an intersecting street. In this case there

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shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard requirement on the lot on the rear of such corner lot and no accessory building on said corner lot shall project beyond the front line of the lots in the rear.

(F) *Off-street parking regulations.* See section 43-40. (Ord. No. 1980-A, § 39.6, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 7517-A, § 2, 11-13-80)

Sec. 43-17. R-3A multiple family dwelling district.

(A) *Uses permitted.*

Within any R-3A multiple family dwelling district, no building, structure or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance [chapter], except for one or more of the following uses:

- (1) Any use permitted in the R-2 one and two family dwelling district, including accessory uses.
- (2) Multiple family dwellings (apartments).
- (3) Churches and educational buildings.
- (4) Schools of general education, kindergarten, elementary, high, junior college, except correctional institutions.
- (5) Day nurseries.
- (6) Home occupations.
- (7) Libraries, community centers and buildings or land used exclusively by the Federal, State, County or City governments for public purposes.
- (8) Private clubs or lodges, excepting those the chief activity of which is a service customarily carried on as a business.
- (9) Hospitals, except animal hospitals, the general location and site plans of which have been reviewed and approved by the Board of Adjustment after a public hearing.
- (10) Reserved.
- (11) Accessory buildings and requisite parking facilities, where structures are located not less than sixty (60)

feet from the front lot line nor less than five (5) feet from any other street line, and with a side lot line of not less than two (2) feet in the case of fireproof construction or not less than four (4) feet in case of nonfireproof construction, except as otherwise provided for in this ordinance [chapter], provided however, that a private garage may be constructed as a part of the main building or be attached to it by a covered passage.

- (12) No name plate exceeding one (1) square foot in area, nor bulletin board, nor sign exceeding nine (9) square feet in area appertaining to the lease, hire or sale of a building or premises, nor advertising structure of any other character shall be permitted; and where a lot is vacant said sign or bulletin board must be placed back of the building line.
- (18) Emergency ambulance heliport.

(B) Building height regulations.

In the R-3A multiple family dwelling district, no building shall exceed three (3) stories or forty-five (45) feet in

height, at the required front, side and rear yard lines, but above the height permitted at the said yard lines, three (3) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from the required side yard lines, provided, however, that in no instance shall the building exceed eight (8) stories in height or one hundred (100) feet in height except as provided in section 43-39 hereof.

(C) Building site area regulations.

- (1) The minimum lot or building site area shall be a lot having an area of:
 - (a) Five thousand (5,000) square feet for a single family dwelling.
 - (b) Five thousand five hundred (5,500) square feet for a two family dwelling.

The minimum lot width shall be fifty (50) feet measured at the building line.

- (2) The minimum lot area required for dwelling structures in excess of two (2) dwelling units shall be:
 - 5,500 square feet for the first two (2) families and 900 square feet per family for the first three (3) floors.
 - 750 square feet per family for the second three (3) floors, 600 square feet per family for the next two (2) floors.

(D) Front, side and rear yard regulations.

- (1) **FRONT AND REAR YARDS.** The front and rear yard requirements in the R-3A multiple family dwelling district are the same as in the R-2 one and two family dwelling district.
- (2) **SIDE YARDS.** In the R-3A multiple family dwelling district, for structures not exceeding two and one-half (2½) stories the side yard requirements are the same as for the R-2 one and two family dwelling district and for structures three (3) stories in height, the

same as for the R-1 one family dwelling district. For buildings exceeding three (3) stories in height, the width of the side yards shall be increased in accordance with the building height regulations above in this section.

(E) *Nonconforming lots.*

Same as for the R-1A and R-1 single family dwelling districts.

(F) *Off-street parking regulations.*

See section 43-40.

(G) *Setback for swimming pools.*

Any swimming pools constructed in connection with a multiple family dwelling shall be set back thirty (30) feet from the rear and side property lines.

(H) *Screening regulations.*

All recreational areas in connection with multiple family dwellings shall be screened from adjacent single family dwelling districts for a distance extending twenty-five (25) feet beyond the recreational area. Said screening shall be accomplished by means of a permanent, solid masonry wall, and shall be continuous with no entrances or exits allowed. The fence or wall shall not be less than six (6) feet in height and shall not exceed eight (8) feet in height and shall be properly maintained. Recreational areas for the purpose of this requirement shall include but not be limited to areas which provide any one or more of the following: Swimming pools, tennis courts, shuffleboard courts, and other structures for the use and enjoyment of the parties residing in the multiple family dwelling. (Ord. No. 1980-A, § 39.7, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 5511-A, § 1, 11-28-72; Ord. No. 5512-A, § 1, 11-28-72; Ord. No. 3488-A, § 2, 12-26-63; Ord. No. 6688-A, § 1, 7-12-77; Ord. No. 7016-A, § 3, 8-15-78)

Nothing contained herein pertaining to town houses shall effect or be affected by the regulations of section 43-17 pertaining to any other permitted use within an R-3A multiple family dwelling district.

Any swimming pools constructed in connection with a multiple family dwelling shall be set back thirty (30) feet from the rear and side property lines.

(H) Screening regulations.

All recreational areas in connection with multiple family dwellings shall be screened from adjacent single family dwelling districts for a distance extending twenty-five (25) feet beyond the recreational area. Said screening shall be accomplished by means of a permanent, solid masonry wall, and shall be continuous with no entrances or exits allowed. The fence or wall shall not be less than six (6) feet in height and shall not exceed eight (8) feet in height and shall be properly maintained. Recreational areas for the purpose of this requirement shall include but not be limited to areas which provide any one or more of the following: Swimming pools, tennis courts, shuffleboard courts, and other structures for the use and enjoyment of the parties residing in the multiple family dwelling. (Ord. No. 1980-A, § 39.7, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 5511-A, § 1, 11-28-72; Ord. No. 5512-A, § 1, 11-28-72; Ord. No. 3488-A, § 2, 12-26-63; Ord. No. 6688-A, § 1, 7-12-77)

Sec. 43-18. R-3 (HR) high-rise multiple family dwelling district.

The purpose of the R-3 (HR) multiple family zoning district shall be to provide adequate space in central locations for high-density residential development where adequate streets and other community facilities are available to properly serve said development; to set forth development standards which

will promote highrise construction (6 or more stories) on a minimum of ground area, leaving ample area available for on-site parking, recreation and outdoor activity area, and landscaping; to protect the existing character of the area to which said zoning district may be applied; and to provide the means by which new highrise construction may be made compatible with existing single-family dwellings and other land uses.

(A) *Uses permitted.*

Within any R-3 (HR) multiple-family dwelling district, structure or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance [chapter], except for one or more of the following uses:

- (1) Single-family dwellings.
- (2) Churches and other places of worship, provided that no building shall be located within fifty (50) feet of any residential lot.
- (3) Civic clubs and garden clubs, provided that no building shall be located within fifty (50) feet of any residential lot.
- (4) Public playground or park, provided that no building or structure shall be located within fifty (50) feet of any residential lot.
- (5) Accessory buildings customarily incidental to the principal use, located on the same lot therewith and not involving the conduct of a business. Accessory buildings shall not be located closer than eight (8) feet to any property line and shall not exceed fifteen (15) feet in height.
- (6) Public or private utility stations such as electrical or water pumping substations, if such are essential for the service of the immediate area, subject to the following conditions:
 - (a) Any such use shall be enclosed within a woven wire fence not less than six (6) feet in height and

shall be adequately landscaped so as to be made compatible with adjacent land uses.

- (b) There shall be no storage of vehicles or portable equipment on the premises.
- (7) Apartment buildings (but excluding the conversion of existing structures for multifamily use), subject to the following conditions:
- (a) Identification signs shall be subject to the following conditions:
 - (1) Signs shall not be illuminated.
 - (2) Signs shall be located so as to be viewed from ground-level at the property or building entrances; signs for the purpose of identifying the apartment structure from locations apart from the property shall not be permitted.
 - (3) One (1) identification sign not exceeding six (6) square feet in area and indicating only the name and address of the apartment and the name of the management thereof shall be permitted.
 - (b) Small retail shops or stands for the sale of customary snack bar items and other incidentals such as candy, tobacco products, books and periodicals, sundry personal items, and for personal services such as a barbershop, beauty shop, coin laundry, dry cleaning and laundry pick-up or valet service; and dining room or coffee shop. Any of the foregoing uses shall be permitted subject to the following conditions:
 - (1) Space for said use shall be designed and operation of said use shall be conducted solely to serve the needs of the residents of the building and their guests. Individual businesses so allowed shall not be advertised in any way to the general public.

- (2) The space for said use shall be contained wholly within and shall be designed as an integral part of the apartment structure; no part of said use shall be open to view from any public street or way.

cases where multi-level parking facilities are provided as an integral part of the structure, the setback for the entire portion of the building containing said facilities shall be determined by using the greatest height of said portion. For buildings in excess of one hundred (100) feet, an additional three (3) feet may be added to the allowable height of the portion of the building exceeding one hundred (100) feet for each additional one (1) foot said portion of the building is set back from the required setback line for a height of one hundred (100) feet. Entrance canopies for vehicles and pedestrians, open balconies, and penthouses containing mechanical equipment only shall not be utilized in determining setback requirements, provided that said penthouses be set back from the roof edge a distance of at least one-half their height. In no case, however, shall any portion of the principal building be closer than forty (40) feet to the street right-of-way line, closer than eight (8) feet to a side lot line, and closer than thirty (30) feet to a rear lot line. All building heights shall be determined by measurement from natural grade elevation.

On corner lots the side yard setback along the secondary street for single-family dwellings shall be twenty-five (25) feet.

(F) Off-street parking.

Off-street parking facilities for all uses other than churches and apartments shall be as provided for in section 43-40. Off-street parking facilities for churches shall be provided for in a ratio of one parking space for each four (4) seats within the main chapel or auditorium. Off-street parking facilities for apartments shall be provided at a ratio of one and one-half (1½) parking spaces for each dwelling unit. Each parking space shall be in conformance with the following dimensions:

<i>Parking Angle (degree)</i>	<i>Minimum Parking Stall Width (feet)</i>	<i>Stall Depth (feet)</i>	<i>Aisle Width (feet)</i>	<i>Module or Wall-to-Wall (feet)</i>
45	9	18	12	48
45	9.5	18	11	47
60	9	18	18	54
60	9.5	18	17	53
75	9	18	26	62
75	9.5	18	25	61
90	9	18	26	62
90	9.5	18	25	61

Vehicular parking may be permitted in the required side and rear yards, but shall not be permitted in the required front yard. Should the side or rear property line be a street right-of-way line, vehicular parking shall not be permitted within ten (10) feet of said line.

(G) Permitted signs.

Signs pertaining to the lease or sale of a building or premises on which the sign is erected. Such signs shall not exceed nine (9) square feet in area and shall not be closer than fifteen (15) feet to the street right-of-way line.

(H) Setback for swimming pools.

Same as for the R-3A multiple family dwelling district.

(I) Screening regulations.

Same as for the R-3A multiple family dwelling district. (Ord. No. 3035-A, § 1, 9-21-61; Ord. No. 3153-A, § 1, 4-24-62; Ord. No. 3558-A, §§ 1, 2, 7-9-64; Ord. No. 3575, §§ 1, 2, 7-14-64; Ord. No. 5511-A, § 2, 11-28-72; Ord. No. 5512-A, § 2, 11-28-72; Ord. No. 7244-A, § 3, 7-17-79; Ord. No. 7363-A, § 1, 1-8-80)

Sec. 43-19. R-3 multiple-family dwelling district.

(A) Uses permitted.

Within any R-3 multiple-family dwelling district, no building, structure or land shall be used and no building shall be

hereafter erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance [chapter], except for one or more of the following uses:

- (1) Any use permitted in the R-3A multiple family dwelling district.
- (2) Boarding and lodginghouses.
- (3) Guest houses (tourist homes).
- (4) Medical and dental clinics, where their location, structure and use have been approved by the Board of Adjustment after a public hearing.
- (5) Motels located on State or Federal Highways, where the site plans have been reviewed and approved by the Board of Adjustment after a public hearing provided, however, that no commercial establishment is connected therewith.
- (6) Civic and garden clubs.
- (7) Mobile home park, subject to the following special requirements; and upon the finding of the board of adjustment, following a public hearing, that all said special requirements have been met:
 - (a) The property proposed for said use shall be immediately adjacent to a major or secondary arterial street as shown upon the major thoroughfare plan of the City of Tampa, or shall be otherwise located with respect thereto so as not to cause excessive vehicular traffic to pass through adjacent residential areas.
 - (b) The property or tract proposed and developed for said use shall have a minimum area of eight (8) acres and shall be adequately served by municipal water, sewer, and fire protective facilities.
 - (c) The minimum number of mobile home spaces proposed and developed for initial development shall be fifty (50). Each mobile home site shall be provided with means for the permanent attachment of each mobile home to the ground with no less than four (4) anchors of the screw auger type having a five-eighths ($\frac{5}{8}$) inch shaft, six (6) inches in diameter not less than four (4) feet long, or the

arrowhead type, deadman type or the equivalent, with a horizontal area of at least twenty-eight (28) square inches not less than thirty-eight (38) inches below the surface of the ground. Each mobile home site shall be provided with a foundation consisting of a series of concrete or metal blocks or piers on concrete pads with a bearing area of at least one hundred forty-four (144) square inches spaced not more than ten (10) feet apart along both sides of the mobile home.

- (d) The minimum width of any portion of the property or tract used for general facilities, entrances, and exits only (other than alleys and service entrances) shall be fifty (50) feet. The minimum width of any portion of the property or tract containing one or more mobile home stands and/or buildings open to general occupancy shall be one hundred (100) feet. The property shall comprise a single plot except where divided by public streets or alleys or where the total property includes separate parcels for necessary utility plants with permanent rights-of-way and easements for connections and access or for other structures necessary to the park, but not open generally to the occupants, provided that all lands involved shall be of such dimensions and location so as to facilitate efficient design and management.
- (e) All spaces proposed for mobile homes shall be clearly designated, marked with corner monuments or stakes. Each space shall be of such dimensions so as to properly accommodate the mobile home and accessory equipment for which it is designed, but in no case shall any mobile home space have an over-all area of less than three thousand (3,000) square feet.
- (f) Convenience establishments of commercial nature, including food stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, and beauty shops and barber-

shops, may be permitted in mobile home parks upon the approval of the board of adjustment, provided that any said establishments and required parking areas to serve them shall not occupy more than ten (10) per cent of the park; shall be subordinate to the residential use and character of the park; shall be located, designed, and intended to serve only persons in the park; and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

- (g) All mobile home stands, mobile homes or appurtenances thereto, and buildings or structures within the park shall be set back a minimum of twenty-five (25) feet from any property line, and landscaping shall be utilized to provide a visual screen and buffer between the park and all adjacent residential properties.
- (h) All driveways within the park shall have a minimum width of twenty (20) feet and shall provide direct access to all required parking and service area. Car parking spaces shall be provided in sufficient numbers to meet the need of the occupants of the property and their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Required car parking spaces shall be located for convenient access to the mobile home stands. Insofar as practicable, one car space shall be located on each lot and the remainder located in adjacent parking bays.
- (i) The use of loudspeakers of any type is expressly prohibited within the confines of any R-3 Mobile Home Park.

- (j) A satisfactory agreement shall be submitted to the board of adjustment ensuring that no space shall be rented for residential use of a mobile home in any such park except for a period of thirty (30) days or more, and that no mobile home shall be admitted to any park unless it meets the requirements of all applicable city or state regulations.
- (k) There shall be submitted to the board of adjustment an over-all development plan for the proposed mobile home park. Said plan shall show all proposed development within the park and shall, among other things, include the location and extent of all proposed driveways, mobile home stands, recreation areas and facilities, community service areas, utility and maintenance areas, and proposed fencing and/or landscaping. The plan shall have been prepared so as to provide, as far as practicable, a pleasing residential environment for mobile home dwellers and so as to make the proposed park fully compatible with established or permitted use of adjacent land.
- (l) In connection with the board of adjustment review provided for in this subsection, a site plan for the mobile home park shall be submitted to the appropriate land planning agency, which agency shall then review that plan against the criteria set out in this subsection and shall make a recommendation based on such review to the board of adjustment. Additionally, all city departments and divisions shall have standing before the board of adjustment to comment and submit relevant evidence concerning compliance or noncompliance with the above conditions to the board of adjustment.
- (m) Following the public hearing and the receipt and review of recommendations from the planning commission, the board of adjustment may require

such changes in the proposed plan as are appropriate to ensure compliance with the above-stated standards.

(B) *Building height regulations.*

Same as in R-3A multiple-family dwelling district.

(C) *Building site area regulations.*

Same as in R-3A multiple-family dwelling district.

(D) *Front, side and rear yard regulations.*

Same as in R-3A multiple-family dwelling district.

(E) *Nonconforming lots.*

Same as for the R-1A and R-1 single-family dwelling districts.

(F) *Off-street parking regulations.*

See section 43-40.

(G) *Setback for swimming pools.*

Same as for the R-3A multiple-family dwelling district.

(H) *Screening regulations.*

Same as for the R-3A multiple-family dwelling district. (Ord. No. 1980-A, § 39.8, 1-17-56; Ord. No. 2106-A, § 1, 10-16-56; Ord. No. 3677-A, § 2, 1-19-65; Ord. No. 5316-A, § 1, 3-28-72; Ord. No. 5511-A, § 3, 11-28-72; Ord. No. 5512-A, § 3, 11-28-72; Ord. No. 7244-A, § 4, 7-17-79)

Sec. 43-19.1. Institutional-professional district (IP).

Purpose: The purpose of the institutional-professional district (designated as IP) is to provide opportunity for the grouping and appropriate development of needed institutional uses, professional and administrative offices and other uses of similar character in areas appropriate for such uses and in an environment protected from incompatible development. An additional purpose of this district is to provide areas that can serve as buffers between residential

districts and the more intensive development permitted in general commercial and industrial districts.

(a) *Permitted uses.* Within any IP institutional-professional district, no building, structure or land shall be used, and no building shall be hereafter erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this chapter, except for one or more of the following uses:

- (1) Person health care facilities, including but not limited to hospitals, clinics, nursing and extended care homes, doctors' and dentists' offices;
- (2) Professional and administrative offices of all types, but not including the sale or storage of merchandise except when the sale or storage is related directly to the rendering of professional services;
- (3) Churches, synagogues, seminaries and similar facilities;
- (4) Schools and colleges (except construction and trade);
- (5) Insurance offices, real estate offices;
- (6) Pharmacies (sales of pharmaceuticals and prosthetic devices only);
- (7) Clubs and lodges, civic or fraternal;
- (8) Single-family detached fixed dwellings on lots where such uses are in existence on January 1, 1979, and their accessory uses;
- (9) Parks, playgrounds and recreation facilities, subject to specified maintenance warranties if not publicly owned;
- (10) Health spa or exercise club;
- (11) Apartments in nonresidential structures;
- (12) Day care facilities for children or adults.

- (b) *Prohibited uses.* Within any IP institutional-professional district, any land, property or building use other than that specified in subsection (a) of this section is expressly prohibited.
- (c) *Building height regulations.* No building or structure shall exceed fifty (50) feet in height, provided that an additional foot of setback may be permitted for each foot of side yard setback provided beyond that side yard setback required; however, in no event shall the height of any building or structure exceed one hundred (100) feet.
- (d) *Setback regulations.*
- (1) Front yard setbacks shall be twenty (20) feet, except where abutting a residential district, in which case the setback shall be the greater of twenty (20) feet or the setback of the abutting residential district.
 - (2) Side yard and rear yard setbacks are not required, except where the property abuts a residential district, in which case the side yard and rear yard setbacks shall be ten (10) feet.
- (e) *Development requirements.* Developments in the IP institutional-professional district shall be in accordance with the following additional development requirements:
- (1) A preapplication conference is recommended with the appropriate land planning agency;
 - (2) All signs shall comply with the provisions of section 43-41 and Chapter 45 of this Code; however, in no event shall any sign exceed nine (9) square feet in surface area.
 - (3) Off-street parking and loading shall be required in accordance with the provisions set forth in section 43-40 of this Code.
 - (4) All other provisions of this Code shall be complied with.

- (5) Buffering shall be required of any lot abutting a residential district. That buffering shall be a continuous buffer wall with a minimum height of six (6) feet, provided that no such buffer shall extend nearer to a street right-of-way line than the established building line of the adjoining residential lot. The buffer shall be a compact evergreen hedge or other type of similar foliage screening with a minimum width of five (5) feet, or such screening may be a solid fence or masonry wall. In addition, in all lots abutting streets there shall be provided a five-foot-wide buffer between the street right-of-way and any areas of institutional-professional activity (e.g., parking, loading) such that the visibility of the activities is minimized. No advertising structures shall be located between the buffer and the street right-of-way.
- (6) Site plan review requirements. Site plan review is required prior to petitioning for I-P, institutional-professional zoning district, in accordance with the procedures described in section 43-33, "zoning site plan review," of this Code. (Ord. No. 5539-A, § 1, 1-2-73; Ord. No. 5830-A, § 1, 1-3-74; Ord. No. 6349-A, § 2, 4-13-76; Ord. No. 6688-A, § 1, 7-12-77; Ord. No. 7174-A, §§ 1, 2, 3-15-79; Ord. No. 7467-A, § 1, 7-17-80)

Sec. 43-19.2. TH overlay town house district.

(A) *Purposes:* The purposes of the TH overlay town house district are:

- (1) To provide opportunity for development of town houses as an alternative form of single-family dwelling in suitable areas of the city;
- (2) To provide a means whereby both large and small town house developments can be compatible with other uses in certain zoning districts; and

- (3) To provide suitable controls to help achieve maximum feasible developmental efficiency, provided such development is in accordance with adopted plans of the city.

(B) *Placement of this overlay district:* This district may be placed, upon application of the developer, on land zoned to R-1, R-2, R-3A and R-3. Rezoning to place this overlay district upon land in any of these zoning districts shall be carried out with all procedures required of any rezoning, as set forth in section 43-96, City of Tampa Code. Districts with this overlay would be identified as, for example, R-1(TH).

(C) *Permitted uses:*

- (1) Town houses.
- (2) Accessory buildings and uses customarily incidental and accessory residential structures and uses.
- (3) Any use permitted in the underlying district to which this overlay district is attached.

(D) *Review requirements:*

- (1) *Pre-application conference.* Applicants for this overlay district shall schedule a pre-application conference with the appropriate land planning agency or department. A sketch plan showing general development details proposed shall be provided by the applicant for review by the planner during the conference.
- (2) *Application and general site development plan review.*
 - (a) At time of application for rezoning to this overlay district, the applicant shall submit to the City of Tampa Department of Housing, Inspections and Community Services ten (10) copies of a general site development plan showing the proposed development as it is to be situated on the lot or tract of land. Such general site development plan shall include all proposed buildings, parking and service areas, access roads and drives, accessory buildings,

buffers, landscaping, land uses of all abutting properties, including rights-of-way, and the conditions of those rights-of-way.

- (b) The general site development plan shall be transmitted by the department of housing, inspections and community services to the appropriate land planning agency or department for review and recommendation. Copies of the general site development plan shall also be referred, for review and recommendation, to the following: Traffic engineer,

right-of-way engineer, drainage engineer, water, sanitary sewers, public works, and any other departments deemed appropriate by the department of housing, inspections and community services. Each recommendation shall be made in accordance with criteria set forth below to the department of housing, inspections and community services within fifteen (15) working days following filing of application. Following this review, the developer may alter his general site development plan to conform to the recommendations or remove any objections; however, any change in the general site development plan, which in the opinion of the department of housing, inspections and community services would affect or alter the review or recommendation of the land planning agency or department, or any of the city departments or divisions above cited, shall be referred by the department of housing, inspections and community services to those city departments or divisions again for review and recommendation. All recommendations shall then be transmitted to city council.

- (c) Review criteria: The town house development shall be reviewed by the appropriate land planning agency or department and by the City of Tampa departments and divisions above cited for its compatibility with the following:
1. All existing developments in the immediate area;
 2. All existing natural features;
 3. Sewer and water availability;
 4. Traffic volume and flow;
 5. Right-of-way dimensions and future acquisition plans;
 6. Adopted plans of development (general, sub-sector and neighborhood).

- (3) *Rezoning.* Following review of the general site plan, the recommendation by the appropriate land planning agency or department and the department of housing, inspections and community services shall be transmitted to the city council for the rezoning hearing.

(E) *Detailed site plan review:*

- (1) Following approval by city council of the TH overlay zoning, the applicant shall submit detailed town house site development plans to the City of Tampa Department of Housing, Inspections and Community Services which, upon receipt thereof, shall refer a copy for review and recommendation concerning compliance with the general site development plan and applicable provisions of this code to the following city departments or divisions: Traffic engineering, right-of-way engineering, drainage engineering, water, sanitary sewers, public works, and any other departments deemed appropriate by the department of housing, inspections and community services, and each of the city departments shall make their recommendations to the City of Tampa Department of Housing, Inspections and Community Services, and after such recommendations, the developer shall alter his detailed site plan to conform to applicable provisions of this Code. However, after such alteration, or after any change or amendment, such alteration, change, or amendment shall be resubmitted to the department of housing, inspections and community services, which shall make distribution of copies of the altered, changed, or amended plans in the manner cited above for the original detailed site plan.
- (2) It is suggested that the applicant schedule a preliminary conference with the department of housing, inspections and community services prior to application for construction permits.
- (3) Review by the various reviewing agencies shall be based on the criteria set forth herein, together with other applicable provisions of this Code.

- (4) In the event that deviations from the approved general site development plan, proposed during detailed site plan review, are determined to be substantial deviations, the detailed site plan shall be revised to conform to the general site development plan, or the rezoning procedure shall be repeated to accommodate the proposed conceptual modifications. Proposal of one or more of the following changes shall be considered a substantial deviation:
- (a) An increase in the number of dwelling units approved at time of rezoning.
 - (b) For developments providing common open space, a decrease of five (5) per cent in the amount of such open space or provision of the open space in an area other than that proposed in the approved general site development plan. In no case shall open space be decreased below the minimum required in subsection (G)(5) of this section.
 - (c) A dimensional or locational change in ingress/egress ways, access ways, internal or common streets, or similar circulation elements.
 - (d) A change with regard to front or rear auto storage, unless contained within the property lines of a condominium development.
 - (e) Change from provision of all parking on individual lots to any form of common parking or vice versa.
 - (f) Any change or modification not specified above which is determined by the department of housing, inspections and community services of the City of Tampa to be a substantial deviation.
- (5) Upon a finding by the department of housing, inspections and community services during review, that a developer has proposed substantial deviations, as set forth above, the developer, in order to proceed, shall amend the detailed site plan to conform to the general

site development plan, or shall amend the general site development plan through the rezoning process.

(F) *Development alternatives:* This TH overlay district may be used for:

- (1) Developments in which each individual town house unit is located on an individual deeded lot having frontage on a public street with all required parking spaces provided on the lot and all open space provided on the lot or by separately deeded common ownership or publicly owned open space areas.
- (2) Condominium developments in which units may front on private streets and may provide one of the required parking spaces in a common parking bay and/or provide some or most of the required open space by separately deeded common open space.

(G) *Development requirements:*

- (1) Each town house unit shall be placed upon an individual parcel of real land unless in a condominium development. Projects consisting of one acre or more shall be subject to the subdivision chapter [Chapter 35] of this Code. Condominium developments of any size shall file a declaration of condominium with the clerk of circuit court as required by law.
- (2) The minimum town house development size shall be eight thousand, nine hundred twenty-five (8,925) square feet, and the site shall have a minimum public right-of-way frontage of eighty-five (85) feet, unless a condominium as in item (1) above.
- (3) Each lot shall have a minimum front yard depth of fifteen (15) feet for lots providing rear yard auto storage, and twenty (20) feet for lots providing front yard auto storage. Further, each rear yard shall have a minimum depth of thirty-three (33) feet for lots providing rear yard auto storage, and twenty-four (24) feet for lots providing front yard auto storage. Units providing front yard auto storage shall be permitted

to cantilever, on second story construction, a maximum of five (5) feet beyond the required front yard setback. These requirements may be partially waived if the development is a condominium under subsection (F) above.

- (4) A minimum of two (2) enclosed parking spaces shall be provided upon each town house lot wherein front yard auto storage is provided, and a minimum of two (2) parking spaces, either open or enclosed, shall be provided on each town house lot wherein rear auto storage is utilized. Where rear yard auto storage is utilized, there shall be a minimum lot area of twenty-one hundred (2,100) square feet of usable land and a minimum lot width of twenty (20) feet. Where front yard auto storage is utilized, there shall be a minimum lot area of two thousand, five hundred fifty (2,550) square feet of usable land and a minimum width of twenty-five (25) feet.
- (5) Provision of open space:
- (a) There shall be a minimum of nine hundred (900) square feet per town house lot of open space outdoor area, exclusive of automobile storage area and access ways, suitable for landscaping and/or family recreation.
- (b) For developments of fifteen (15) town house units or more, the developer shall have the option of providing three hundred (300) of the required nine hundred (900) square feet of open space outdoor area from each town house lot within a common open outdoor area or areas developed for landscaping and/or recreation, with the minimum common open space outdoor area containing forty-five hundred (4,500) square feet.
- (c) In the event that the common open space outdoor area option is utilized, the proposed area shall be provided in the initial stages of the development, and whether or not the entire development is carried out.

- (d) Any common open space outdoor area proposed shall appear on the recorded site development plan, and means of providing for ownership and perpetual maintenance of such area or areas shall be established during site development plan review. A statement covering such ownership and maintenance shall be recorded with the final approved site development plan.
- (6) No fewer than three (3) town house dwellings, and no more than eight (8) town house dwellings, shall be constructed in a contiguous configuration. No more than two (2) contiguous town house dwellings shall be constructed with a common front building line, and the minimum difference in building line setback shall be two (2) feet. No contiguous group of dwellings shall exceed two hundred (200) feet in frontage width, excluding garage or carport.
- (7) No portion of a town house or related accessory structure in one group of contiguous town house structures shall be closer than twenty (20) feet to any portion of a town house or related accessory structures of another group of contiguous town house structures. No group of contiguous town houses or related accessory structures shall be closer than ten (10) feet from a side yard property line where such property line is not included within the town house development. A minimum of fifteen (15) feet shall be provided as a side yard setback between the side of any town house dwelling and public right-of-way.
- (8) No portion of a town house structure or related accessory structures shall exceed the maximum height in the underlying district.
- (9) Where a town house development of six (6) or more dwelling units fronts on a street with a vehicle traffic count of one thousand and five hundred (1,500) or more vehicles per day, there shall be provided a single entrance from the street to serve all the units, with

internal streets providing for circulation to the individual units.

- (10) All town house developments shall have the principal entrance from a street having a minimum right-of-way width of fifty (50) feet unless, during site plan review, a lesser right-of-way width is deemed appropriate in consideration of all existing conditions, as indicated on the detailed site plan.

(H) *Building permit following approval of detailed site plan:*

- (1) Building permits may only be issued for construction of town house developments consistent with an approved detailed site plan as set forth in subsection (E) of this section. (Ord. No. 7016-A, § 2, 8-15-78; Ord. No. 7226-A, § 1, 6-19-79)

Sec. 43-19.3. R-P residential-professional district.

(A) *Purpose.* The purpose of the residential-professional district (designated as R-P) is to provide opportunity for low-intensity professional uses in predominantly single-family residential areas where such professional development would be appropriate. This district would permit conversion of residential structures to professional uses or the construction of new structures for professional uses. This district is also designed to serve as a buffer between nonresidential districts and residential districts and to buffer residential uses from heavily travelled streets.

(B) *Permitted uses.* Within any R-P, residential-professional district, no building, structure or land shall be used and no building shall be hereafter erected, constructed, reconstructed, or structurally altered, unless otherwise permitted in this chapter, except for one or more of the following uses:

- (1) Single-family dwellings, including accessory structures.

- (2) Parks, playgrounds, and playfields under the supervision of the City of Tampa.
- (3) Low-intensity office/studio uses not employing more than three (3) persons in the use, not occupying more than two thousand (2,000) square feet of the structure in the carrying on of the professional use (in addition to the residential use, if appropriate); not capable of handling more than three (3) clients at a time, not including the sale or storage of merchandise except as related to and incidental to the professional service, and limited to the following uses:
 - (a) Accounting office;
 - (b) Administrative office;
 - (c) Advertising agency;
 - (d) Architect's office;
 - (e) Artist's studio;
 - (f) Attorney's office;
 - (g) Dressmaker;
 - (h) Engineer's office;
 - (i) Home occupations;
 - (j) Income tax assistance;
 - (k) Insurance agency;
 - (l) Interior decorator's studio;
 - (m) Portrait photography studio, not including live model studios;
 - (n) Real estate or appraisal office;
 - (o) Telephone message center.
- (4) Substations of public or private utilities, subject to the provisions set forth in section 43-15 of this chapter.
- (5) One nonelectrical nameplate not exceeding one square foot in area identifying the occupant and the professional use to which the property is being put.

(C) *Site regulations, minimum requirements.*

(1) Area, yards, parking:

	<i>Lot Area, Square Feet</i>	<i>Lot Width, Lineal Feet</i>	<i>Auto Storage</i>	<i>Front Yard Setback</i>	<i>Side Yard Setback</i>
<i>Construction on Unimproved Use of Improved Property</i>	6,000	60	One per employee, plus 3	25 feet	10 feet
<i>Construction on Unimproved Use of Improved Property</i>	NA ¹	NA ¹	One per employee, plus 3	NA ¹	NA ¹
<i>Construction on Unimproved Use of Improved Property</i>	Side yard setback adjoining public right-of-way—15	Rear yard setback—30	Height of structure		Buffering
<i>Use of Improved Property</i>	NA ¹	NA ¹	35 ¹		

Garage and accessory uses

	<i>Front Set-back</i>	<i>Side Set-back</i>	<i>Street, other than Front Setback</i>
<i>Construction on Unimproved Use of Improved Property</i>	60 feet—0 inches ²	4 feet—0 inches ²	8 feet—0 inches ²
<i>Construction on Unimproved Use of Improved Property</i>	60 feet—0 inches ²	4 feet—0 inches ²	8 feet—0 inches ²

¹Any new construction on improved property shall not exceed the setback standards of unimproved property.

²Only for use as part of a residential structure.

(2) Locational criteria:

(a) The site to be rezoned to this district shall be located on a collector or arterial street, as defined by current City of Tampa traffic engineering standards; or

(b) The site to be rezoned to this district shall be located adjacent to an existing nonresidential zon-

ing district. For the purpose of this subsection, the R-P residential-professional district shall be considered a residential zoning district.

(D) *Buffering.* Upon any developed lot in this district abutting a residential district or residential usage, there shall be provided a continuous screen of a solid, masonry wall or fence, with a minimum height of six (6) feet and maximum height of eight (8) feet, except that no such wall or fence shall extend nearer to a street right-of-way line than the established building line or setback line of the adjoining residential district.

(E) *Prepetition conference.* It is recommended that an individual applying for rezoning to this district schedule a conference with the appropriate land planning agency prior to petitioning for rezoning to this district. A sketch showing major features of the proposed site used should be provided by the applicant during the conference.

(F) [*Site plan review.*] Site plan review as set forth in section 43-33 is required as an incident to rezoning to this district. (Ord. No. 7205-A, § 1, 5-8-79; Ord. No. 7313-A, § 1, 10-23-79; Ord. No. 7804-A, §§ 1-3, 10-29-81)

Sec. 43-20. R-4 multiple-family dwelling-institutional-professional district.

The purpose of the R-4 zoning district shall be to provide areas of adequate size, properly related to the major street network, community facilities, and services, for the accommodation of high-density residential development, public and institutional uses, and appropriate administrative and professional offices.

(a) *Uses permitted.* Within an R-4 multiple-family dwelling-institutional-professional zoning district, no building, structure or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance [chapter], except for one or more of the following uses:

(1) Any use permitted in the R-3A multiple-family dwelling district.

- (2) Boarding and lodging houses.
 - (3) Guest houses (tourist homes).
 - (4) The following auxiliary or services uses: Book and magazine shop, barbershop, beauty shop, drug-store, florist shop, gift shop, restaurant or coffee shop, provided that any such use is located wholly within a structure of an institutional nature, or within a hotel, apartment hotel, or other multiple dwelling structure, or within an office building, and further provided that any such use shall not be visible or evidenced in any way from the exterior of the building and shall have no exterior display window, identification sign, or other exterior evidence of said use.
 - (5) Clinic, dental or medical.
 - (6) College or university, subject to the approval of the board of-adjustment after a public hearing.
 - (7) Eleemosynary or philanthropic institution.
 - (8) Fraternity or sorority house.
 - (9) Hotel or apartment hotel.
 - (10) Office for administrative, business or professional use, but not including the sale or storage of merchandise, except where sale of merchandise relates directly to the rendering of personal services.
 - (11) Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance but not including a commercial gymnasium.
- (b) *Building height regulations.* Same as in R-3A multiple-family dwelling district.
 - (c) *Building site area regulations.* Same as in R-3A multiple-family dwelling district.
 - (d) *Front, side and rear yard regulations.* Same as in R-3A multiple-family dwelling district.

- (e) *Nonconforming lots.* Same as for R-1A and R-1 single-family dwelling districts.
- (f) *Off-street parking regulations.* Off-street parking facilities shall be provided as set forth within section 43-40, shall not be located within any required front or side yard, and shall be visually screened from adjoining property or rights-of-way by means of a solid wall and/or landscaping having a minimum height of six (6) feet, but fences and walls shall not exceed eight (8) feet in height.
- (1) Off-street parking regulations provided for in subsection (g) shall not be applicable to the following described property except that off-street parking facilities shall be provided as set forth in section 43-40:

A tract consisting of:

All of E. M. GREESON'S RESUBDIVISION of Lots 9 and 10 in Block 1, of "Plan of Bay-side", as per map or plat thereof, recorded in Plat Book 5, page 67, of the Public Records of Hillsborough County, Florida; AND

Lots 2 and 8 and part of Lot 1 in Block 1 of Plan of BAY-SIDE, as per map or plat thereof recorded in Plat Book 1, page 18, of the Public Records of Hillsborough County, Florida; AND

Part of that certain 15-foot wide alley in said Block 1 of Plan of BAY-SIDE; AND

Part of the area shown as right-of-way for Fort Brooke Street lying Southerly of said Lot 8 in Block 1 of Plan of BAY-SIDE;

Said tract being more particularly described as follows: From the Easternmost corner of said Lot 1 in Block 1 of Plan of BAY-SIDE, run North 75° 19' West along the Southwesterly right-of-way line of Verne Street a distance of 67.09 feet to a point of beginning:

- (1) Off-street parking regulations provided for in subsection (g) shall not be applicable to the following described property except that off-street parking facilities shall be provided as set forth in section 43-40:

A tract consisting of:

All of E. M. GREESON'S RESUBDIVISION
of Lots 9 and 10 in Block 1, of "Plan of Bay-

From said point of beginning, run South 15° 17' West a distance of 24.3 feet; run thence South 13° 22' West a distance of 57.5 feet; run thence South 68° 53' East a distance of 29.04 feet to a point on the Southeasterly boundary of said Lot 1, which point is 92.71 feet Southwesterly from the point of beginning; run thence South 38° 17' West along the Southeasterly boundary of said Lot 1 a distance of 25.5 feet to a point on the Northwesterly extension of the Northeasterly boundary of said E. M. Greeson's Resubdivision; run thence South 39° 24' East along said Northwesterly extension and along said Northeasterly boundary of E. M. Greeson's Resubdivision a distance of 165.47 feet to the Easternmost corner of said E. M. Greeson's Resubdivision; run thence South 48° 00' West along the Southeasterly boundary of said E. M. Greeson's Resubdivision a distance of 75.27 feet to the point of intersection with the Southerly boundary of said E. M. Greeson's Resubdivision; run thence South 78° 47' West along said Southerly boundary of E. M. Greeson's Resubdivision a distance of 77.7 feet to the Southeast corner of said Lot 8 in Block 1 of Plan of Bayside; run thence South 22° 31' East a distance of 33.7 feet; run thence Southwesterly along the arc of a curve to the right (radius—165.0 feet) an arc distance of 83.4 feet (chord—82.52 feet, chord bearing—South 67° 53' West) to a point on the Southeasterly extension of the Westerly boundary of said Lot 8 in Block 1, which point is 55.1 feet Southeasterly from the Southwest corner of said Lot 8; run thence North 11° 10' West along said Southeasterly extension of the Westerly boundary of Lot 8, and along the Westerly boundary of said Lot 8, and along the Northwesterly extension of said Westerly

boundary of Lot 8, a distance of 206.85 feet to a point on the center line of said 15-foot wide alley; run thence South 89° 57' East along said center line of alley a distance of 38.55 feet to a point on the Southerly extension of the Westerly boundary of said Lot 2 in Block 1 of Plan of Bayside; run thence North 0° 08' West along said Southerly extension of the Westerly boundary of Lot 2 and along the Westerly boundary of Lot 2 a distance of 189.0 feet to the Northwest corner of said Lot 2 in Block 1; run thence South 75° 19' East along the Northerly boundaries of said Lots 2 and 1, in Block 1 (which line is also the Southwesterly right-of-way line of Verne Street) a distance of 104.41 feet to the point of beginning, having street addresses of 351, 353, 355 and 357 Bayshore Blvd. and 208 Verne Street, Tampa, Florida.

- (g) *Permitted signs and outdoor lighting.* Signs set forth as permitted within an R-3A district shall be permitted. In addition, one name plate and/or identification sign illuminated by a nonoscillating concealed source and not exceeding six (6) square feet in size shall be permitted for any use, provided that said sign shall be either attached flush to the wall of the building or shall be located at ground level behind all required setback lines with a maximum height from the ground of four (4) feet.

All outdoor lighting provided for any purpose shall be arranged so that the light source is not visible from, or cause glare upon any public right-of-way or adjoining property.

- (h) *Setback for swimming pools.* Same as for the R-3A multiple family dwelling district.
- (i) *Screening regulations.* Same as for the R-3A multiple family dwelling district. (Ord. No. 3267-A, § 1, 10-18-62; Ord. No. 3792-A, § 1, 8-10-65; Ord. No. 4515-A, § 1,

9-24-68; Ord. No. 5330-A, § 1, 4-18-72; Ord. No. 5511-A, § 4, 11-28-72; Ord. No. 5512-A, § 4, 11-28-72; Ord. No. 6252-A, § 1, 9-30-75; Ord. No. 6595-A, § 1, 3-1-77; Ord. No. 6741-A, § 1, 9-8-77; Ord. No. 7521-A, § 1, 11-25-80)

Sec. 43-21. E, Universal extension district.

(A) Establishment:

Any zoning district delineated upon the zoning map of the City of Tampa and identified thereon by the use of the letter "E" as part of the zoning district identification symbol (Example: R-2E, C-1E, etc.) shall be established as an extension zoning district subject to all the requirements and all standards as hereafter set forth.

(B) Purpose:

The purpose of the extension zoning district shall be to provide for harmonious and transitional development in locations where lots or parcels within an existing zoned area is of inadequate size, depth or proportions to permit said proper development; to provide protection to adjacent zoned areas by the establishment of development standards and buffering requirements; to set forth the standards and requirements for new or rearranged development; to establish the procedures for the review of proposed new developments or the rearrangement of existing developments; and for other purposes.

(C) Permitted uses:

Any use permitted in the district within the corresponding district having the same identification letter and numeral (Example: all C-1 uses shall be permitted within a C-1E Zoning District), provided that the lot or parcel upon which its use is developed shall be combined with an adjacent lot or parcel having a frontage upon a public street or highway. Such adjacent lot or parcel must have a corresponding or more intense zoning district classification. Any such use shall be permitted only following a finding by the zoning official that such development plan for the entire property within both districts meets the following conditions:

- (a) Vehicular access shall be provided only through the lot or lots within the corresponding or more intense zoning district.
- (b) All off-street parking facilities shall be designated.
- (c) The property shall be properly screened from all adjacent properties not already in use for the specified zoning purposes, including adjacent properties separated from the subject property by a public right-of-way. Such screening shall be accomplished by means of a permanent, solid masonry wall, which shall be continuous with no entrances or exits allowed. The wall shall not be less than six (6) feet in height, and shall not exceed eight (8) feet in height, and shall be properly maintained. Such screening or buffering requirements must be complied with no later than six (6) months from the time the subject property is placed within the extension zoning district, or within six (6) months of the date this subsection becomes effective.
- (d) All outdoor light provided for any purpose shall be so designated and arranged so that the light source will not be visible from, or cause glare upon, any public right-of-way or adjacent property.

(D) Building height regulations:

No building or structure which exceeds thirty-five (35) feet in height except as otherwise provided in section 43-39.

(E) Building site area regulations:

The proposed site to serve new or rearranged uses or structures shall be an area of sufficient proportions so as to properly accommodate said use or structure and meet the minimum area requirements as herein provided. For residential uses or other uses or structures permitted within the adjoining district, the minimum lot area provisions of said residential zoning district shall be followed.

(F) Front, side and rear yard regulations:

When used for any use authorized, the front, side and rear yard regulations shall be the same as those set forth for the corresponding zoning district having the same identification letter and

numeral (Example: Such regulations within a C-1E zoning district would be the same as those required within a C-1 zoning district), except that where property situated immediately adjacent to a lot used for another purpose is to be developed with a use permitted within the adjacent zoning district, the yard adjoining the said adjacent lot shall be subject to the yard requirements as set forth within the adjoining zoning district. Where the intended or proposed use or structure is to be developed on a double frontage lot, the rear yard setback from an adjacent public right-of-way shall be the same as the front yard setback for the adjacent zoning district.

(G) Nonconforming lots:

Same as for the R-1A and R-1 dwelling districts.

(H) Off-street parking regulations:

Off-street parking facilities shall be provided as set forth within section 43-40.

(I) Completion bond; other security:

When a property owner is granted any zoning changes designated with an "E" under the provisions of this section as a result of his petition for rezoning, he shall, within ten (10) days from the date of such rezoning grant, deposit with the department of housing, inspections and community services (H.I.C.S.) evidence of bond or other security suitable to that department in an amount established by resolution of city council. Failure to post such bond or other security shall be just cause for the zoning authority of the City of Tampa to revoke or repeal any zoning previously granted as a result of the property owner's petition. If, however, the property (which shall be the property screened or buffered pursuant to this section from adjoining properties) adjoining that "E" district owned by the petitioner-property owner is completely unimproved, the bond or security posting requirement shall be imposed at the time which building permits are applied for improvement of that property, and proper bond or security as above stated is provided. The City of Tampa shall not release the bond or other security unless and until the screening and buffering requirements under this section have been completely complied with. In the event that the screening or buffering requirements

provided for in this section are not complied with within the time specified in this section, the City of Tampa is authorized to construct, or cause to be constructed, whatever screening and buffering requirements are made necessary by this section, and the City of Tampa is further authorized to levy against the bond or other security in the amount of the construction costs for such screening or buffering.

(Ord. No. 3791-A, § 1, 8-10-65; Ord. No. 3983-A, §§ 1-3, 7-12-66; Ord. No. 5130-A, § 1, 7-20-71; Ord. No. 5822-A, § 1, 12-18-73; Ord. No. 6307-A, § 1, 1-13-76; Ord. No. 6824-A, § 1, 1-3-78; Ord. No. 7223-A, § 1, 6-14-79; Ord. No. 8397-A, § 1, 10-27-83; Ord. No. 9059-A, §§ 1, 2, 10-17-85)

Sec. 43-21.1. NC neighborhood commercial district.

Purpose: The purpose of the neighborhood commercial district (designated as NC) is to provide for the daily retail and service needs of the residents of a residential neighborhood area, either in clustered individual buildings or in a small planned shopping center, where such developments are consistent with the adopted comprehensive plan of development of the City of Tampa.

(A) *Permitted uses.* Within any NC, neighborhood commercial district, no building, structure or land shall be used, and no building shall be hereafter erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this chapter, except for one or more of the following uses:

- (1) Small retail shops with a maximum floor area of three thousand (3,000) square feet per shop;
- (2) Small personal or repair service shops with a maximum floor area of three thousand (3,000) square feet per shop, limited, however, to typical service shops, including, but not limited to, dressmaking, tailoring, barber shops, beauty shops, shoe repair, catering, small appliance repair, income tax service, bicycle repair, professional photography, laundry and self-service shops;
- (3) Sandwich shop, delicatessen, or carry-out food store, ice cream and soda shop or similar fast food service establishments;
- (4) Apartments over commercial structures, limited to two (2) per structure;
- (5) Single-family detached fixed dwellings in existence at the time of the rezoning of the land;
- (6) Home occupations;
- (7) Planned commercial cluster developments.

(B) *Prohibited uses.* Within any NC, neighborhood commercial district, the following land, property and building uses are expressly prohibited:

- (1) Drive-in facilities of any kind;
- (2) Establishments requiring storage in bulk of flammable or noxious liquids or substances;
- (3) Bars, cocktail lounges, discotheques, package liquor stores, adult bookstores, adult theaters, special cabarets, live model studios, escort services, adult entertainment establishments, or any facility providing live entertainment or dancing;
- (4) Apartment structures;
- (5) Commercial plasma or blood donor centers;
- (6) Commercial uses other than those listed as permitted;
- (7) All categories of gasoline dispensing facilities;
- (8) Industrial uses of any kind;
- (9) All uses not specifically permitted under subsection (A) of this section.

(C) *Building height regulations.* No building or structure shall exceed thirty-five (35) feet in height, except as otherwise provided in section 43-51(3) of this Code.

(D) *Setback regulations.*

- (1) Front yard setbacks shall be the same as the adjacent residential district; provided, however, that in all cases a minimum setback of twenty (20) feet shall be required. In the case of a contiguity to two (2) residential districts with a different front yard setback for each use, the greater setback shall apply.
- (2) Side yard setbacks shall be the same as the adjacent residential districts for individual businesses on separate lots, or for both sides of a planned commercial cluster development; however, within such development no side yard setbacks shall be required for individual buildings unless required to meet the provisions of Chapter 14 and Chapter 45 of this Code.

- (3) Rear yard setbacks shall be only those necessary to accommodate buffering, as set forth in section 43-19.1 (E) (4) of this Code.

(E) *Site area regulations.* No site size is required for single individual commercial enterprises located on single individual lots. Planned commercial cluster developments shall have a maximum site size of three (3) acres; provided, however, that no planned commercial cluster development shall be permitted at any site closer than one-half ($\frac{1}{2}$) mile, as measured by straight line distance, to any other planned commercial cluster development.

(F) *Other development requirements.* Developments in the NC, neighborhood commercial district, shall also be in accordance with the following additional development requirements:

- (1) The maximum floor area per shop or business shall be three thousand (3,000) square feet.
- (2) All businesses shall be conducted wholly within a completely enclosed building, except for parking and loading and that temporary outdoor displays are in conjunction with and appropriate to the business. Any cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration shall be effectively contained on the premises.
- (3) No more than three (3) employees, in addition to the proprietor, shall be employed on each premise, and all products shall be for sale on the premises only.
- (4) Site plan review shall be required in accordance with subsection (H) of this section.
- (5) Off-street parking and loading shall be required in accordance with the provisions set forth in section 43-40 of this Code.
- (6) Signs shall comply with the provisions of section 43-41 and Chapter 45 of this Code and in addition, with the following:

- (a) No billboards or other off-premises or non point-of-sale outdoor advertising shall be permitted in this district.
- (b) Buffering shall be provided in accordance with section 43-19.1(E)(4).
- (c) Landscaping shall be in accordance with Chapter 45 of this Code.

(G) *Pre-petition conference.* A conference with the planning staff of the appropriate planning agency of jurisdiction is suggested prior to petitioning for this zoning district classification.

(H) *Site plan review requirements.* Site plan review is required prior to petitioning for NC, neighborhood commercial, zoning classification in accordance with the manner described in section 43-33 of this Code. (Ord. No. 7035-A, § 1, 9-7-78)

Sec. 43-22. C-1 neighborhood commercial district.

The neighborhood commercial district is designed primarily to meet the needs and conveniences of the surrounding neighborhood by providing shopping and service areas for the consumers of the tributary neighborhood.

(A) *Uses permitted.*

Within any C-1 neighborhood commercial district, no building, structure or land shall be used and no building shall hereafter be erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance [chapter], except for one or more of the following uses:

- (1) Any use permitted in the R-3 multiple family dwelling district, except trailer parks, house trailer courts and mobile home parks. (Ord. No. 5823-A, § 1, 12-18-73)
- (2) Any retail business, personnel or professional service establishments that do not involve the employment of more than ten (10) persons in the processing of materials or manufacture of products:

- (a) Art, antique and gift shop.

- (b) Gasoline dispensing facility, including minor automobile repairs as an accessory use to the automotive filling/service station use, or as the principal use within an automotive filling/service station. (Ord. No. 8034-A, § 6, 8-12-82)
- (c) Bakery, the products of which are sold at retail on the premises.
- (d) Barber and beauty shops.
- (e) Billboards and poster panels. (Ord. No. 2006-A, § 1, 3-13-56)
- (f) Book, stationery, camera or photographic supply store.
- (g) Bottle clubs. (Ord. No. 3860-A, § 1, 11-9-65)
- (h) Cafe or restaurant, including drive-in restaurants. The site plan, arrangement and location of all drive-in restaurants shall be approved by the board of adjustment after a public hearing.
- (i) Self-service car-wash, subject to the following requirements: (Ord. No. 3524-A, § 2, 3-17-64)
 - (1) Said use shall be permitted only upon property directly abutting any portion of those streets designated as main thoroughfares in section 43-54, Chapter 43, City of Tampa Code. (Ord. No. 3860-A, § 1, 11-9-65)
 - (2) A minimum off-street storage space to accommodate two (2) waiting automobiles shall be provided for each wash day.
 - (3) No employee shall be permitted other than one (1) person to maintain equipment and grounds.
 - (4) No equipment shall be permitted except as necessary to permit self-service car-washing or drying directly and solely by the customer.
- (j) Dairy products, ice cream stand.
- (k) Dental and medical laboratories.
- (l) Department store, clothing, shoes, millinery, dry goods, notions, jewelry, sundries.
- (m) Dress making and tailoring.

- (n) Dry cleaning and laundry pick up station, self-service laundry.
 - (o) Furniture, office supplies and equipment, home furnishings, interior decorator.
 - (p) Florist, nursery and greenhouse.
 - (q) Grocery, fruit, vegetable, meat market, delicatessen.
 - (r) Hardware, bicycles, paint, electric appliance store, including radio and television service.
 - (s) Hotels and motels.
 - (t) Offices, professional and servicing, including banks.
 - (u) Parking lot, storage garage.
 - (v) Photograph studio.
 - (w) Print shop, mimeographing and multigraphing service.
 - (x) Shoe repair shop and hat cleaning.
 - (y) Theaters but excluding drive-in theaters.
 - (z) Undertaking or mortuary establishments.
 - (aa) Accessory uses and structures when located on the same lot as the main structures, excluding, however, open storage.
 - (bb) Convalescent care or nursing home. (Ord. No. 4620-A, § 1, 3-18-69)
- (3) Electric substations. (Ord. No. 2158-A, § 1, 2-2-57)
- (4) Amusement parks (permanent), subject to the following requirements and upon the finding of the board of adjustment, following a public hearing, that all special requirements have been met:
- (a) The property or tract proposed and developed for said use shall have a minimum area of five (5) acres.
 - (b) All buildings and structures and amusement ride facilities shall be set back a minimum of fifty (50) feet from any property line.
 - (c) The property shall be screened at its boundary from all adjacent properties within a residential district classification, including those separated by an alley right-of-way, by a solid fence at least six feet (6') in height and shall not exceed eight feet (8') in height.

- (d) All outdoor lighting provided for any purpose shall be arranged so that the light source is not visible from or cause glare upon any public right-of-way or adjoining property.
- (e) The property proposed for said use shall be immediately adjacent to a major or secondary arterial street, or shall be otherwise located with respect thereto so as not to cause excessive vehicular traffic to pass through adjacent areas.
- (f) Adequate area shall be reserved and developed for off-street parking spaces. Said parking area shall be reviewed and approved by the City of Tampa Traffic Engineer.
- (g) The proposed facility shall comply with all applicable regulations of the City of Tampa, including, but not limited to the fire department, police department and health department.
- (h) No animals or birds shall be kept or displayed as part of the amusement facility.
- (i) Prior to review by the board of adjustment, a complete site plan showing all proposed uses to be placed upon the site in accordance with the development standards and requirements set forth herein shall be submitted to the Hillsborough County Planning Commission for review. The Planning Commission shall review the proposal to determine its conformance with the foregoing standards and regulations and its compatibility with the existing or projected development of adjacent property, and shall thereupon submit its recommendation as to the granting of the proposed use to the board of adjustment.
- (j) Following the public hearing and the receipt and review of recommendations from the planning commission and the traffic engineer, the board of ad-

justment may require such changes in the proposed plan as are appropriate to ensure a maximum of compatibility with adjacent property so that the operation of said use will not impair the health, safety or welfare of the neighborhood. (Ord. No. 4881, § 1, 5-5-70)

(5) Indoor skating rinks; cigar factories. After review of an application and public hearing thereon, the board of adjustment may grant as a conditional use, indoor skating rinks or cigar factories. The board of adjustment shall ensure that the project is designed in such a manner that it meets and effectuates the intent of all ordinances of the City of Tampa applicable to the project, which address the following factors:

- (a) Ingress and egress to the development and proposed structures with particular reference to automotive and pedestrian safety, separation of automotive traffic and control, provision of services and servicing of utilities and refuse collection and accesses in case of fire, catastrophe and emergency;
- (b) Location and relationship of off-street parking and off-street loading facilities to driveways and internal traffic patterns within the proposed development with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping;
- (c) Sufficiency of setbacks, screens, buffers and general amenities to preserve internal and external harmony and compatibility with uses inside and outside the proposed development and to control adverse effects of noise, lights, dust, fumes and other nuisances;
- (d) Drainage on the property with particular reference to the effect of provisions for drainage on

adjacent and nearby properties and the use of on-site retention systems;

- (e) Availability and compatibility of hook-in locations between the project and necessary utilities;
- (f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with adjacent properties;
- (g) Proximity, relationship and compatibility of existing and proposed surrounding land use;
- (h) General amenities included as part of the development complement the character of the surrounding area;
- (i) Treatment and location of handling of solid waste disposal;
- (j) Landscaping and preservation of natural man-made features of the site including trees and other vegetation.

(6) Radio/TV studio. (Ord. No. 7643-A, § 1, 5-12-81; Ord. No. 7900-A, § 1, 3-4-82; Ord. No. 9233-A, § 3, 3-27-86)

(B) Building height regulations.

No building or structure shall exceed thirty-five (35) feet in height except for residential structures. Residential structures shall not exceed the building height regulations as provided for in the R-3A multiple-family dwelling district (section 43-17(B)). (Ord. No. 6350-A, § 1, 4-13-76; Ord. No. 7521-A, § 3, 11-25-80)

(C) Building site area regulations.

No lot area regulations for commercial structures. For residential structures the minimum lot area provisions of the R-3A multiple-family dwelling district shall be followed. (Ord. No. 7521-A, § 4, 11-25-80)

(D) *Front, side and rear yard regulations.*

- (1) **Front Yard.** The front yard regulations are the same as those in the R-2 one- and two-family dwelling district. Where the frontage on one side of a street between two (2) intersecting streets is located partially in a dwelling district, the front yard regulations for that dwelling district shall also apply to the C-1 neighborhood commercial district portion of the frontage. (Ord. No. 3569-A, § 1, 6-23-64)
- (2) **Rear Yard.** Residential structures will observe the rear yard requirements of the R-3A multiple-family district. For commercial structures, there shall be a five-foot setback if the rear line in question faces on a dedicated alley; or, in the event there is no such dedicated alley, then there shall be a rear yard setback of ten (10) feet. (Ord. No. 3954-A, § 1, 5-17-66)
- (3) **Side Yard.** Residential structures will observe the side yard requirements of the R-3A multiple-family district. For commercial structures, none required, except when the side of a lot in a C-1 neighborhood commercial district abuts upon the side of a lot in a residential district, there shall be a side yard of not less than five (5) feet. Where a corner lot is adjacent to a residential zoning district on one street frontage and where said lot may be properly developed with building, improvements, and access facing away from said residential district, the frontage adjacent to said residential district shall be considered the side property line and shall be suitably buffered and landscaped along its entire length in accordance with the buffering requirements. Buildings and improvements shall be set back from the property line a minimum distance of five (5) feet to provide adequate space for buffering. (Ord. No. 3569, § 6, 3-23-64; Ord. No. 3954-A, § 1, 5-17-66)

(E) Buffering regulations.

Whenever a side or rear property line of a lot is immediately touching, abutting or adjacent to property in any resi-

dential zoning district, there shall be provided along said side or rear property line, a solid masonry wall at least six (6) feet in height. This buffering regulation shall be complied with at the time of development, redevelopment, or structural alteration of the nonresidentially zoned lot. (Ord. No. 7244-A, § 5, 7-17-79)

(F) *Nonconforming lots.*

Same as for the R-1A and R-1 single-family dwelling districts.

(G) *Off-street parking regulations.* See section 43-40. (Ord. No. 1980-A, § 39.9, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 2158-A, § 1, 2-2-57; Ord. No. 2302-A, § 1, 10-8-57; Ord. No. 3524-A, § 2, 3-17-64; Ord. No. 3569-A, §§ 1, 6, 6-23-64; Ord. No. 3860-A, § 1, 11-9-65; Ord. No. 3954-A, § 1, 5-17-66; Ord. No. 4552, § 1, 11-19-68; Ord. No. 4620-A, § 1, 3-18-69; Ord. No. 4881-A, § 1, 5-5-70; Ord. No. 6595-A, § 1, 3-1-77; Ord. No. 6741-A, § 1, 9-8-77; Ord. No. 7521-A, § 1, 11-25-80)

Editor's note—Ordinances enacted subsequent to May 5, 1970, which amend § 43-22 are cited only in the history note after the particular subpart affected. Ordinances repealing individual subsections are cited in the history note at the end of the section.

Sec. 43-23. C-2 general commercial district.

(A) *Uses permitted.*

Within any C-2 general commercial district, no building structure or land shall be used and no building shall hereafter be erected, constructed, reconstructed, or structurally altered, unless otherwise provided in this ordinance [chapter], except for one or more of the following uses:

- (1) Any use permitted in the C-1 neighborhood commercial district, except trailer parks, house trailer courts and mobile home parks.
- (2) Automobile laundry, car wash.
- (3) Automobile or trailer sales rooms and services incident thereto.

- (4) Bakeries.
- (5) Bottling works.
- (6) Bowling alleys, pool and billiard halls, skating rinks, nightclubs.
- (7) Bus terminals for passengers.
- (8) Cigar factories.
- (9) Drive-in theaters, where the location and site plans and plans of ingress and egress have been reviewed and approved by the board of adjustment after a public hearing. No building permit shall be issued by the building inspector unless such review and approval by the board of adjustment has been given by the entry of an order permitting such drive-in theaters.
- (10) Laundry, dry cleaning.
- (11) Reserved.
- (12) Service and repair garage.
- (13) Milk bottling and distribution; ice cream manufacture.
- (14) Motel.
- (15) Plumbing sales room, shop and storage yard.
- (16) Printing, blue printing, book binding, photostating, lithography and publishing establishments.
- (17) Retail lumber yards and building materials.
- (18) Radiator manufacture and repair shops district.
- (19) Secondhand (used) cars or trailer lots.
- (20) Small animal hospitals and kennels.
- (21) Storage and sale of poultry, when such business is approved by the County Health authorities and constructed pursuant to their regulations.
- (22) Trade, business or private school operating as a commercial enterprise.

- (23) Trade shops including tinsmith, cabinet makers, sheet metal, rug and carpet cleaning, upholstering, mattress renovation, electric and roofing shops.
- (24) Wholesale meat and produce distribution.
- (25) Wholesale and storage warehouses.
- (26) Crematories.
- (27) Sand-casting and finishing of small nonferrous metal products not involving preasing or stamping operations, where conducted wholly within an enclosed structure except that open-air storage shall be permitted.
- (28) Motorcycle repair shops and motorcycle clubs, subject to approval by the board of adjustment after a public hearing and notice to owners of lands within three hundred (300) feet of the location thereof, after a finding by the board of adjustment that said uses will not be obnoxious, injurious to health or offensive by reason of the emission of noise, odors, dust or smoke to any affected person within three hundred (300) feet of the location thereof, and will not be located within one hundred fifty (150) feet of any residential area. Motorcycle clubs shall provide one ten (10) by twenty (20) off-street parking space for each one hundred (100) feet of occupied building space.
- (29) Adult bookstores, adult theaters and special cabarets.
 - (A.1) *Conditioned uses.*
 - (1) Related airport uses, provided the following conditions are met.
 - (a) A development plan is first submitted to the county planning commission for recommendation and is then approved by city council.
 - (b) Related airport uses shall be limited to commercial helicopter services, emergency helicopter services, or other vertical takeoff vehicles either now in existence or developed.

(c) That the following consideration shall be reviewed by the planning commission in their relationship to the health, safety and welfare of the existing surrounding land uses.

- (1) Noise.
- (2) Lighting.
- (3) Landing patterns.
- (4) Operation times.
- (5) Frequency of operations.
- (6) Vertical and horizontal relationships to existing natural or man-made physical bodies.

(d) Letters of approval from the state department of transportation and the Federal Aviation Authority prior to the planning commission's review and recommendation.

(30) Temporary help agencies and blood donor centers.

(B) *Building height regulations.*

No building or structure shall exceed a height of eight (8) stories or one hundred twenty (120) feet, whichever is greater, except as provided in Article IV, section 43-51, or except as provided in Article V, section 43-77, or, further, except as provided below:

(1) *Exceptions.* Subject to Federal Aviation Administration and Hillsborough County Aviation Authority regulations and other conditions outlined below, the department of housing, inspections and community services (HICS) shall permit exceptions to the height regulations of the C-2 general commercial district, as follows:

(a) Buildings or structures hereafter erected or structurally altered in Blocks 46, 56 or 64 of the General Map of Tampa, according to plat thereof, recorded in Plat Book 1, Page 7, of the Public Records of Hillsborough County, Florida, shall

not exceed a height of twenty-two (22) stories or three hundred sixty (360) feet, whichever is greater.

- (b) Buildings or structures hereafter erected or structurally altered on property commonly known as Seddon Island, and legally described as a parcel of land in Sections 19 and 30, Township 29 South, Range 19 East, and in Sections 24 and 25, Township 29 South, Range 18 East, and more particularly described as follows, to wit:

Commencing at the northwest corner of Government Lot 14 in said Section 19; run thence south 00 degrees 24 minutes 28 seconds west along the west boundary of said Section 19 a distance of 1,688.61 feet to a point on the Combined Pierhead and Bulkhead Line, as designated by the U. S. Army Corps of Engineers and approved by the Secretary of the Army on January 19, 1953; with said point as the point of beginning of the legal description herein described, run thence north 72 degrees 36 minutes 25 seconds east along said Combined Pierhead and Bulkhead Line 1,068.06 feet to U.S.C.E. Harbor Line Point THL 214; run thence south 43 degrees 17 minutes 11 seconds east along said Combined Pierhead and Bulkhead Line 378.04 feet; run thence south 67 degrees 24 minutes 20 seconds east 106.00 feet; thence south 33 degrees 35 minutes 23 seconds east 76.20 feet; thence south 20 degrees 56 minutes 12 seconds east 80.12 feet to a point on the Combined Pierhead and Bulkhead Line; run thence south 43 degrees 17 minutes 11 seconds east along said line 607.45 feet to U.S.C.E. Harbor Line Point THL 208; run thence south 20 degrees 49 minutes 13 seconds west along said Combined Pierhead and Bulkhead Line 1,847.53 feet to U.S.C.E. Harbor Line Point THL 206; run thence south 06 degrees 17 minutes 13 seconds west along said Combined Pierhead and Bulkhead Line 2,860.94

feet to U.S.C.E. Harbor Line Point THL 204; run thence south 80 degrees 19 minutes 13 seconds west along said Combined Pierhead and Bulkhead Line 57.12 feet; run thence south 15 degrees 40 minutes 16 seconds west 56.45 feet; run thence south 01 degrees 42 minutes 23 seconds east 101.75 feet; run thence south 04 degrees 51 minutes 46 seconds east 78.33 feet; run thence north 30 degrees 07 minutes 12 seconds west 72.56 feet; run thence north 30 degrees 07 minutes 12 seconds west 138.34 feet; run thence north 26 degrees 02 minutes 31 seconds west 34.23 feet to the Combined Pierhead and Bulkhead Line; run thence south 80 degrees 19 minutes 13 seconds west along said line 44.14 feet to U.S.C.E. Harbor Line Point THL 218; run thence north 25 degrees 38 minutes 47 seconds west along said Combined Pierhead and Bulkhead Line 4,870.-17 feet to U.S.C.E. Harbor Line Point THL 216; run thence north 23 degrees 50 minutes 39 seconds east along said Combined Pierhead and Bulkhead Line 437.22 feet to U.S.C.E. Harbor Line Point THL 215; run thence north 72 degrees 36 minutes 25 seconds east along said Combined Pierhead and Bulkhead Line 1,325.96 feet to the point of beginning of the parcel herein described;

shall not exceed a height of one hundred fifty-eight (158) feet.

(C) Building site area regulations.

Same as for the C-1 neighborhood commercial district.

(D) Front, side and rear yard regulations.

None, except for residential structures which will observe the yard requirements of the R-3 multiple family district.

Side yards. Where a corner lot is adjacent to a residential zoning district on one street frontage and where said lot may

be properly developed with buildings, improvements, and access facing away from said residential district, the frontage adjacent to said residential district shall be considered the side property line and shall be suitably buffered and landscaped along its entire length in accordance with the buffering requirements. Buildings and improvements shall be set back from the property line a minimum distance of five feet (5') to provide adequate space for buffering.

(E) *Buffering regulation.* Same as for the C-1 Neighborhood Commercial District. See Section 43-24(E).

(F) *Nonconforming lots.*

Same as for the R-1A and R-1 single family dwelling districts. (Ord. No. 1980-A, § 39-10, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 2436-A, § 1, 7-8-58; Ord. No. 2698-A, § 1, 11-24-59; Ord. No. 2774-A, § 1, 4-26-60; Ord. No. 3171-A, § 1, 5-15-62; Ord. No. 3432-A, § 1, 9-3-63; Ord. No. 3524-A, § 1, 3-17-64; Ord. No. 3569-A, §§ 2, 7, 6-23-64; Ord. No. 3667-A, § 1, 1-12-65; Ord. No. 4434, § 1, 4-30-68; Ord. No. 5817-A, § 1, 3-28-72; Ord. No. 5651-A, § 1, 5-1-73; Ord. No. 5738-A, § 1, 8-23-73; Ord. No. 5823-A, § 1, 12-18-73; Ord. No. 5960-A, § 1, 6-25-74; Ord. No. 6595-A, § 1, 3-1-77; Ord. No. 6686-A, § 1, 7-5-77; Ord. No. 7171-A, §§ 1, 2, 3-6-79; Ord. No. 7511-A, § 1, 11-4-80; Ord. No. 7863-A, § 1, 1-21-82; Ord. No. 8020-A, § 1, 8-5-82; Ord. No. 8034-A, § 7, 8-12-82; Ord. No. 8068-A, § 3, 9-30-82)

Sec. 43-23.1. C-HR high rise commercial district.

(A) *Purpose:* The purpose of the C-HR high rise commercial district is to provide for high rise structures in those areas which properly can be zoned commercial but where greater height should be provided; to provide central locations for high rise structures where adequate streets, open space, and other community facilities are available to properly serve said development; to set forth development plan approval procedures which will promote high rise construction in those areas which can accommodate the higher densities, and pro-

vide the means by which new high rise construction may be made compatible with other land uses.

(B) Uses permitted: Within any C-HR high rise commercial district, no buildings, structures or land shall be used and no buildings shall hereafter be erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance, except for one or more of the following uses:

(1) As the principal use, one or more high rise buildings of ten (10) or more stories or one hundred fifty (150) feet or more in height for:

- (a) Office;
- (b) Motel;
- (c) Wholesale/retail trade marts;
- (d) Multifamily residential;
- (e) Financial institutions;
- (f) Convention centers;
- (g) Communications equipment;
- (h) Vocational schools;
- (i) Health care facilities;

use or combination of such uses.

(2) As accessory uses, in addition to and in combination with, but not in place of the principal use, facilities for:

- (a) Parking, vehicle access, and passenger transportation stations.
- (b) Retail shops, stores, and personal and professional services.
- (c) Food and beverage services and establishments, and clubs.
- (d) Entertainment and recreation, and places of public assembly.

be properly developed with buildings, improvements, and access facing away from said residential district, the frontage adjacent to said residential district shall be considered the side property line and shall be suitably buffered and landscaped along its entire length in accordance with the buffering requirements. Buildings and improvements shall be set back from the property line a minimum distance of five feet (5') to provide adequate space for buffering.

(E) *Buffering regulation.* Same as for the C-1 Neighborhood Commercial District. See Section 43-24(E).

(F) *Nonconforming lots.*

Same as for the R-1A and R-1 single family dwelling districts. (Ord. No. 1980-A, § 39-10, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 2436-A, § 1, 7-8-58; Ord. No. 2693-A, § 1, 11-24-59; Ord. No. 2774-A, § 1, 4-26-60; Ord. No. 3171-A, § 1, 5-15-62; Ord. No. 3432-A, § 1, 9-3-63; Ord. No. 3524-A, § 1, 3-17-64; Ord. No. 3569-A, §§ 2, 7, 6-23-64; Ord. No. 3667-A, § 1, 1-12-65; Ord. No. 4434, § 1, 4-30-68; Ord. No. 5317-A, § 1, 3-28-72; Ord. No. 5651-A, § 1, 5-1-73; Ord. No. 5738-A, § 1, 8-28-73; Ord. No. 5823-A, § 1, 12-18-73; Ord. No. 5960-A, § 1, 6-25-74; Ord. No. 6595-A, § 1, 3-1-77; Ord. No. 6686-A, § 1, 7-5-77; Ord. No. 7171-A, §§ 1, 2, 3-6-79; Ord. No. 7511-A, § 1, 11-4-80; Ord. No. 7863-A, § 1, 1-21-82; Ord. No. 8020-A, § 1, 8-5-82; Ord. No. 8034-A, § 7, 8-12-82; Ord. No. 8068-A, § 3, 9-30-82)

Sec. 43-23.1. C-HR high rise commercial district.

(A) *Purpose:* The purpose of the C-HR high rise commercial district is to provide for high rise structures in those areas which properly can be zoned commercial but where greater height should be provided; to provide central locations for high rise structures where adequate streets, open space, and other community facilities are available to properly serve said development; to set forth development plan approval procedures which will promote high rise construction in those areas which can accommodate the higher densities, and pro-

vide the means by which new high rise construction may be made compatible with other land uses.

(B) Uses permitted: Within any C-HR high rise commercial district, no buildings, structures or land shall be used and no buildings shall hereafter be erected, constructed, reconstructed or structurally altered, unless otherwise permitted in this ordinance, except for one or more of the following uses:

- (1) As the principal use, one or more high rise buildings of one hundred fifty (150) feet or more in height for:
 - (a) Office;
 - (b) Motel/hotel;
 - (c) Wholesale/retail trade marts;
 - (d) Multifamily residential;
 - (e) Financial institutions;
 - (f) Convention centers;
 - (g) Communications equipment;
 - (h) Vocational schools;
 - (i) Health care facilities;use or combination of such uses.
- (2) As accessory uses, in addition to and in combination with, but not in place of the principal use, facilities for:
 - (a) Parking, vehicle access, and passenger transportation stations.
 - (b) Retail shops, stores, and personal and professional services.
 - (c) Food and beverage services and establishments, and clubs.
 - (d) Entertainment and recreation, and places of public assembly.

- (e) Plazas, malls, and other amenity and pedestrian spaces.
- (f) Communication towers, antennae.

Such accessory uses may be incorporated into the principal use high rise building or buildings or may be provided in low rise components of a high rise building complex. Low rise components of a high rise building complex may also contain additional office, hotel, wholesale/retail trade and residential spaces.

- (3) As the principal use, one or more buildings of a height not exceeding the C-2 height limitation for:

C-2 uses as provided in section 43-23, City of Tampa Code.

- (C) *Zoning site plan review.*

- (1) Except as provided below, site plan review and approval by city council in accordance with section 43-33 is required as a condition for issuance of a building permit for construction on property subject to the C-HR zoning district, except that items (a) through (f) of section 43-33(c)(2) are replaced by the following [for purposes of this section 43-23.1]:

- (a) A change of more than twenty (20) per cent in the height of any building, or ten (10) per cent in the gross area of all buildings, or a material change in the location or configuration of buildings, or reduction of more than ten (10) per cent in any building setbacks from property lines, or a decrease of more than five (5) per cent in the amount of parking, or a decrease of more than five (5) per cent in the amount of open space or other amenity space proposed in the approved general site development plan.
- (b) A material dimensional or locational change in ingress/egress ways, accessways, internal or common streets or similar circulation elements.
- (c) Any change or modification not specified above which is determined by the department of housing, inspections and community services of the City of Tampa to be a substantial deviation.

- (2) To the extent that the provisions of Chapter 43 require site plan review as a condition to a change in zoning, such

provisions are modified to permit the zoning of a property to C-HR prior to site plan review.

- (3) Site plan review may be conducted concurrently with a petition for a change in zoning to C-HR or at any time thereafter. No further site plan review is required for those properties zoned C-HR with an approved site plan unless a change that constitutes a substantial deviation to the approved site plan for such property is proposed.
- (4) Site plan review and approval shall be conducted in accordance with section 43-96.
- (5) Notwithstanding any provision of this paragraph (C) to the contrary, no site plan review is required as a condition to issuance of a building permit if the development proposal contemplated by such permit complies with the provisions of the C-2 general commercial district. However, once a site plan has been approved by city council, all development on the parcel shall be consistent with the adopted site plan, unless amended pursuant to the provisions of this section. A change to an approved site plan that is not a substantial deviation shall be deemed to be consistent with the approved site plan.

(D) *Building height regulations:* As required by the approved general site development plan.

(E) *Building site area regulations:* As required by the approved general site development plan.

(F) *Front, side and rear yard regulations:* As required by the approved general site development plan.

(G) *Buffering regulations:* As required by the approved general site development plan.

(H) *Off-street parking and loading regulations:* As required by the approved general site development plan. Provisions of section 43-40 will not be applicable to lands in the C-HR district.

(I) *Fire control:* All buildings with a height in excess of one hundred (100) feet shall be equipped with a fire control system approved by the Tampa Fire Department. (Ord. No. 7036-A, § 1, 9-7-78; Ord. No. 9580-A, § 1, 4-9-87)

Sec. 43-24. M-AP airport compatibility district.

(A) *Purpose.* 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 which 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.

(B) *District Regulations for M-AP Airport Compatibility Districts:*

- (1) **M-AP Airport Compatibility District—Subdistricts.** The M-AP airport compatibility district shall consist of four (4) subdistricts or sectors. These subdistricts are described as follows:
 - (a) *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 "LA" on the

officially adopted Hillsborough County Aviation Authority Zoning Map "A" and, henceforth in this section 43A-36, referred to as "NA" or "IA") and lying north of the Lemon Street Ditch. 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.

- (b) *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 lying north of the Lemon Street ditch 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.

- (c) *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 at Tampa International Airport (identified as "IA") and lying south of the Lemon Street ditch. 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*. 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.

(2) Uses Permitted, Maximum Floor Area Ratio (F.A.R.), Maximum Lot Coverage, Maximum Floor Area:

(a) *M-AP-1 subdistrict:*

<i>Permitted Use</i>	<i>Max. F.A.R.</i>	<i>Max. Lot Coverage</i>	<i>Max. Floor Area</i>
Accessory use customarily incidental to permitted uses	N/A	N/A	N/A
Airports/related airport use	.5	60%	N/A
Automotive repair	.25	50%	N/A
Bank	.35	40%	N/A
Drive-in window	N/A	N/A	N/A
Kennel	.5	50%	N/A
Maintenance or storage facility	1	60%	N/A
Manufacturing, processing and assembling	.5	60%	N/A
Marina, sales, repair and services	.5	50%	N/A
Office (business and professional)	.35	40%	N/A
Parking, off-street	.5	N/A	N/A
Personal services	.25	40%	5,000 s.f. per parcel
Public park and open space	N/A	N/A	N/A
Public service facility	N/A	N/A	N/A
Public use facility	.35	40%	N/A
Publishing and printing	.5	60%	N/A
Repair and leasing of domestic and commercial equipment	.5	50%	N/A
Repair and sales of office equipment and business machinery	.5	50%	N/A
Research activity	.35	40%	N/A
Retail sales, convenience goods	.25	40%	5,000 s.f. per parcel
Service station	.25	50%	N/A
Temporary parking lot	N/A	N/A	N/A
Veterinary office	.35	40%	N/A
Warehousing, storage and distribution	1	60%	N/A

(b) *M-AP-2 subdistrict:*

<i>Permitted Use</i>	<i>Max. F.A.R.</i>	<i>Max. Lot Coverage</i>	<i>Max. Floor Area</i>
Accessory use customarily incidental to permitted uses	N/A	N/A	N/A

<i>Permitted Use</i>	<i>Max. F.A.R.</i>	<i>Max. Lot Coverage</i>	<i>Max. Floor Area</i>
Airports/related airport use	.5	60%	N/A
Automotive repair	.25	50%	N/A
Bank	.35	40%	N/A
Drive-in window	N/A	N/A	N/A
Kennel	.5	50%	N/A
Maintenance or storage facility	1.5	60%	N/A
Manufacturing, processing and assembly	1.5	60%	N/A
Marina, sales, repair and services	.5	50%	N/A
Office (business and professional)	1.5	60%	N/A
Parking, off-street	.5	N/A	N/A
Personal services	.25	40%	5,000 s.f. per parcel
Public park and open space	N/A	N/A	N/A
Public service facility	N/A	N/A	N/A
Public use facility	.35	40%	N/A
Publishing and printing	.5	60%	N/A
Repair and leasing of domestic and commercial equipment	1.5	60%	N/A
Repair and sales of office equipment and business machinery	.5	50%	N/A
Research activity	1.5	60%	N/A
Retail sales, convenience goods	.25	40%	5,000 s.f. per parcel
Service station	.25	50%	N/A
Temporary parking lot	N/A	N/A	N/A
Veterinary office	.35	40%	N/A
Warehousing, storage and distribution	1.5	60%	N/A
Hotels, motels	.35	40%	
Restaurants	.35	40%	
Drive-in restaurant	N/A	N/A	N/A

(c) *M-AP-3 subdistrict:* Airports, hotels or motels, restaurants and drive-in restaurants are prohibited uses. All other standards for permitted uses, maximum floor ratios, maximum lot coverages and maximum floor areas shall be the same as the M-AP-4 subdistrict.

(d) *M-AP-4 subdistrict:*

<i>Permitted Use</i>	<i>Max. F.A.R.</i>	<i>Max. Lot Coverage</i>	<i>Max. Floor Area</i>
Accessory use customarily incidental to permitted uses	N/A	N/A	N/A
Airports/related airport use	1.5	60%	N/A
Automotive repair	.5	60%	N/A
Bank	1.5	60%	N/A
Clinic	1.5	50%	N/A
Drive-in window	N/A	N/A	N/A
Heliport, helistop	.5	N/A	N/A
Hotel or motel	1.5	60%	N/A
Kennel	1.5	60%	N/A
Maintenance or storage facility	1.5	60%	N/A
Manufacturing, processing and assembling	1.5	60%	N/A
Marina, sales, repair and services	1.5	60%	N/A
Office (business and professional)	1.5	60%	N/A
Parking, off-street	1.5	60%	N/A
Personal services	.25	40%	5,000 s.f. per parcel
Public park and open space	N/A	N/A	N/A
Public service facility	N/A	N/A	N/A
Public use facility	1.5	60%	N/A
Publishing and printing	1.5	60%	N/A
Radio or television transmitting or receiving facility	N/A	N/A	N/A
Radio/TV studio	1.5	60%	N/A
Recreation facility, nonprofit	N/A	N/A	N/A
Repair and leasing of domestic and commercial equipment	1.5	60%	N/A
Repair and sales of office equipment and business machinery	1.5	60%	N/A
Research activity	1.5	60%	N/A
Restaurant	1.5	60%	N/A
Restaurant, drive-in	1.5	60%	N/A
Retail sales, convenience goods	.25	40%	5,000 s.f. per parcel
Service station	.5	60%	N/A
Temporary parking lot	N/A	N/A	N/A
Transportation service facility	1.5	60%	N/A
Veterinary office	1.5	60%	N/A
Warehousing, storage and distribution	1.5	75%	N/A

(3) **Minimum Lot Area Width, Maximum Height, Required Yards:**

<i>District</i>	<i>Minimum Lot</i>		<i>Required Yards</i>			<i>Max. Height</i> (ft.)
	<i>Area</i> (sq. ft.)	<i>Width</i> (ft.)	<i>Front</i> (ft.)	<i>Side</i> (ft.)	<i>Rear</i> (ft.)	
M-AP-1	20,000	100	35	10	10	42
M-AP-2	20,000	100	35	10	10	42
M-AP-3	20,000	100	35	10	10	70
M-AP-4	20,000	100	35	10	10	70

The maximum heights established in this section are not subject to variance by the board of adjustment.

(C) *Special Requirements for M-AP Air Compatibility Districts.*
The following special requirements shall apply to each permitted use:

(1) **Lighting:**

- (a) A pulsating, flashing, rotating, oscillating, or other type of lighting intended as an attention-getting device shall be expressly prohibited.
- (b) Floodlights, spotlights, or other lighting devices shall be so arranged or shielded as not to cast illumination in an upward direction above an imaginary line extended from the light source parallel to the ground.
- (c) Any light which constitutes a "misleading light" within the meaning of TSO-N19 or such other regulations as may be thereafter duly adopted by the Civil Aeronautics Administration, is expressly prohibited.

(2) **Radio and Electronic:**

- (a) Any radio or electronic device shall be permitted only in conjunction with a valid license therefore or other authorization as may be issued by the Federal Communications Commission.
- (b) Any radio or electronic device, the operation of which would violate any rules or regulations of the Federal Communications Commission, is expressly prohibited.

- (3) Smoke: Any operation or use which emits smoke, dust, or any visible fumes or vapors into the atmosphere shall be expressly prohibited.

(D) *Criteria Regarding the Application of Regulations within the M-AP District.* The following criteria are provided to assist in the administration of the M-AP districts:

- (1) 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:

When applying for a building permit, the applicant must indicate a list of probable uses that may locate on the site;

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 building permit; and

Actual use or occupancy of the zoning lot when the development is completed shall comply with the data provided in the request for a building permit.

- (2) 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.

- (3) The regulations for the M-AP districts shall be construed in a manner that does not encourage or advocate the as-

sembly or concentration of people within the districts, particularly within the M-AP-1 and M-AP-2 subdistricts. Therefore, within the M-AP districts, assembly halls, meeting centers, training classrooms, theatres 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.

- (4) 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.
- (5) Buffering regulations shall be the same as for the C-1 neighborhood commercial district, section 43-22(E).
- (6) Minimum of off-street parking and loading spaces shall be as specified in section 43-40.

(E) *Exemption.* Property owned or controlled by the Hillsborough County Aviation Authority and used for airports or airport related uses as defined in 43-1 shall be exempt from the provisions of this section.

Uses not described under "airports and related airport uses" or not otherwise permitted in the M-AP zoning district may be established on land owned or controlled by the Hillsborough County Airport 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 of Tampa. (Ord. No. 3306-A, § 1, 1-8-63; Ord. No. 3461-A, §§ 1, 2, 10-22-63; Ord. No. 3557-A, §§ 1, 2, 6-9-64; Ord. No. 3569-A, §§ 3, 8, 6-23-64; Ord. No. 3596, § 1, 9-8-64; Ord. No. 4282-A, §§ 1, 2, 9-28-67; Ord. No. 4493-A, § 1, 8-20-68; Ord. No. 5215-A, § 1, 11-16-71; Ord. No. 8895-A, § 1, 6-6-85)

Sec. 43-25. M-1 light industrial district.**(A) Uses permitted.**

Within any M-1 light industrial district no building, structure or land shall be used and no building shall be hereafter erected, constructed, reconstructed, or structurally altered unless otherwise permitted in this ordinance [chapter], except for one or more of the following uses:

- (1) Any use permitted in the C-2 general commercial district.
- (2) Blacksmith shop.
- (3) Business operating sawmills, not including planing and sawing done in connection with building materials and lumber yards.
- (4) Canning plant, food processing.
- (5) Ceramic tiles, pottery, figurines or other similar ceramic products, using only previously-pulverized clay and kilns fired only by gas or electricity, where conducted wholly within an enclosed structure except for open-air storage.
- (6) Coal and wood yards.
- (7) Cold storage, frozen food lockers, ice plants.
- (8) Contractors' offices, plants and storage yards.
- (9) Fertilizer storage, sales and warehouses.
- (10) Machine shop.
- (11) Packing houses for fruit.
- (12) Stone and monument works.
- (13) Testing and chemical laboratories.
- (14) Trunk line terminals, and storage yards.

(15) [*Uses prohibited.*] Any other use except the following:

- (a) Manufacture of acetylene gas or bulk storage thereof; acid, asbestos, ammonia, bleaching powder or chlorine; asphalt or products thereof; cement, lime, gypsum or plaster of Paris; coal tar or derivatives thereof; creosote or creosote treatment; heavy fired-clay products such as bricks, hollow building tiles and routing tiles; emery cloth or sandpaper; explosives, manufacture or storage; fertilizer; glue-size or gelatine; linoleum, matches, paint, oil, shellac, turpentine or varnish, rubber and gutta percha products, soda compounds; fish smoking; curing or canning; paper and pulp manufacture.
- (b) Petroleum refining; tanning, curing, storage of hides and skins; boiler works; foundry or forge operation; incineration; reduction or dumping of offal, dead animals, garbage or refuse; fat rendering; junk, iron, papers, rags storage or bailing; distillation of bones, coal or wood; stockyards or slaughter of animals; used car junkyard, including the storage or dismantling of wrecked motor vehicles; wholesale storage of gas.

- (c) Any use that may be obnoxious, injurious to health, or offensive by reason of the emission of odors, dust, smoke, gas, noise or vibration. A determination of whether such use is forbidden by this section of this ordinance [chapter], shall be made by the Board of Adjustment after a public hearing.

(B) Height, area and yard regulations.

No residential dwelling shall be permitted in the M-1 light industrial district except those required on the plant premises for watchmen or police purposes.

Side yards. Where a corner lot is adjacent to a residential zoning district on one street frontage and where said lot may be properly developed with buildings, improvements, and access facing away from said residential district, the frontage adjacent to said residential district shall be considered the side property line and shall be suitably buffered and landscaped along its entire length in accordance with the buffering requirements. Buildings and improvements shall be set back from the property line a minimum distance of five feet (5') to provide adequate space for buffering.

(C) Buffering regulations. Same as for the C-1 Neighborhood Commercial District. See section 43-24(E).

(D) Off-street parking and loading regulations. See section 43-40. (Ord. No. 1980-A, § 39.11, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 2436-A, § 1, 7-8-58; Ord. No. 3294-A, §§ 1, 2, 12-11-62; Ord. No. 3569-A, §§ 4, 9, 6-23-64)

Sec. 43-26. M-2 heavy industrial district.

(A) Uses permitted.

- (1) In any M-2 heavy industrial district, any building or structure or any land may be used for any purpose not in conflict with any ordinance of the City of Tampa or law regulating nuisances, provided, however, that the following uses shall not be permitted until and unless the location and operation proposed for such use shall have been approved by the Board of Adjustment, after report by the chief of the fire department,

the county health officer and the city building inspector under such conditions as will safeguard and protect the public health, safety and general welfare.

- (a) Acid manufacture.
 - (b) Lime, gypsum or plaster of paris manufacture.
 - (c) Distillation of bones.
 - (d) Explosives, manufacture or storage.
 - (e) Fat rendering.
 - (f) Fertilizer manufacture.
 - (g) Fish smoking, curing or canning.
 - (h) Garbage, offal or dead animal reduction or dumping.
 - (i) Glue manufacture.
 - (j) Paper and pulp manufacture.
 - (k) Refining of petroleum or its products.
 - (l) Stockyards or slaughter of animals.
 - (m) Storage or baling of rags, paper, iron or junk.
 - (n) Tannery.
 - (o) Used car junkyard, including the storage or dismantling of wrecked motor vehicles, provided that the sites proposed for such use have been approved by the Board of Adjustment after a public hearing and provided further that such sites shall be enclosed by tight fences at least eight (8) feet in height. All such fences shall be constructed of new material and shall not permit the interior to be seen, and shall be of an attractive and sightly appearance and design.
 - (p) Wholesale storage of gas, gasoline and petroleum products after the general site location has been approved by the Board of Adjustment, after hearing.
- (2) No residential dwelling shall be permitted in the M-2 heavy industrial district except those required on the plant premises for watchmen or police purposes.

(B) *Buffering regulations.* Same as for the C-1 Neighborhood Commercial District. See section 43-22.

(C) *Side yards.* Where a corner lot is adjacent to a residential zoning district on one street frontage and where said lot may be properly developed with buildings, improvements, and access facing away from said residential district, the frontage adjacent to said residential district shall be considered the side property line and shall be suitably buffered and landscaped along its entire length in accordance with the buffering requirements. Buildings and improvements shall be set back from the property line a minimum distance of five feet (5') to provide adequate space for buffering.

(D) *Off-street parking and loading regulations.* See section 43-40. (Ord. No. 1980-A, § 39.12, 1-17-56; Ord. No. 3569-A, §§ 5, 10, 6-23-64)

Sec. 43-27. C-U community unit district.

(A) *Purpose:* The purpose of the community unit district (C-U) is to allow the development of land uses which are in conformance with the adopted future land use element of the Tampa 2000 Plan while encouraging maximum land development opportunities and well-designed developments which:

- (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.

The community unit district (C-U) shall not be used for developments other than those described above.

(B) *Subdivision of property:* Property that is to be subdivided shall be platted in accordance with procedures in the Tampa Subdivision Regulations, except as amended by specific C-U guidelines or standards.

(C) *Conflicts:* Approvals under the provisions of this ordinance shall not release the applicant from meeting other ap-

plicable provisions of this Code, unless specific waivers are obtained from the department or entity having authority to grant such waivers.

(D) *Uses permitted:* A community unit district is not limited as to types of land usage which may be permitted. Uses proposed must be found to be of such types and to be so located and arranged as to assure complete compatibility among themselves and with adjacent existing land uses or land use zones of adjacent property and existing or future public facilities and utilities. Uses shall be only those uses or types of uses which are shown on the approved general site development plan for said community unit district. Said uses shall be established only at such locations and in such density as set forth on said approved general site development plan.

(E) *General standards:*

- (1) *Area requirements.* The minimum, total land area requirement for a C-U community unit district shall be no less than twenty thousand (20,000) square feet. However, there are no minimum land widths and lengths specified in order to meet this twenty thousand (20,000) square foot requirement. In addition, there is no minimum lot size requirement for each individual structure proposed within the C-U site plan. However, open space shall be provided around each building so as to provide adequately for light, air and proper relationship of building to site. Single-family, two-family and multifamily buildings shall have access to open space or on-the-top open space, or both. The minimum open space per dwelling unit shall be equal to the minimum open space per dwelling unit requirement in the analogous zoning districts, either R-1, R-1A, R-2 or R-3. Such open space shall be an integral element of the C-U plan.
- (2) *Maximum building coverages.* As specified in the approved general site development plan.
- (3) *Setback.* Buildings shall be set back a reasonable distance from all property lines and abutting roadways so

as not to adversely affect or impede the use of adjoining property or be adversely affected by adjoining land use currently existing or zoned.

- (4) *Off-street parking requirements.* Off-street parking shall be provided in accordance with the provisions of Chapter 43 of this Code.
- (5) *Unified control.* All land included for purposes of development within a community unit development shall be owned or under control of the petitioner for such zoning designation, whether that petitioner be an individual, partnership or corporation, trust, or group of individuals, partnerships or corporations.

(6) *Drawing standards.* All drawings submitted for approval and recording shall conform to the following requirements:

- (a) Drawings shall be on one or more sheets twenty-four inches by thirty-six inches (24" x 36") in size. A three-inch margin shall be provided on the left edge and one-half ($\frac{1}{2}$) inch margin on the remaining three (3) edges of all sheets.
- (b) The scale shall be used that will best depict the project. When more than one sheet is necessary to adequately portray the project, the first sheet shall be a master of the entire project at a smaller scale which keys the surrounding area, including abutting roads and the additional pages. All sheets shall be of the same size.
- (c) The graphic scale shall be shown on all sheets with a prominent directional arrow pointing to the top of the drawing zero degrees (0°) north.
- (d) A title block shall be located in the lower right corner of the format of all sheets and shall contain the following information:
 1. Project title;
 2. Application number;
 3. Sheet number and total number of sheets;
 4. Name of the responsible individual or professional;
 5. Preparation date;
 6. Space for date of approval and signature of appropriate authorities and witnesses.
- (e) All drawings shall show the section, township and range, and a metes and bounds description of the property. The description must be complete to the extent that a starting point and boundary can be determined without reference to the drawing.

- (f) All section lines and quarter section lines occurring in the map shall be indicated by lines drawn upon the map with appropriate words and figures. In the metes and bounds description, the point of beginning shall be indicated, together with all bearings and distances of the boundary lines.
- (g) Identification and location of any existing easements, watercourses, lakes or such other significant natural features upon the site.
- (h) All adjacent properties within two hundred fifty (250) feet shall be identified by subdivision title, plat book and page, or, if unplatted land, shall be so designated.
- (i) Park and recreation parcels, interior excepted parcels and the purpose of all dedicated areas must be clearly indicated.

(F) *Community unit review procedures:*

- (1) *Prehearing conference.* Prior to public hearing for the community unit district zone the prospective petitioner shall be required to schedule a prehearing conference with the department of housing, inspections and community services, the appropriate land planning agency or department and other city departments or divisions having appropriate jurisdiction over the proposed site, to present a proposed general site development plan for review. The purpose of such prehearing conference is to assist the petitioner in bringing the community unit development as nearly as possible into conformity with the intent of these and other City of Tampa Code provisions. The prehearing conference should also address itself to pertinent development matters including, but not limited to:
 - (a) The proper relationship between the anticipated project, surrounding uses and zoning patterns, and the effect of the proposed development on the stated planning and development objectives of the city, county or surrounding municipalities.

- (b) The adequacy of natural resources, existing and proposed transportation network, utilities, and other public services and facilities to serve the development, and the relationship of planned improvements in accommodating the anticipated needs of the project.
- (c) The nature, design, and appropriateness of the proposed land use arrangement for the size and configuration of property involved.
- (d) The adequacy of open space areas in existence and as proposed to serve the development.

(2) *General site development plan submittal requirements.*

At the time of a petition for rezoning, prior to the prehearing conference, a general site development plan shall be submitted to the City of Tampa, Department of Housing, Inspections and Community Services, for distribution for review and recommendation in the manner and for the purpose and effect as described in section 43-33(B) of this Code, and that such plan, in addition to those elements specified in section 43-33, shall consist of the following:

- (a) A certified boundary drawing by a surveyor registered in the State of Florida containing the following:
 - 1. An accurate metes and boundary description of the property to be rezoned;
 - 2. A computation of the total acreage of the tract to the nearest tenth of an acre.
- (b) Five (5) copies of a scaled general site development plan of the entire proposal showing the following information:
 - 1. A key map at a convenient scale showing the general site development plan which shall include existing roads, streams, street rights-of-way and street intersections; the location

of the nearest public roads on all four (4) sides; and, a statement indicating the distances to all public improvements such as schools, firehouses, public recreational areas and the like, which would serve the subject development.

2. Location, with pavement type, right-of-way, names, and other related appurtenances, of all public streets adjoining or traversing the site. In the event no public street now adjoins the site, sufficient description by metes and bounds as to identify the location of the site.
3. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.
4. Identification and location of any existing watercourses, lakes, wooded areas, or other such significant natural physical features upon the site, as well as on adjacent property within two hundred fifty (250) feet of outside boundaries and proposed alterations to said features.
5. The density of land use to be allocated to the part of the site to be developed.
6. General location, arrangement, size and height, in stories and/or feet, of all proposed structures (with identification of proposed uses therein), open-space walkways, parking and service areas (indicating number of parking spaces to be provided), location and size of all proposed roads and access driveways, fences or walls, and landscaped areas for the first designated phase of the project, including a metes and bounds description of said phase.
7. The use, number of acres, density of use, collector roads and roads of any higher classification, of all future phases.

8. Location of existing structures and/or open-space facilities on adjacent properties within two hundred fifty (250) feet of any boundary line of the site. (Use of a recent aerial photo is adequate.)
9. All existing and proposed means of vehicular access to and from the site, including roads on site.
10. 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 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.

In addition, the detailed traffic analysis shall include, but not be limited to the following:

- a. Level of service calculations at each project access point for both the A.M. and P.M. peak hour.
- b. Level of service calculations at nearby intersections for both the A.M. and P.M. peak hour.
- c. Level of services calculations at major intersections impacted by the project for both the A.M. and P.M. peak hour.
- d. A determination of need for auxiliary lanes.
- e. A determination of need of traffic signals or other traffic control devices.
- f. Other transportation factors as may be appropriate as determined by the City of Tampa Transportation Division, based upon generally accepted traffic engineering practices.
- g. Traffic counts on all frontage streets and any other streets as requested by the City of Tampa.

11. Statement by the petitioner of the major planning assumptions and objectives of the development project including, but not limited to:
 - a. Development;
 - b. Projected population;
 - c. Proposed timing and phases of development;
 - d. Proposed ownership and form of organization to maintain common open space and facilities;
 - e. Proposed density of land use for each development parcel within the project.
12. A general layout of the types, quantities, and location of trees and other such significant vegetation features. (A recent aerial photograph shall be adequate.
13. A general floodplain map indicating areas subject to inundation and high ground water levels up to a 100-year flood classification.
14. Most recent available aerial photo with modified areas delineated.
15. Any other reasonable information which may be required from time to time by the review agencies or departments, which is commensurate with the intent and purpose of this Code.

(3) *Public hearing.* After receiving the recommendation of the appropriate land planning agency or department and the other reviewing agencies and departments, the city council shall hold a public hearing to determine the acceptability of the general site development plan and the appropriateness of the community unit zoning district for the particular site involved.

- (4) *Approval of general site development plan.* If the general site development plan and the location are deemed to be acceptable and appropriate, the city council may approve, by ordinance, the petition for a community unit district. The chairman of the city council and the city clerk shall date and endorse the appropriate plan, and the plan shall be filed as a part of the official zoning records of the City of Tampa.

The council's ordinance of approval shall incorporate and specify plan drawings forming the basis of said approval, and shall establish such guidelines or standards and may attach such reasonable conditions to development as the city council may deem appropriate, provided such conditions, standards and guidelines are reasonably calculated, in the determination of the city council, to protect the health, safety, morals and general welfare of the occupants of the proposed community unit development, or the residents of the surrounding areas.

Further, where such community unit development, in the determination of the city council, is reasonably calculated to have distinguishable effect or impact on surrounding areas, the city council may attach as a condition to that ordinance, the payment of reasonable impact fees which fees represent the reasonable value, at that time, of public improvement to public facilities of whatever type which should be made to relieve the burden caused those surrounding areas.

(G) *Construction after rezoning:* Construction on property zoned community unit district may only take place consistent with the general site development plan approved at the time of rezoning or the conceptual site development plan and detailed site development plan, as provided in section 43-27.1 and in the manner described in section 43-33(C)(1) of this Code; however, the following amendments, changes or alterations shall be presumed to be a substantial deviation:

- (1) An increase in the number of dwelling units of more than five (5) per cent or two hundred (200) dwelling units, whichever is less.
- (2) An increase in the floor area proposed for nonresidential uses of more than five (5) per cent or ten thousand (10,000) square feet, whichever is less.
- (3) A decrease of five (5) per cent or more of the acreage set aside for open space/recreation in any phase.
- (4) An increase of more than five (5) per cent in total ground area covered by nonresidential buildings within the development.
- (5) An increase of more than one (1) story in the number of floors of nonresidential buildings.
- (6) A modification in original design concept such as a substantial change in relationships among land uses, addition of a land use category not in the approved general plan, substantial change in traffic pattern or points of ingress or egress, an increase of ten (10) per cent in total external traffic generation based on the previously submitted traffic generation figures.

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 deviation.

(H) *Reversion:* If construction on any portion of the community unit development has not begun within five (5) years of the date of the ordinance rezoning the property to community unit district, then and in that event, the property shall automatically revert to the zoning district classification which it had prior to the community unit rezoning.

(I) *Validity:* Any provision, section, or subsection of this zoning district which may be declared unconstitutional or invalid by any competent court shall not affect the validity of any other provision, section, or subsection of this zoning district, and the same shall remain in full force and effect, notwithstanding the invalidity of such other provisions, sections,

or subsections of this zoning district. (Ord. No. 7045-A, § 2, 9-26-78; Ord. No. 7465-A, §§ 1, 2, 7-15-80; Ord. No. 9107-A, §§ 2, 3, 11-14-85)

Sec. 43-27.1. C-U(A), Community unit district; alternative review process.

(A) *Purpose.* The purpose of this alternative review process is to provide conceptual approval for community unit districts involving large scale developments with a lengthy projected build-out time. The alternative review process allows flexibility within the parameters established by specific stated performance standards.

(B) *General requirements.* The community unit district alternative review process is available to developments which are in excess of one hundred (100) acres or have a projected buildout of five (5) years or greater. All requirements of section 43-27, C-U zoning district, must be met, except as specifically stated otherwise herein.

(C) *Conceptual site development plan.* The conceptual site development plan must meet all the requirements of section 43-27(E) and (F), except (F)(2)(b) 6 and 7. In addition, the site plan shall reflect performance standards for all phases. The minimum performances standards required to be set are as follows:

- (1) Proposed setbacks of all structures from all rights-of-way, internal roads and other structures.
- (2) Maximum height of all structures.
- (3) Total maximum FAR for the project.
- (4) Building coverage and open space ratios.
- (5) Proposed land uses by square feet or dwelling units and general location.
- (6) General location and size of all proposed internal roads and access drives.
- (7) General distribution of parking, parking ratios, size of parking stalls.

The conceptual site development plan shall be of sufficient detail to show items (C)(1) through (C)(7) above for the area served by each point of access to the public road network.

(D) *Approval of conceptual site development plan.* If the conceptual site development plans are deemed to be acceptable and appropriate, based on submitted data as required, the city council may approve the petition for C-U zoning district. Council's ordinance of approval shall incorporate and specify plan drawings forming the basis of approval, and shall establish its guidelines or standards, which shall be complied with an order to secure detailed site development plan approval. This approval shall not release the developer from any requirements established by other ordinances, unless said nonconformance is specifically stated in said approval.

(E) *Detailed site development plan submittal requirements:*

- (1) Prior to the commencement of development on any portion of a C-U zoning district, the developer shall submit a detailed site development plan for approval by the zoning administrator. 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 to the zoning administrator:
 - (a) A letter of transmittal officially submitting the proposal for approval, signed by the developer or his authorized representative.
 - (b) Three (3) copies of a dimensional detailed site plan meeting those requirements outlined in section 43-27(E) and (F).
- (2) The zoning administrator 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 general plan approval. If requested, developer shall provide transportation data to show compliance with conceptual site development plan. Following the review, the administrator shall either approve or disapprove said plan.

- (3) In the event of zoning administrator 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.

(F) *Changes to be filed.* Any change to a detailed site development plan subsequent to Detailed Site Development Plan approval must be filed with the Zoning Administrator whether or not the change is substantial.

(G) *Annual status report.* After approval by the city council of the City of Tampa, and up to the time of the completion of construction, petitioner shall submit, on the anniversary date of the approval, a yearly status report to the zoning administrator. The report shall give the current status of the approved project and projected future construction schedules. (Ord. No. 9107-A, § 1, 11-14-85; Ord. No. 9298-A, § 1, 6-26-86)

Sec. 43-28. R-3MH, Multiple family residential and mobile home park zoning district.

(A) *Purpose:*

The purpose of the R-3MH multiple family residential and mobile home park zoning district is to permit the development of mobile home parks for permanent and semi-permanent occupancy in areas which are appropriate for this and other higher-density residential uses.

(B) *Permitted uses:*

- (1) Any use permitted in the R-3 multiple family dwelling district with the exception of R-1 and R-2 uses.
- (2) Mobile home parks, subject to the following special requirements:
 - (a) The minimum number of mobile home spaces proposed and developed for initial development shall be thirty-eight (38). Each mobile home site shall

be provided with means for the permanent of each mobile home to the ground with no less than four (4) anchors of the screw auger type having a five-eighths ($\frac{5}{8}$) inch shaft, six (6) inches in diameter, not less than four (4) feet long, or the arrowhead type, deadman type or the equivalent, with a horizontal area of at least twenty-eight (28) square inches, not less than thirty-eight (38) inches below the surface of the ground. Each mobile home site shall be provided with a foundation consisting of a series of concrete or metal blocks or piers on concrete pads with a bearing area of at least one hundred forty-four (144) square inches spaced not more than ten (10) feet apart along both sides of the mobile home.

- (b) The property proposed for said use shall be immediately adjacent to a major or secondary arterial street as shown upon the major thoroughfare plan of the City of Tampa, or shall be otherwise located with respect thereto so as not to cause excessive vehicular traffic to pass through adjacent residential areas.
- (c) The property or tract proposed and developed for said use shall have a minimum area of six (6) acres and shall be adequately served by municipal water, sewer and fire protective facilities.
- (d) All requirements of the tree and landscape ordinance shall be fulfilled before submission of said proposal to city council.
- (e) The minimum width of any portion of the property or tract used for general facilities, entrances, and exits only (other than alleys and service entrances) shall be fifty (50) feet. The minimum width of any portion of the property or tract containing one or more mobile home stands and/or buildings open to general occupancy shall be one hundred (100) feet. The property shall comprise a single plot

except where divided by public streets for alleys or where the total property includes separate parcels for necessary utility plants with permanent rights-of-way and easements for connections and access or for other structures necessary to the park, but not open generally to the occupants, provided that all lands involved shall be of such dimensions and location so as to facilitate efficient design management.

- (f) The minimum unit area of premises used or occupied as a trailer unit shall be forty (40) feet wide,

eighty (80) feet long and provided that the minimum lanes or driveways between rows or trailers shall be thirty (30) feet in width and provided a total maximum density of eight (8) mobile home units per acre is not exceeded. The word "unit" means the individual space occupied by a single automobile or trailer, with trailer attached.

- (g) Minimum setbacks shall be as follows:
Front: five (5) feet.
Side, each, five (5) feet.
Rear: five (5) feet, including three (3) foot easements for utilities.
- (h) There shall be a landscaped buffer strip not less than fifty (50) feet in depth along major streets abutting a mobile home park, and a landscaped buffer strip not less than twenty-five (25) feet in depth along other mobile home park district boundaries. All buffer strips (except waterfront shall contain a plant and/or structural screen which shall be at least seventy-five per cent (75%) opaque, at least six (6) feet high and shall extend the length of the buffer strip except for driveway openings. Newly planted screens shall meet the height and opaqueness requirement within the twelve (12) months of planting. The landscaped buffer strip shall be separate from mobile home sites, recreation areas, street R/W, utility sites, but may be utilized for drainage structures and utilities distribution and collection.
- (i) Unattached utility buildings may be located within three (3) feet of rear and/or lot line. Utility structure shall not exceed one hundred twenty (120) square feet.
- (j) Convenience establishments of commercial nature, including food stores, coin-operated laundry and dry cleaning establishments and laundry and dry cleaning agencies, and beauty shops and barber shops, may be permitted in mobile home parks upon

the approval of the city council, provided that any said establishments and required parking areas to serve them shall not occupy more than ten (10) per cent (10%) of the park, shall be subordinate to the residential use and character of the park, and shall present no visible evidence of their commercial character from any portion of any residential district outside the park.

- (k) All mobile home stands, mobile homes or appurtenances thereto, and buildings or structures within the park shall be set back a minimum twenty-five (25) feet from any property line.
- (l) All driveways within the park shall have a minimum width of twenty (20) feet and shall provide direct access to all required parking and service areas. Car parking spaces shall be provided in sufficient numbers to meet the need of the occupants of the property and of their guests without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least one car space for each mobile home lot plus an additional car space for each four (4) lots to provide for guest parking, for two-car tenants and for delivery and service vehicles. Required car parking spaces shall be located for convenient access to the mobile home stands. Insofar as practicable, one car space shall be located on each lot and the remainder located in adjacent parking bays.
- (m) The use of loud speakers of any type is expressly prohibited within the confines of any R-3MH mobile home park.
- (n) A satisfactory agreement shall be submitted to the city council ensuring that no space shall be rented for residential use of a mobile home in any such park except for a period of thirty (30) days or more and that no mobile home shall be admitted to any park unless it meets the requirements of all applicable city or state regulations.

- (o) There shall be submitted to the city council an overall development plan for the proposed mobile home park. Said plan shall show all proposed development within the park and shall, among other things, include the location and extent of all proposed driveways, mobile home stands, recreation areas and facilities, community service areas, utility and maintenance areas, and proposed fencing and/or landscaping. The plan shall have been prepared so as to provide, as far as practicable, a pleasing residential environment for mobile home dwellers and so as to make the proposed park fully compatible with established or permitted use of adjacent land.
- (p) A site plan for a mobile home park provided for under this subsection shall be submitted to the board of adjustment and to the appropriate land planning agency. The appropriate land planning agency shall then review that site plan against the conditions set out in this subsection, and shall make a recommendation based on such review to the board of adjustment. The board of adjustment shall then approve, disapprove, or approve with reasonable conditions, the site plan as a conditional use and building permits may only be issued, and development may only take place, in a manner consistent with the site plan approved by the board of adjustment.

(q) Reserved.

(C) Building height regulations:

Same as in R-3A multiple-family dwelling district.

(D) Building site area regulations:

Same as in R-3A multiple-family dwelling district.

(E) Front, side and rear yard regulations:

Same as in R-3A multiple-family dwelling district.

(F) *Nonconforming lots:*

Same as for the R-1A and R-1 single-family dwelling districts.

(G) *Off-street parking regulations:*

Off-street parking facilities shall be provided as set forth within section 43-40. (Ord. No. 5820-A, § 1, 12-18-73; Ord. No. 7244-A, § 6, 7-17-79)

Sec. 43-29. Zoning of annexed territory.

When territory is annexed or integrated into the City of Tampa, and such territory is subject to zoning regulations, restrictions, or maps of another governing body at the time of such annexation, said regulations, restrictions, and maps of said governing body shall continue in full force and effect throughout the integrated or annexed territory until said regulations, restrictions, and maps are changed in conformity with the provisions of this section and applicable statutes. Regulations, restrictions, and maps governing the subject property at the time of annexation shall be binding upon the subject property only and shall not be construed so as to have an effect upon or become part of the general regulations, restrictions and maps of the City of Tampa. Where territory is annexed or integrated into the City of Tampa, and such territory is not subject to zoning regulations, restrictions, or maps of another governing body at the time of such annexation, said territory shall be zoned R-1A. Immediately upon annexation, the city council shall request an area study and recommend rezoning of the property from the Hillsborough County Planning Commission. No petitions for zoning changes to annexed territory shall be considered while the area study is in progress. Upon receipt of the Hillsborough County Planning Commission recommendations, the city council shall initiate an area rezoning of the annexed territory. (Ord. No. 6528-A, § 1, 11-30-76)

Sec. 43-30. Property added to the City of Tampa through accretion, dredge and fill, or any other similar mechanism.

When territory is added to the City of Tampa through accretion, dredge and fill, or any other similar mechanisms, the zoning regulations and restrictions of zoning classification R-1A shall be applied to said new territory until such zoning classification shall be changed through action taken in conformity to the provisions of this code. (Ord. No. 6528-A, § 1, 11-30-76)

Sec. 43-31. Adult bookstores; adult theaters; special cabarets.

(A) Location:

- (1) It shall be unlawful to locate any adult bookstore, adult theater or special cabaret within five hundred (500) feet of any area in the City of Tampa zoned R-1, R-1A, R-2, R-3, R-3A, R-3HR, R-4 or R-P.
- (2) It shall be unlawful to locate any adult bookstore, adult theater or special cabaret within one thousand (1,000) feet of any other such regulated use.
- (3) Distances shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.
- (4) Nothing in this section shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Code.

(B) Waivers. The city council of the City of Tampa, after studying the recommendation by the Hillsborough County Planning Commission, may waive the locational provisions for adult bookstores, adult theaters or special cabarets, upon a finding that all of the following requirements have been met:

- (1) That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
- (2) That the proposed use will not enlarge or encourage the development of a "skid row" area.

- (3) That the establishment of an additional such regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban revitalization.

(C) *Nonconforming uses.* Adult bookstores, adult theaters or special cabarets which have been lawfully established at their existing locations prior to the effective date of this section, and which are not in conformity with the requirements of this section may continue to operate until October 1, 1987. Thereafter, unless such adult bookstore, adult theater or special cabaret conforms to the provisions of this section, it shall no longer be permitted to operate. If a nonconforming spacing situation can be eliminated by the abatement of one or more such establishments, the establishment which has been licensed as an adult bookstore, adult theater or special cabaret business for the longest total period of time at that same address shall be permitted to remain. (Ord. No. 8068-A, § 2, 9-30-82)

Sec. 43-32. Live model studios, escort services, bath houses, massage parlors and adult entertainment establishments.

(A) *Location.*

- (1) It shall be unlawful to locate any live model studio, escort service, bath house (as defined in Chapter 22 of this Code), massage parlor (as defined in Chapter 22 of this Code), or adult entertainment establishment within five hundred (500) feet of any area in the City of Tampa zoned R-1, R-1A, R-2, R-3, R-3A, R-3HR, R-4, I-P or E.
- (2) It shall be unlawful to locate any live model studio, escort service, bath house (as defined in Chapter 22 of this Code), massage parlor (as defined in Chapter 22 of this Code), or adult entertainment establishment within one thousand (1,000) feet of any other such live model studio, escort service, bath house (as

defined in Chapter 22 of this Code), massage parlor (as defined in Chapter 22 of this Code), or adult entertainment establishment, or within one thousand (1,000) feet of any special cabaret, adult theatre or adult bookstore.

- (3) Distances shall be measured from property line to property line along the shortest distance between property lines without regard to route of normal travel.

(B) *Waivers.* The board of adjustment of the City of Tampa may grant a waiver of all or any part of the distance requirements specified in subsection (A) upon a finding that all of the following requirements have been met:

- (1) That the proposed use will not be contrary to the public interest nor contrary to the City of Tampa's comprehensive plan of zoning.
- (2) That the proposed use will not be unreasonably injurious to nearby properties.
- (3) That the spirit, purpose and intent of this section in a general sense will be observed despite a waiver of a portion of the distance requirement.
- (4) That the proposed use will not enlarge or encourage development of a "skid row" or "slum area".
- (5) That a waiver would not be contrary to any program of neighborhood conservation, community development, nor will interfere with any program of urban renewal or city, county or neighborhood comprehensive development plan.

(C) *Nonconforming uses.* Live model studios, escort services, bath houses (as defined in Chapter 22 of this Code), massage parlors (as defined in Chapter 22 of this Code), or adult entertainment establishments which have been lawfully established at their existing locations prior to the effective date of this section, and which are not in conformity with the requirements of this section, may continue to oper-

ate until January 1, 1983. Thereafter, unless such live model studio, escort service, bath house (as defined in Chapter 22 of this Code), massage parlor (as defined in Chapter 22 of this Code), or adult entertainment establishment conforms to the provisions of this section, it shall no longer be permitted to operate. Notwithstanding the provisions of sections 43-37 and 43-39 of this Code, or any other provisions of this section, any live model studio, escort service, bath house (as defined in Chapter 22 of this Code), massage parlor (as defined in Chapter 22 of this Code), or adult entertainment establishment which shall discontinue 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 section. If a distance requirement in violation of this section can be brought into conformity with this section by the abatement of one or more live model studio, escort service, bath house (as defined in Chapter 22 of this Code), massage parlor (as defined in Chapter 22 of this Code), or adult entertainment establishment, the establishment which has been operating continuously for the longest period of time shall be permitted to remain.

(D) *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.

(E) *Enforcement.* In addition to the penalty provided for in section 43-97 of this Code, any live model studio, escort service, bath house (as defined in Chapter 22 of this Code), massage parlor (as defined in Chapter 22 of this Code), or adult entertainment establishment which shall violate the requirements of this section are declared to be nuisances and the building inspector is authorized to bring appropriate civil action in a court of appropriate jurisdiction for their abatement. (Ord. No. 6884-A, § 3, 3-23-78)

Sec. 43-33. Zoning site plan review.

(A) *Purpose:* Where a petitioner petitions for a change in the zoning classification of property and a site plan re-Supp. No. 33

view is required as a condition to that zoning, the provisions set out in this section shall be followed for that zoning site plan review.

(B) *Procedure:*

- (1) At the time of the application for rezoning, the applicant shall submit to the City of Tampa, Department of Housing, Inspections and Community Services, ten (10) copies of a general site development plan showing the proposed development as it is to be situated on the lot or tract of land. Such general site development plan shall include the general location, arrangement, size, height and configuration of all proposed buildings, parking and service areas, access roads and drives, accessory buildings, buffers, landscaping, land uses of all abutting properties, including rights-of-way, and the conditions of those rights-of-way.
- (2) The general site development plan shall be transmitted by the department of housing, inspection and community services to the appropriate land planning agency or department for review and recommendation. Copies of the general site development plan shall also be referred, for review and recommendation, to the following: Traffic engineer, right-of-way engineer, drainage engineer, water, sanitary sewers, public works, fire department and any other departments deemed appropriate by the department of housing, inspections and community services. Each recommendation shall be made in accordance with criteria set forth below to the department of housing, inspections and community services within fifteen (15) working days following filing of application. Following this review, the developer may alter his general site development plan to conform to the recommendations or remove any objections; however, any change in the general site development plan which, in the opinion of the department of housing, inspections and community services, would affect or alter the review or recommendation of the land planning agency or department or any of the

city departments or divisions above cited, shall be referred by the department of housing, inspections and community services to those city departments or divisions again for review and recommendation.

- (3) The general site development plan shall be reviewed by the appropriate land planning agency or department and by the City of Tampa departments and divisions above cited for its compatibility with the following:
 - (a) All existing developments in the immediate area;
 - (b) All existing natural features;
 - (c) Sewer and water availability;
 - (d) Traffic volume and flow;
 - (e) Right-of-way dimensions and future acquisition plans;
 - (f) Adopted plans of development (general, subsector and neighborhood);
 - (g) Availability of fire protection.
 - (4) Following review of the general site development plan, the recommendation by the appropriate land planning agency or department and the department of housing, inspections and community services shall be transmitted to the city council for the rezoning hearing.
- (C) *Construction after rezoning:*
- (1) Building permits for construction on property subject of a rezoning where a general site development plan review procedure was required as a condition to that rezoning may only be issued for construction which does not deviate substantially from that site plan approved as a condition to that rezoning. In the event of alterations, changes or amendments from the general site development plan that amount to substantial deviations from that general site development plan, such alteration, change or amendment shall be resubmitted to the department of housing, inspection and community services, which department shall make

distribution to all divisions and departments above cited in the manner above described, and the recommendations of those divisions and departments shall be transmitted to the city council and city council may hear, and by ordinance, approve or deny, such alterations, changes or amendments. Petitioner shall pay an additional fee as established by city council, to amend a previously approved general site development plan in this manner, and in the event that city council does, by ordinance approve such amendment, building permits may thereafter only be issued for development of the property consistent with the amended general site development plan.

- (2) Any one of the following amendments, changes, or alterations shall constitute a substantial deviation:
- (a) An increase in the number of dwelling units approved at time of rezoning.
 - (b) For developments providing common open space, a decrease of five (5) per cent in the amount of such open space or provision of the open space in an area other than that proposed in the approved general site development plan. In no case shall open space be decreased.
 - (c) A material, dimensional or locational change in ingress/egress ways, access ways, internal or common streets or similar circulation elements.
 - (d) A change with regard to front or rear auto storage unless contained within the property lines of a condominium development.
 - (e) Change from provision of all parking on individual lots to any form of common parking or vice versa.
 - (f) Any change or modification not specified above which is determined by the department of housing, inspections and community services of the City of Tampa to be a substantial deviation. (Ord. No. 7052-A, § 1, 10-10-78; Ord. No. 8397-A, § 2, 10-27-83)

Sec. 43-34. Temporary help agencies and blood donor centers.**(A) Location:**

- (1) It shall be unlawful to locate any temporary help agency or blood donor center within five hundred (500) feet of any area in the City of Tampa zoned R-1, R-1A, R-2, R-3, R-3A, R-3HR, R-4, I-P, E, RP, NC or TH.
- (2) It shall be unlawful to locate any temporary help agency or blood donor center within one thousand (1,000) feet of any other such temporary help agency or blood donor center.
- (3) Distances shall be measured from property line to property line along the shortest distance between property lines without regard to route of normal travel.

(B) Waivers. The board of adjustment of the City of Tampa may grant a waiver of all or any part of the distance requirements specified in subsection (A) upon a finding that all of the following requirements have been met:

- (1) That the proposed use will not be contrary to the public interest nor contrary to the City of Tampa's comprehensive plan of zoning.
- (2) That the proposed use will not be unreasonably injurious to nearby properties.
- (3) That the spirit, purpose and intent of this ordinance [section] in a general sense will be observed despite a waiver of a portion of the distance requirement.
- (4) That the proposed use will not enlarge or encourage development of a "skid row" or "slum area."
- (5) That a waiver would not be contrary to any program of neighborhood conservation, community develop-

ment, nor will interfere with any program of urban renewal or city, county or neighborhood comprehensive development plan.

(C) *Nonconforming uses.* Temporary help agencies or blood donor centers which have been lawfully established at their existing locations prior to the effective date of this section, and which are not in conformity with the requirements of this section, may continue to operate until January 1, 1985. Thereafter, unless such temporary help agency or blood donor center conforms to the provisions of this section, it shall no longer be permitted to operate. Notwithstanding the provisions of sections 43-37 and 43-39 of this Code, or any other provisions of this chapter, any temporary help agency or blood donor center which shall discontinue 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 section. If a distance requirement in violation of this section can be brought into conformity with this section by the abatement of one 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.

(D) *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.

(E) *Enforcement.* In addition to the penalty provided for in section 43-97 of this Code, any temporary help agencies or blood donor centers which shall violate the requirements of this section are declared to be nuisances and the building inspector is authorized to bring appropriate civil action in a court of appropriate jurisdiction for their abatement. (Ord. No. 7511-A, § 3, 11-4-80)

Sec. 43-35. Satellite dish antennas.**(A) General Regulations:**

- (1) 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.
- (2) A satellite dish antenna is considered a structure and shall be installed in accordance with all applicable provisions of Chapter 45, Building Code of the City of Tampa.
- (3) No advertising or signage of any type is permitted on a satellite dish antenna.
- (4) The height of a ground-mounted antenna shall be the total maximum 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 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 by Zoning District:

- (1) Regulations for Single-Family and Two-Family Dwelling Districts:

(a) General regulations:

1. These regulations apply to the installation of satellite dish antennas in the following zoning districts: R-1, R-1A, R-2 and TH Overlay District.
2. A satellite dish antenna shall be considered an accessory use to the residence(s) and shall not constitute the principal use of the property.
3. A satellite dish antenna shall not be utilized for any commercial purposes. The satellite dish antenna shall only be utilized by the occupants of the residence for their personal enjoyment.

(b) Dimensional regulations:

1. The placement of satellite dish antennas shall be limited to one (1) antenna per site upon which the primary use is located. For the purposes of this

ordinance, the site upon which the primary use is located may consist of one (1) or more lots; the lot may either be part of a subdivision or unplatted parcels.

2. **Size.** The maximum size of the satellite dish antenna shall be limited to twelve (12) feet in diameter.
3. **Location.** The satellite dish antenna shall only be located between the rear main building wall of the principal structure and the rear property line. For corner or irregular lots, the satellite dish antenna shall only be located between the rear main building wall of the principal structure and the property line which is most parallel to the rear building wall.
4. **Setbacks.** The satellite dish antenna shall be set back from all property lines by a distance equal to or greater than its diameter.
5. **Height.** The overall height of the satellite dish antenna shall not exceed the maximum height restriction of the applicable zoning district. The height measurement shall include both the satellite dish antenna and any base or fixture upon which the antenna 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.

A satellite dish antenna shall not be permitted on the roof of any structure, regardless of whether the zoning district height limitation can be met.

(2) **Regulations for Multifamily, Office, and Neighborhood Commercial Districts:**

(a) *General regulations:*

1. These regulations apply to the installation of satellite dish antennas in the following zoning districts: R-3, R-3A, R-3HR, R-4, RP, IP, NC, C-1.

2. A satellite dish antenna shall be considered an accessory use to the primary use and shall not constitute the principal use of the property.
3. A satellite dish antenna shall not be utilized for any off-site commercial purposes.

(b) *Dimensional regulations:*

1. The placement of satellite dish antennas shall be limited to two (2) antennas per site upon which the primary use is located. For the purposes of this ordinance, the site upon which the primary use is located may consist of one (1) or more lots; the lot may either be part of a subdivision or unplatted parcels.
2. Location, setbacks and height. The satellite dish antenna may either be located on the ground or may be located on the roof of the principal structure.

- a. If the satellite dish antenna is to be ground-mounted, it shall only be located between the rear main building wall of principal structure and the rear property line. For corner or irregular lots, the satellite dish antenna shall only be located between the rear main building wall of the principal structure and the property line which is most parallel to the rear building wall.

The ground-mounted satellite dish antenna shall be setback from all property lines by a distance equal to or greater than its diameter.

The overall height of the satellite dish antenna shall not exceed eighteen (18) feet. The height measurement shall include both the satellite dish antenna and any base or fixture upon which the antenna is constructed.

- b. Satellite dish antennas may be roof-mounted only on structures in excess of thirty (30) feet in height. The roof-mounted satellite dish antenna shall not be more than eighteen (18)

feet in height, including the base and any fixture upon which the antenna is constructed.

- c. 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.

(c) *Regulations for satellite dishes located at radio and television studios and colleges:*

1. Since the utilization of satellite dishes at radio and television stations and colleges is intrinsic to the operation of the station or college, the number of satellite dishes is not limited, provided the following setback and height regulations are met.
2. Satellite dish antenna may be roof- or ground-mounted. If ground-mounted, the satellite dish antenna shall be set back from the property lines by a distance equal to or greater than its diameter. 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.

(3) *Regulations for Commercial and Industrial Districts:*

(a) *General regulations:*

1. These regulations apply to the installation of satellite dish antennas in the following zoning districts: C-2, M-1, M-2, M-AP.
2. The satellite dish antenna shall be considered an accessory use unless the transmission and/or reception of satellite signals is a principal use of the property. When considered an accessory use, the satellite dish antenna shall not be constructed prior to the construction of the principal use of the property.

(b) *Dimensional regulations:*

1. Antennas as accessory uses:

- a. The placement of satellite dish antennas shall be limited to two (2) antennas per site upon which the primary use is located. For the purposes of this ordinance, the site upon which the primary use is located may consist of one (1) or more lots; the lots may either be part of a subdivision or unplatted parcels.
 - b. If ground-mounted, the satellite dish antenna shall be set back from all property lines by a distance equal to or greater than its diameter. The overall height of the satellite dish antenna shall not exceed twenty (20) feet. The height measurements shall include both the satellite dish antenna and any base or fixture upon which it is constructed.
 - c. If roof-mounted, the satellite dish antenna 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.
 - d. 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.
2. Antennas when the transmission and/or reception of satellite signals is a principal use of the property: Satellite dish antennas may be roof- or ground-mounted. If ground-mounted, the satellite dish antenna shall be set back from all property lines by a distance equal to or greater than its diameter. 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.

(C) *Variances.* Variances to these requirements shall only be authorized by the board of adjustment, according to its procedures as outlined in this Code. However, in the following districts: R-1, R-1A, R-2, TH, R-3, R-3A, R-3HR, R-4, RP, IP, NC and C-1, the board shall not be authorized to grant variance requests

which would allow the installation of the satellite dish antenna between the front property line and the front main building wall of the principal structure. In addition to the provisions of section 43-77, the applicant must clearly demonstrate that the requirements of this section mandate a location of the satellite dish antenna such that reception is severely restricted or impaired. (Ord. No. 8925-A, § 1, 6-13-85; Ord. No. 9233-A, § 2, 3-27-86)

Sec. 43-36. Reserved.

ARTICLE III. NONCONFORMING USES

Sec. 43-37. Buildings.

The lawful use of a "building" existing at the time of the passage of this ordinance [chapter]* may be continued

*Editor's note—Ordinance No. 1980-A, from which this chapter is derived, was passed on January 17, 1956.

although such use does not conform to the provisions of this ordinance [chapter]*; provided no structural alterations, except those required by law or ordinance or ordered by an authorized officer to assure the safety of the building, are made therein. No such use shall be extended to occupy any land outside such building. If such nonconforming building is removed or the nonconforming use of such building is discontinued for a continuous period of not less than nine (9) months, every future use of such premises shall be in conformity with the provisions of this ordinance [chapter]. (Ord. No. 1980-A, § 39.13, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56)

Sec. 43-38. Existing civic structures in designated classifications.

Where there is an existing building or structure owned and used by a civic or garden club in an R-1A and R-1 classification, at the effective date of this ordinance [section] it shall be lawful to extend or enlarge such building for civic purposes only, provided, however, that all other provisions of this ordinance [section]; and the Building Code of the City of Tampa are complied with. (Ord. No. 2107-A, § 1, 10-16-56)

Sec. 43-39. Land.

The land use of "land" existing at the time of the passage of this ordinance [chapter]* although such use does not conform to the provisions of this ordinance [chapter],* may be continued; provided, however, that no such nonconforming use shall be enlarged or increased, nor shall any nonconforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance [chapter].* If such nonconforming use is discontinued for a continuous period of not less than nine (9) months, any future use of said premises shall be in conformity with the provisions of this ordinance [chapter].* Provided,

*Editor's note—Ordinance No. 1980-A, from which this chapter is derived, was passed on January 17, 1956.

however, that where "land" which is now used for a use excluded from the district in which such "land" is located and such use is not an accessory to the use of a main building located on the same lot or grounds of such nonconforming use of "land" shall be discontinued and all materials completely removed by its owner not later than three (3) years from the date of the passage of this ordinance [chapter].*

(1) When a district shall hereafter be changed, any then existing nonconforming use in such changed district may be continued or changed to a use of higher classification; provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been discontinued or changed a higher classification, such use shall not thereafter be changed to a nonconforming use of a lower classification.

(2) Nothing in this ordinance [chapter] shall be taken to prevent the restoration of a building destroyed to the extent of not more than seventy-five (75) per cent of its assessed value by fire, explosion or other casualty, or act of God, or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. (Ord. No. 1980-A, § 89.14, 1-17-56; Ord. No. 2356-A, § 1, 1-15-58; Ord. No. 2436-A, § 1, 7-8-58)

Sec. 43-40. Off-street parking and loading regulations; temporary parking lots for construction projects.

(1) [Dimensions.] For the purpose of this ordinance [chapter], the term "off-street parking space" shall consist of the following dimensions:

<i>Parking Angle (degree)</i>	<i>Minimum Parking Stall Width (feet)</i>	<i>Stall Depth (feet)</i>	<i>Aisle Width (feet)</i>	<i>Module or Wall-to-Wall (feet)</i>
45	9	18	12	48
45	9.5	18	11	47

*Editor's note—Ordinance No. 1980-A, from which this chapter is derived, was passed on January 17, 1956.

<i>Parking Angle (degree)</i>	<i>Minimum Parking Stall Width (feet)</i>	<i>Stall Depth (feet)</i>	<i>Aisle Width (feet)</i>	<i>Module or Wall-to-Wall (feet)</i>
60	9	18	18	54
60	9.5	18	17	53
75	9	18	26	62
75	9.5	18	25	61
90	9	18	26	62
90	9.5	18	25	61

(2) *Building for which required.* There shall be provided at the time of the erection of any main building or structure or at the time any main building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, floor area or seats, minimum off-street automobile parking space with adequate provisions of ingress or egress in accordance with the following requirements:

- (a) Auditoriums, theaters or other places of assembly—one (1) space for each five (5) persons or seats.
- (b) Business or commercial buildings—one (1) space for each five hundred (500) square feet of gross floor area or fraction thereof.
- (c) Churches, temples or places of worship—one (1) space for each eight (8) persons, or seats.
- (d) Clubs or lodges—one (1) space for each ten (10) seats or persons accommodated in the assembly hall or auditorium.
- (e) Dwelling structures—one (1) space for each dwelling unit.
- (f) Hospitals, sanitariums—one (1) space for each six (6) patient beds, exclusive of spaces required for doctors, attendants, nurses and ambulances.
- (g) Hotels—one (1) space for each three (3) bedrooms.
- (h) Libraries, museums—a parking area equal to fifty (50) per cent of the floor area open to the public.
- (i) Manufacturing and industrial uses—one (1) space for each four (4) employees on the largest working shift.

- (j) Medical or dental clinics—three (3) spaces for each doctor or dentist.
 - (k) Mortuaries—one (1) space for every eight (8) seats of chapel capacity, plus one additional space for each three (3) employees.
 - (l) Motels—one (1) space for each sleeping unit.
 - (m) Nursing or convalescent homes—one (1) space for each four (4) patients.
 - (n) Office and professional buildings—one (1) space for each one thousand (1,000) square feet of gross floor area.
 - (o) Restaurants or other eating places—one (1) space for each four (4) seats.
 - (p) Rooming, boarding houses—one (1) space for each four (4) beds.
 - (q) Schools and public buildings—one (1) space for every ten (10) seats in the main auditorium.
 - (r) Commercial recreation area—One parking space per fifteen hundred (1,500) square feet of land area plus one parking space per five hundred (500) square feet of structure.
- (3) *Location:*
- (a) Parking spaces for all dwellings shall be located on the same property with the main building to be served where feasible.
 - (b) Parking spaces for other uses shall be provided on the same lot or not more than five hundred (500) feet distant.
 - (c) Parking requirements for two (2) or more uses, of the same or different types, may be satisfied by the allocation of the required number of spaces of each use in a common parking facility.
 - (d) Where parking spaces are required under the provisions of this chapter, with the exception of subsection (3.1) hereinbelow, the board of adjustment, after a public hearing, may permit any land located within five hundred (500) feet of the specific use to be used for parking spaces notwithstanding the zoning use district in which such land is located. See section 43-15 of this chapter for conditions of said use.

(3.1) Central business district (CBD) parking requirements:**(a) Legal Description of CBD Boundaries:**

For the purpose of this section, the CBD area shall be defined as 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 west boundary of Central Park Village Housing Project; and thence easterly along the southern boundary of said Central Park Village Housing Project to the easterly boundary of Nebraska Avenue; thence southeasterly to the southwest corner of Twiggs Street and Meridian Avenue; and 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 250 feet to the west boundary of the Seaboard Coastline Railroad right-of-way; thence southerly along said Seaboard Coastline Railroad right-of-way to Garrison Channel; and bounded on the south by Garrison Channel to the Hillsborough River.

(b) Inclusion:

Any building within the CBD that is erected, expanded or increased in floor area or seating capacity or changes its use, shall meet the applicable parking requirements set forth in this chapter.

(c) 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 said 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.

(d) In Lieu Payment Procedure:

An application for complying with parking requirements through an in lieu payment may be obtained from the

department of housing, inspections and community services (hereinafter referred to as HICS). All in lieu parking applications shall be filed with HICS in accordance with the following procedures:

1. The application shall be typewritten and sworn to by the applicant or applicants or his attorney or agent, (hereinafter referred to as applicant), and shall include the mailing address of the applicant.
2. It shall contain the legal description of the land involved, including the street address, if any; the name of all owners, mortgage holder(s), lienors and lessees; and zoning classification applied to the land.
3. It shall state the proposed on-site and off-site parking spaces and the number of City of Tampa Code required spaces.
4. It shall state existing building use and the proposed building use.
5. It shall contain the square footage of the building and the land.
6. It shall contain a site plan.
7. Three (3) copies of the application shall be filed with HICS.
8. Upon acceptance, review and certification of the application as to completeness, HICS shall distribute two (2) copies of the application to the department of public works for review and comment.
9. HICS shall notify the applicant of any in lieu payments, special conditions or information that is required.
10. Upon receipt of the in lieu payment from the applicant, HICS shall issue parking space credit to said applicant.
11. All in lieu payments shall be deposited to the department of public works, parking division, parking revenue fund.

(e) Calculation of In Lieu Parking Payment:

1. The in lieu factor for the requested land use shall be established by resolution of city council.

2. The in lieu payment for renovation, rehabilitation or building improvements shall be calculated in accordance with the following criteria:

- a. For renovation, rehabilitation, or building improvement with no building use change and/or expansion of existing structure less than or equal to one thousand (1,000) square feet or ten (10) per cent of the building structure (whichever is less), no additional parking shall be required. This exemption shall be used only once per building.
- b. For all other renovation, rehabilitation, or building improvement, the in lieu parking payment space credit shall be calculated in accordance with the following formula:

$$\begin{aligned}
 \text{In Lieu Parking Payment} &= \left[\begin{array}{l} \text{Total spaces} \\ \text{required to} \\ \text{meet code} \end{array} \right] \cdot \left[\begin{array}{l} \text{On-site spaces} \\ \text{meeting code} \\ \text{requirements} \end{array} \right] \\
 &\quad - \left[\begin{array}{l} \text{Approved off} \\ \text{site spaces} \\ \text{within 500 feet} \\ \text{of development} \end{array} \right] \cdot \left[\begin{array}{l} \text{Prior parking} \\ \text{space credit} \end{array} \right] \\
 &\quad \times \left[\begin{array}{l} \text{Construction} \\ \text{cost per space} \end{array} \right] \times \left[\begin{array}{l} \text{In lieu factor} \end{array} \right]
 \end{aligned}$$

A maximum of fifty (50) parking spaces may be provided by in lieu payment.

3. The in lieu payment for new construction shall be calculated in accordance with the following formula:

$$\begin{aligned}
 \text{In Lieu Parking Payment} &= \left[\begin{array}{l} \text{Total spaces} \\ \text{required to} \\ \text{meet code} \end{array} \right] \cdot \left[\begin{array}{l} \text{On-site spaces} \\ \text{meeting code} \\ \text{requirements} \end{array} \right] \\
 &\quad - \left[\begin{array}{l} \text{Prior Parking} \\ \text{credit} \end{array} \right] \cdot \left[\begin{array}{l} \text{Approved off-} \\ \text{site spaces} \\ \text{within 500 feet} \\ \text{of development} \end{array} \right] \\
 &\quad \times \left[\begin{array}{l} \text{Construction} \\ \text{cost per space} \end{array} \right] \times \left[\begin{array}{l} \text{In lieu factor} \end{array} \right]
 \end{aligned}$$

A maximum of fifty (50) parking spaces may be provided by in lieu payment.

4. For new construction, renovation, rehabilitation, or building improvement which requires greater than fifty (50) parking spaces to be provided by an in lieu payment, 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:
- Land acquisition cost;
 - Construction cost; and
 - Other relevant factors.

(f) Calculation of Parking Space Credit:

Parking space credits for renovations and new construction shall be issued to the applicant in accordance with the following calculations:

$$\text{Parking Space Credits} = \left[\text{In lieu payment} \right] \div \left[\begin{array}{l} \text{Construction cost} \\ \text{Per space} \end{array} \right]$$

(g) Parking Space Credit Conditions and Rights:

Conditions and rights associated with the use of parking space credit(s) are defined below:

- Parking space credit(s) may be transferred only with the property that is legally desired on the parking space credit form.
- Parking space credit(s) may be transferred when the use of the property is changed.
- Parking space credit(s) may not be transferred to meet the parking requirements of buildings or structures on other property.
- It is the developer's responsibility to maintain a copy of said parking space credit(s) and to provide said copy with permit application whenever a new renovation, rehabilitation building improvement or new construction is planned for the site.
- No money shall be refunded by the City of Tampa for parking space credit(s).

(h) Definitions:

- Capture rate* is that percentage of the total parking demand for the specified use which is internally gen-

erated from other uses already generating a demand within the CBD.

2. *Construction cost per space* shall be assessed by the department of public works and approved by resolution of city council.
3. *Developer* is property owner, partnership, corporation or any legal entity who proposes to develop said property described in the permit application.
4. *In lieu factor* is one (1) minus (-) the capture rate, as approved by resolution of city council.
5. *In lieu payment* is the payment by the developer for each in lieu parking space credit required to meet the City of Tampa Code.
6. *New construction* is the erection of a building or structure or the addition of greater than fifty (50) per cent of the existing building size in square feet.
7. *Number of off-site spaces* is the total number of spaces located within five hundred (500) feet of the property and which meet the City of Tampa Code requirements of section 43-40 (1) of this chapter.
8. *Number of on-site spaces* is the total number of spaces contained on the site which meet the City of Tampa Code requirements of section 43-40(1) of this chapter.
9. *Number of spaces required* is the required number of parking spaces for the designated land use as defined in section 43-40 (2) of this chapter.
10. *Parking space credit* is the equivalent of one (1) parking space paid for by the developer through an in lieu parking payment.
11. *Prior parking space credit* is the space credit for a designated number of spaces for which an in lieu parking payment has previously been paid to the City of Tampa.
12. *Renovation, rehabilitation, building improvement* are those words used to describe a change or modification to an existing structure. Said change may include expansion or upgrading of building.

(i) **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.

(j) **CBD 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 43-93.1 of this chapter; provided, however, that the requirement of a study and report by Hillsborough County City-County Planning Commission set forth in section 43-93.1(2) and the newspaper publication requirement set forth in section 43-96(C)(1) shall not be required.

The fee for filing a petition requesting a variance from CBD parking requirements shall be seventy-five dollars (\$75.00) and shall be paid in accordance with section 43-93.1(4).

(4) **Off-street loading regulations.** The following spaces shall be provided for the uses indicated:

- (a) Every hospital, institution, hotel, commercial or industrial building or similar use having a floor area in excess of twenty thousand (20,000) square feet requiring the receipt of distribution by vehicle of materials and merchandise shall have at least one (1) permanently maintained off-street loading space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.
- (b) Retail operations, wholesale operations and industrial operations with a gross floor area of less than twenty thousand (20,000) square feet shall provide sufficient space (not necessarily a full berth) so as not to hinder the free movement of vehicles and pedestrians over a sidewalk, street or alley.
- (c) Each space shall have direct access to an alley or street and shall have the following minimum dimensions: length, twenty-five (25) feet; width, twelve (12) feet; height, fourteen (14) feet.

(5) **Permanent reservations.** Any area, with the exception of the central business district set forth in subsection (3.1) hereof, re-

served 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, except where equivalent parking or loading is provided to the satisfaction of the board of adjustment.

(6) *Temporary parking lots for construction projects:*

(a) *Definition.* See section 43-1.

(b) *Location.* A temporary parking lot for construction projects, as herein defined, can be located on land within any zoning district. Such temporary parking lots shall be subject to city council approval as conditional uses pursuant to section 43-15(B)(2) within the R-1A, R-1 and R-2 zoning districts. Such temporary parking lots shall be permitted uses in all other zoning districts, including but not limited to, site plan controlled zoning districts. Notwithstanding the above, the following conditions for temporary parking lots for construction projects, shall apply in all zoning districts.

(c) *Conditions:*

1. **Application for Plan Approval.** An application for plan approval shall be filed with and reviewed by the department of housing, inspections, and community services. The application shall include, among other items: a site plan, clearly illustrating the design arrangement of the parking spaces and the interior drive aisles, which design shall be consistent with the requirements of this section; the length of time such temporary parking lot is to be in use; the hours of operation of the temporary lot. Any permit, issued in response to an application for plan approval, shall specify the conditions under which a temporary parking lot may be operated.
2. **Development Criteria.** As a minimum, a temporary parking lot shall comply with the following criteria:
 - a. It shall be surfaced with a material that is durable and dustless. The surfacing shall be designed to prevent damage to abutting properties and adjacent public streets and alleys. The surface material to be used shall be reviewed for acceptabil-

ity by the City of Tampa Department of Public Works.

- b. It shall be graded and drained so as to dispose of all surface water that may be accumulated within the parking area. The storm water management system shall be designed to prevent damage to abutting properties and adjacent public streets and alleys. The storm water management design shall be reviewed for acceptability by the City of Tampa Department of Public Works.
- c. The location and design of entrances and exits to the temporary parking lot shall be in accordance with applicable City of Tampa Department of Public Works standards.
- d. When located adjacent to or abutting land which is being utilized for residential purposes, notwithstanding the zoning district classification, there shall be provided a solid wood fence, not less than three (3) feet in height and not more than six (6) feet in height designed so as to provide appropriate screening from the surrounding properties, in order to lessen the parking lot's impact. The actual placement of any required fencing shall be designed so as not to obstruct visibility at intersections or driveways.
- e. Lighting of a temporary parking lot shall be designed to eliminate glare or direct light being cast onto adjacent or abutting properties.
- f. When any site ceases to exist as a temporary parking lot, such site shall be restored to its original condition and then maintained in a manner consistent with the City of Tampa Bureau of Minimum Standards requirements.

(d) *Variances from development criteria.* Where an applicant desires to utilize a temporary parking lot in a manner which is inconsistent with the minimum development criteria, established by subsection 43-40(6)(c)(2) above, the applicant may seek a variance from this criteria in accordance with section 43-93.1, City of Tampa Code.

(7) *Variances and modifications.* The foregoing standards, with the exception of subsections 43-40(6) and 43-40(3.1), may be varied or modified by the board of adjustment where, after review and hearing, they find that such a variance or modification is justified. (Ord. No. 1980-A, § 39.15, 1-17-56; Ord. No. 3631-A, § 3, 10-20-64; Ord. No. 7168-A, § 1, 3-1-79; Ord. No. 7363-A, § 2, 1-8-80; Ord. No. 8284-A, § 2, 7-7-83; Ord. No. 8456-A, §§ 4, 5, 1-12-84; Ord. No. 8964-A, §§ 1-4, 8-1-85; Ord. No. 9341-A, §§ 1, 2, 8-14-86; Ord. No. 9637, § 1, 6-18-87)

Sec. 43-41. Regulation of commercial advertising signs within five hundred feet of the Cross-Town Expressway.

(A) Definitions.

- (1) *Expressway* shall mean the Cross-Town 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 or 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, rebuild (if more than fifty (50) per cent 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 that 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, or 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 (~~120~~) square feet. ¹⁰⁰

(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 and fronting such street and within the front twenty-five (25) per cent of the building concerned; and in the case of pylon signs, within the front twenty (20) per cent 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 other wall of such building and shall be limited to ten (10) per cent 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 serving 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 size 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 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.

(F) *Penalty.* A violation of any of the provisions of this section shall be punished as provided for in section 1-6 of the City of Tampa Code. Any continuing violations of the provisions of this section may be enjoined and restrained by injunctive order of the circuit court in appropriate proceedings instituted for such purposes. (Ord. No. 6343-A, § 1, 4-6-76)

Cross reference—Signs and outdoor display structures, § 45-287 et seq.

Secs. 43-42—43-50. Reserved.

ARTICLE IV. HEIGHT AND AREA REGULATIONS

Sec. 43-51. [Additional and supplemental].

The following regulations qualify or supplement the district regulations appearing elsewhere in this ordinance [chapter]:

(1) Public or semi-public buildings, hospitals, sanitariums, schools and churches or temples, where permitted in a district, may be erected to a height not exceeding seventy-five (75) feet when the front, rear and side yards are increased an additional foot for each foot such buildings exceed the height limit otherwise provided in the district in which the building is built.

(2) Single family and two family dwellings in the dwelling districts may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided. Such dwellings, however, shall not exceed three (3) stories in height.

(3) Heights of special structures:

(a) In any zoning district other than M-AP, chimneys, water towers, towers, scenery lofts, elevator bulkheads, stacks,

ornamental towers or spires, cupolas, domes, false mansards, parapet walls, church or synagogue towers or steeples, and similar structural elements that are accessory to or part of a principal structure, and monuments, may be built to a greater height than the limit established for the district wherein they are to be located; provided, however, that no portion of any structure that is in excess of the allowable building height shall be used except as incidental, ornamental, or accessory to the permitted use of the main portion of the structure, and that any portion of any structure which exceeds the height limitation established for the district in which it is located shall in no event be used for any purpose other than such ornamental purpose, except as provided in (b) below.

(b) Towers that are principal structures in themselves, such as high voltage transmission line towers, telephone or electronic relay or transmission towers, grain elevators, radio/TV transmitter site, and similar principal structures, may only exceed the height limitations established for the district wherein they are proposed for location following review as a conditional use by the board of adjustment with submission of a site plan. The board of adjustment may only grant the conditional use where it finds:

1. That the proposed structure is not located on property zoned M-AP, nor would it result in restriction or interference with air traffic or air travel to or from any existing or proposed airport, or any air travel station;
2. That the proposed structure is consistent with the existing surrounding uses, and is consistent with the existing neighborhood development;
3. That the proposed structure is consistent with any adopted or projected development plan for the area;

4. That the proposed structure is not detrimental to the existing or proposed use of any neighboring property, and does not unreasonably restrict the free flow of light, sunlight and air to those properties.
- (4) In the case of group houses or court apartments, building may rear upon the required side yard provided:
- (a) For group houses the required side yard shall be increased by one (1) foot for each stairway opening thereon.
 - (b) For apartment houses the required side yard shall be increased by one (1) foot for each stairway opening onto or served by such side yard.
 - (c) The width of the place or court shall not be less than three (3) times the width of the side yard as required in this provision, provided that open unenclosed porches may project into a required place or court not more than twenty (20) per cent of the width of such place or court.
 - (d) Where a roadway is provided in the place or court the width allowed for such roadway shall be in addition to that required above.

(e) All other requirements including front, side and rear yards shall be complied with in accordance with the district in which such group houses or court apartments are located.

(5) The side yard requirements for dwellings shall be waived where such dwellings are erected above stores or shops.

(6) In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half of such alley may be assumed to be a portion of the rear yard.

(7) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum court more than six (6) inches nor into a minimum side yard more than twenty-four (24) inches.

(a) Within residential districts, awnings and canopies which are not a part of the permanent structure, which are supported wholly by the wall of the structure, and which are located so as to provide protection over doors or windows shall not be considered as a part of the structure in determining front, rear or side yard setback requirements, provided any such awning or canopy shall not project further than four (4) feet from its supporting wall or project nearer than three and one-half (3½) feet to a property line.

(b) Within commercial or industrial districts having no front setback requirement and where the space between the building line and curb line is paved for sidewalk purposes, awnings, canopies or marquees may extend beyond the property line subject to the following conditions:

(1) Awnings shall be extended no nearer than one and one-half (1½) feet to the curb line and shall be not less than eight (8) feet above the sidewalk at all points.

- (2) Canopies or marquees may be extended to the curb line and shall be not less than ten (10) feet above the curb level at all points.
- (c) Within commercial or industrial districts where front setback requirements are provided, awnings, canopies, or marquees may extend into the required front setback space, subject to the following conditions:
- (1) Awnings shall project no further than eight (8) feet into the required setback space and shall not be less than eight (8) feet above a sidewalk, pavement or ground level at all points.
 - (2) Canopies or marquees shall project no further than ten (10) feet into the required setback space and shall not be less than nine (9) feet above a sidewalk, pavement or ground level at all points.
- (d) Within any commercial or industrial district, an awning or canopy designed solely to provide protection over a doorway and having a height less than required elsewhere in this section, may extend into a required setback space or beyond a front property line, subject to the following conditions:
- (1) The awning or canopy shall not project further than four (4) feet from its supporting wall.
 - (2) The total width of one or more awnings or canopies upon any single property shall not exceed thirty (30) per cent of the property width measured at the building line. (Ord. No. 3198-A, § 2, 7-10-62)
- (8) No cornices shall project over the street line more than five (5) per cent of the width of such street, but in no case more than four (4) feet.
- (9) Open or enclosed fire escapes, fireproof outside stairways and balconies projecting into a minimum yard or court not more than three and one-half (3½) feet and the ordinary projections of chimneys and flues may be permitted by the building inspector where same are so placed as not to obstruct the light and ventilation.

(10) Provided, however, that special exceptions may be made by the Board of Adjustment in any of the regulations in the section in appropriate cases and subject to appropriate conditions and safeguards and in harmony with the general or specific rules set forth in this section. (Ord. No. 1980-A, § 39.16, 1-17-56)

(11) Provided further that no building or structure shall be built, constructed, changed, or added to in any way so that it will exceed fifty feet (50') in height south of a straight line extended across the Interbay Peninsula, parallel with the points where the south side of Tyson Avenue intersects Interbay Boulevard and MacDill Avenue:

(a) Except that as to the following described property the height of any such building or structure may exceed fifty feet (50') up to a maximum height of one hundred sixty-five feet (165') above ground level:

All of Government Lot 3 of Section 8, Township 30 South, Range 18 East, Hillsborough County, Florida, and all land lying West of the West boundary of said Government Lot 3 and lying East of the Tampa Port Authority Bulkhead Line as established by the Hillsborough County Port Authority on April 5, 1963, LESS the following described tracts:

- (1) That part of the North 1302 feet of said Government Lot 3 lying east of the right-of-way of Atlantic Coast Line Railroad (now Seaboard Coastline Railroad Company).
- (2) The north 455 feet of the west 2169 feet of the east 3,850.43 feet thereof.
- (3) The east 40 feet thereof for right-of-way for West Shore Boulevard.

(b) Except that as to the following described property the height of any such building or structure may exceed fifty feet (50') up to a maximum of seventy-five point six (75.6) feet above ground level:

All of Block 5 and 5-A of WESTPORT SUBDIVISION, according to map or plat thereof recorded in Plat Book 14 on Page 20 of the Public Records of Hillsborough

County, Florida. Also that certain parcel of land designated on the Plat of Westport Subdivision, Plat Book 14 on Page 20, as an alley running east and west through Block 5, said subdivision; and that certain parcel of land designated on the Plat of Westport Subdivision aforesaid, as an alley, running north and south through Block 5, said subdivision, which alleys have been closed, vacated, and abandoned; Also that portion of platted streets designated Sparkman Street situate between Blocks 5 and 5-A of Westport Subdivision, Plat Book 14, Page 20, which street has been closed, vacated, and abandoned.

No variance of this provision by the Board of Adjustment shall be permitted. (Ord. No. 1980-A, § 39.16, 1-17-56; Ord. No. 2167-A, § 1, 2-19-57; Ord. No. 4265-A, § 1, 9-14-67; Ord. No. 4660-A, § 1, 4-22-69; Ord. No. 6942-A, § 1, 5-30-78; Ord. No. 9233-A, § 4, 3-27-86)

Sec. 43-52. General provisions and exceptions.

(1) [*House trailers.*] No house trailer or mobile home shall be permitted within the corporate limits of the City of Tampa except in a duly licensed trailer park, or temporary travel or parking on a public street or way. Provided that any licensed contractor engaged upon a project or construction for which building permit has been issued by the City of Tampa may temporarily use a trailer for office facilities in the location where the work is being done; provided further, such trailer shall not be placed upon the streets but upon the property on which the permit authorizes the construction, and the same shall be removed forthwith upon completion of the work for which the permit has been issued.

(a) A permit may be issued by the building bureau of the City of Tampa for a one year period for the use of house trailers, mobile homes, or modular homes, as temporary offices while business properties are being remodeled, provided that they are placed upon the property for which there is a building permit issued by the City of Tampa for the remodeling. The permit shall be for a period of one year or until the remod-

eling is completed, whichever is the shorter period. The permit may not be renewed after the expiration of the one year period.

(b) A permit may be issued by the building bureau of the City of Tampa, after approval by city council of the application, for a six-month period for the use of house trailers, mobile homes or modular homes for temporary conduct of business or office or combination thereof, where the former business location was acquired by eminent domain or purchase by the City of Tampa. Such application may be filed only if the applicant can show that the following conditions have been met at the time of filing:

1. That the property upon which the house trailer, mobile home, or modular home will be located is within a zoning classification which allows the use to which the applicant proposes to put it, or
2. That the applicant has filed and intends in good faith to prosecute a petition for rezoning of the property so as to permit the use desired by the applicant.
3. In the event rezoning of the land to permit the use desired by the applicant is denied by city council, then the temporary permit shall be immediately revoked and that applicant shall have acquired no vested rights to retain the permit or use the property for any purposes inconsistent with the zoning ordinance applicable thereto. Except as otherwise provided herein, any permit issued pursuant to this ordinance shall be for a period of six (6) months but it may be renewed for one additional six-month period.

(2) [*Measuring yards from setback line.*] Whenever under any ordinance of the City of Tampa or a law of the State of Florida, setback lines are required on any street, highway or public road, the front and side yard requirements in any district created by this ordinance [chapter] shall be measured from such legally established setback line.

(3) [Effect of chapter on other city and state laws.] Nothing in this ordinance [chapter] shall be construed or held to amend, alter, modify, change or otherwise affect any use of land as provided for in any law of the State of Florida or any ordinance of the City of Tampa that does not relate to zoning rules and regulations.

(4) *Camping and recreational equipment.* "Camping and recreational equipment," as used in this subsection, is defined as and shall include the following:

- (a) A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the trailer and, when factory-equipped for the road, having a body width not exceeding eight (8) feet, and a body length not exceeding twenty (20) feet.
- (b) A "pick-up coach" is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- (c) A "motorized home" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (d) A "large private pleasure craft" is a vessel which is owned or leased primarily for recreational purposes and which measures over eighteen (18) feet in length.

Any owner of camping and recreational equipment may park or store such equipment on private residential property subject to the following conditions:

- (a) At no time shall such parked or stored camping and recreational equipment be occupied or used for living, sleeping, or housekeeping purposes.
- (b) If the camping and recreational equipment is parked or stored outside of an enclosed garage, it shall be parked or stored not less than sixty (60) feet from the front lot line nor less than two (2) feet, in the case of noncombustible

construction, or not less than four (4) feet in the case of combustible construction from any interior lot line, and not less than five (5) feet from any other street line, except in the case of a reversed frontage when the lot faces an intersecting street. In the case of reversed frontage, said camping and recreational equipment shall not be parked or stored so as to project beyond the front building line of the lots in the rear.

- (c) Notwithstanding the provisions hereof, camping and recreational equipment may be parked anywhere on the premises for loading or unloading purposes for a period not exceeding twenty-four (24) hours.
- (d) At no time shall such parked or stored camping and recreational equipment be connected to any utility service.

Any person who owns or leases a small private pleasure craft may park or store such craft on private residential property subject to the conditions set forth below. For purposes of this subsection, a "small private pleasure craft" is defined as a vessel which is owned or leased primarily for recreational purposes and which measures eighteen (18) feet or less in length.

- (a) Small private pleasure craft shall not be parked or stored on private residential property in violation of the applicable front yard setback.
- (b) *[Reserved.]*

(5) *Repair of automobile or motor vehicle.* The repairing of an automobile or a motor vehicle in a residential zoning district classification within the corporate limits of the City of Tampa is prohibited. (Ord. No. 1980-A, § 39.17, 1-17-56; Ord. No. 2006-A, § 1, 3-13-56; Ord. No. 2356-A, § 2, 1-15-58; Ord. No. 3867-A, § 1, 11-16-65; Ord. No. 4585-A, § 1, 1-14-69; Ord. No. 5102-A, § 1, 6-1-71; Ord. No. 6073-A, § 1, 12-3-74; Ord. No. 6206-A, § 1, 7-29-75; Ord. No. 9434-A, § 1, 11-6-86)

Cross reference—Boats, docks and waterways, Ch. 10.

Sec. 43-53. Special street setbacks.

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 specifically provided for by City of Tampa Ordinance. 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 are greater than the special street setbacks designated, then such zoning district setbacks shall control.

Street	From	To	Setback From Centerline
Adamo	13th St.	US 41	86 feet
	US 41	East city limits	98 feet
Anderson	Hillsborough	North city limits	42 feet
Armenia	Platt	Tampa Bay Blvd.	34 feet
	Tampa Bay Blvd.	Buffalo	54 feet
	Buffalo	Linebaugh	46 feet
	Linebaugh	North city limits	46 feet
Avenida Republica de Cuba (A.R.D.C.)	Nuccio	Lake	28 feet
Bayshore Blvd.	Platt	Bay-to-Bay	63 feet
	Bay-to-Bay	Gandy	51 feet
	Gandy	MacDill	33 feet
Boulevard	Swann	Cass	42 feet
Broadway (7th Avenue)	Nebraska	Columbus	46 feet
	Columbus	Orient Road	54 feet
	Orient Road	East city limits	46 feet
Brorain	Hyde Park	Bayshore	28 feet
	Bayshore	Platt	34 feet
Buffalo	Lois	Dale Mabry	46 feet
	Dale Mabry	East city limits	60 feet
Cass	Franklin	Jefferson	34 feet
	Jefferson	Nebraska	54 feet
Cimino	Howard	Tampa Bay Blvd.	34 feet
Cleveland	Armenia	Hyde Park	28 feet

Supp. No. 72

2900.1

\$ 43-53

ZONING

\$ 43-53

Supp. No. 64

2901

Street

Columbus

Commerce
Country Club
Courtney Campbell
Cypress

Dale Mabry

West Davis
East Davis
El Prado
Florida

Fowler
Gandy
Hanna
Henderson
Highland

From

Lincoln
A.R.D.C.
15th St.
43rd St.

Germer
Armenia
West city limits
Memorial
I-275

MacDill AFB
Gandy
Hillsborough
Chesapeake Ave.
Chesapeake Ave.
MacDill
Scott

Bougainvillea
I-275
Gandy Bridge
Florida
Manhattan
Buffalo

To

A.R.D.C
15th St.
43rd. St.

Broadway
Interbay Blvd.
Florida
Eisenhower
Westshore

MacDill
Gandy
Kennedy
North city limits
East Davis
West Davis
Bayshore Blvd.
Osborne

North city limits
East city limits
Dale Mabry
East city limits
Kennedy
Hillsborough Ave.

*Setback From
Centerline*

46 feet
28 feet
22 feet
54 feet
30 feet
46 feet
86 feet
42 feet
34 feet
54 feet
45 feet
98 feet
34 feet
34 feet
42 feet
28 feet
54 feet
54 feet
54 feet
30 feet
45 feet
30 feet

\$ 43.53

ZONING

\$ 43.53

Supp. No. 64

2902

Street

Hillsborough Ave.
Himes

Howard

Hyde Park
Interbay Blvd.
Jackson St.

Kennedy

Lake

MacDill
Manhattan

Maritime
McKinley
Nebraska

Orient
Plant
Platt

From

West city limits
Interbay Blvd.
Henderson
Hillsborough
Bayshore Blvd.
Platt

DeLeon
Westshore
Ashley

Lois
Nebraska
Nebraska
34th

Columbus
Gandy
Hooker's Point
Busch
Kennedy
Adamo
Bayshore Blvd.
Armenia
Bayshore
Brorein

To

I-275
Henderson
Columbus
North city limits

Platt
Cimino
Kennedy
Dale Mabry
Kennedy

Ashley
13th St.
34th

Buffalo
Buffalo
Euclid
22nd St.
Fowler
Floribraska
North city limits
Kennedy
Plant
Brorein
Beatrice

*Setback From
Centerline*

54 feet
42 feet
45 feet
45 feet
34 feet
34 feet
28 feet
34 feet
34 feet
54 feet
42 feet
34 feet
42 feet
46 feet
42 feet
42 feet
46 feet
54 feet
42 feet
28 feet
28 feet
28 feet
42 feet

§ 43-53

TAMPA CODE

§ 43-53

Supp. No. 72	Street	From	To	Setback From Centerline	§ 43-53
	Sligh	West city limits	Nebraska	46 feet	ZONING
	Swann	Dale Mabry	South Blvd.	46 feet	
	Tampa Bay Blvd.	Lois	Dale Mabry	46 feet	
	Twiggs	Dale Mabry	Himes	34 feet	
		Ashley	Pierce	34 feet	
	Tyler	Pierce	13th St.	42 feet	
	Violet	Jefferson	Cass	28 feet	
	Waters	Highland	Florida	28 feet	
2902.1		West city limits	Nebraska	42 feet	
	Westshore	Nebraska	22nd St.	30 feet	
	Willow	Interbay	Kennedy	34 feet	
	Wishart	Platt	Main	30 feet	
	Yukon	Armenia	Hillsborough	42 feet	
	4th Ave.	Florida	Nebraska	30 feet	
	13th St.	13th St.	34th St.	34 feet	
		Beatrice	Kennedy	42 feet	
		Kennedy	Adamo	54 feet	
	15th	4th Ave.	7th Ave.	34 feet	
		4th Ave.	Nuccio	42 feet	
		Nuccio	Lake	28 feet	
		Lake	Osborne	42 feet	
	17th, 18th, 19th Avenues	A.R.D.C.	15th St.	28 feet	
	19th Street	Maritime	Adamo	34 feet	
		8th Avenue	12th Avenue	30 feet	

Supp. No. 72	Street	From	To	Setback From Centerline	§ 43-53
	20th Street	Maritime	Adamo	34 feet	TAMPA CODE
	21st Street	800 feet south of Adamo	I-4	28 feet	
		I-4	22nd St.	54 feet	
	22nd St./Causeway Boulevard	East city limits	Maritime	42 feet	
		Maritime	Adamo	46 feet	
		22nd Ave.	Sligh	46 feet	
		Waters	Busch	42 feet	
	30th Street	Yukon	Fowler	46 feet	
		Fowler	North city limits	54 feet	
	34th Street	21st Ave.	Lake	34 feet	
	40th Street	Hillsborough	Busch	54 feet	
	50th Street	South city limits	Crosstown Exp.	54 feet	
		Columbus	Buffalo	54 feet	

(Ord. No. 7839-A, § 3, 12-22-81; Ord. No. 9018-A, § 1, 9-5-85; Ord. No. 9706-A, § 1, 8-27-87)

Editor's note—Section 1 of Ord. No. 7839-A, enacted Dec. 22, 1981, repealed former § 43-53 which pertained to setback requirements on specific streets, and § 3 of said ordinance enacted a new § 43-53 as herein set forth. The repealed provisions derived from the following ordinances:

Ord. No.	Date	Section	Ord. No.	Date	Section	Ord. No.	Date	Section
1527-A	2-18-54	1	2723-A	1-26-60	1	3767-A	7-14-65	1
1702-A	5-11-54	1	2790-A	6-7-60		3820-A	9-14-65	1
1721-A	6-15-54	1	2866-A	11-3-60		4254-A	8-22-67	1
2077-A	8-7-58	1	2998-A	7-18-61	1	6926-A	5-9-78	
2398-A	4-22-58	1	3123-A	2-21-62	2	7268-A	8-28-79	1
2711-A	1-5-60	1	3682-A	10-20-64	1	7362-A	1-8-80	1

The next page is 2902.71

§ 43-53

Supp. No. 46 2902.3 Street	From	To	Setback From Centerline
Memorial	Kennedy	I-275	42 feet
Morrison	I-275	Eisenhower	54 feet
Nebraska	Rome	Himes	30 feet
Nuccio	Kennedy	Columbus	54 feet
Orient	Columbus	North city limits	42 feet
Osborne	Nebraska	A.R.D.C.	42 feet
Palm	Adamo	North city limits	42 feet
Pierce	Boulevard	40th St.	30 feet
Plant	Boulevard	22nd St.	42 feet
Platt	Jackson	Tyler	40 feet
River Grove	Bayshore Blvd.	Kennedy	28 feet
River Hills	Bayshore Blvd.	Brorein	34 feet
Rome	Brorein	Beatrice	42 feet
Rowlett Park	Sligh	40th St.	30 feet
Serena	22nd St.	Yukon	30 feet
Sligh	40th St.	East city limits	30 feet
Snow	Bayshore Blvd.	North city limits	30 feet
	Sligh	Waters Ave.	30 feet
	46th St.	Chestnut	30 feet
	West city limits	Nebraska	42 feet
	Nebraska	River Grove	30 feet
	Rome	Dakota	30 feet

§ 43-53

ZONING

§ 43-53

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Setback From Centerline</i>	<i>§ 48-53</i>
Supp. No. 46 Spruce	Lois	MacDill	30 feet	<i>TAMPA CODE</i>
Swann	Westshore	Dale Mabry	30 feet	
Tampa	Dale Mabry	Bayshore Blvd.	42 feet	
	Platt	Tyler	40 feet	
	Tyler	Columbus	28 feet	
	Columbus	Buffalo	34 feet	
Tampa Bay Blvd.	Westshore	Himes	30 feet	
	Himes	Armenia	42 feet	
2902.4 Twiggs	Armenia	Howard	30 feet	
	Ashley	Pierce	40 feet	
Violet	Pierce	13th St.	42 feet	
Waters	Highland	Florida	28 feet	
	West city limits	Nebraska	42 feet	
Westshore	Nebraska	22nd St.	30 feet	
	Interbay	Kennedy	42 feet	
	Kennedy	I-275	54 feet	
	I-275	Spruce	42 feet	
	Tampa Bay Blvd.	Hillsborough Ave.	30 feet	
Willow	Platt	Main	30 feet	
Yukon	Florida	Nebraska	30 feet	
	Riverhills	40th St.	30 feet	
4th Ave.	18th St.	34th St.	42 feet	<i>§ 48-53</i>

Supp. No. 46 Street	From	To	Setback From Centerline	§ 43-53 ZONING § 43-53
7th Ave. (Broadway) 13th St.	Nebraska	Columbus	42 feet	
	Beatrice	Kennedy	42 feet	
	Kennedy	Adamo	54 feet	
15th St.	Adamo	7th Ave.	42 feet	
	4th Ave.	Nuccio	42 feet	
	Nuccio	Lake	28 feet	
	Lake	North city limits	42 feet	
17th, 18th and 19th Avenues	A.R.D.C.	43rd St.	22 feet	
19th and 20th Streets	Maritime	Adamo	34 feet	
	Nebraska	22nd St.	30 feet	
21st Ave. 21st St.	800 feet south of Adamo	I-4	28 feet	
	I-4	22nd St.	54 feet	
22nd St./Causeway Blvd.	East city limits	Maritime	42 feet	
	Maritime	Adamo	34 feet	
	Adamo	22nd Ave.	28 feet	
	22nd Ave.	Sligh	42 feet	
	Rowlett Park Dr.	Fowler	30 feet	
30th St.	Hillsborough Ave.	Sligh	30 feet	
	Yukon	Fowler	42 feet	
	Fowler	North city limits	54 feet	

Street	From	To	Setback From Centerline
34th St.	4th Ave.	Buffalo	42 feet
39th and 40th Streets	Buffalo	Hillsborough Ave.	30 feet
43rd St.	Adamo	Busch	54 feet
46th St.	Hanna	Sligh	30 feet
50th St.	Riverhills	North city limits	30 feet
109th Ave.	South city limits	North city limits	54 feet
	Nebraska	30th St.	30 feet

(Ord. No. 7839-A, § 3, 12-22-81)

Editor's note—Section 1 of Ord. No. 7839-A, enacted Dec. 22, 1981, repealed former § 43-53 which pertained to setback requirements on specific streets, and § 8 of said ordinance enacted a new § 43-53 as herein set forth. The repealed provisions derived from the following ordinances:

2902.6

Ord. No.	Date	Section	Ord. No.	Date	Section	Ord. No.	Date	Section
1527-A	2-18-54	1	2723-A	1-26-60	1	3767-A	7-14-65	1
1702-A	5-11-54	1	2790-A	6- 7-60		3820-A	9-14-65	1
1721-A	8-15-54	1	2866-A	11- 3-60		4254-A	8-22-67	1
2077-A	8- 7-56	1	2998-A	7-18-61	1	6926-A	5- 9-78	
2398-A	4-22-58	1	3123-A	2-21-62	2	7268-A	8-28-79	1
2711-A	1- 5-60	1	3632-A	10-20-64	1	7862-A	1- 8-80	1

§ 43-53

TAMPA CODE

§ 43-53

Secs. 43-54, 43-55. Reserved.

Editor's note—Section 1 of Ord. No. 7839-A, enacted Dec. 22, 1981, repealed §§ 43-54 and 43-55 which pertained to setback requirements on certain major thoroughfares. The repealed provisions derived from Ord. No. 2028-A, § 1, enacted April 17, 1956; Ord. No. 2177-A, § 3, enacted March 5, 1957; Ord. No. 2257-A, § 1, enacted Aug. 8, 1957; Ord. No. 2383-A, § 1, enacted March 27, 1958; Ord. No. 2400-A, § 1, enacted April 22, 1958; Ord. No. 3123-A, § 1, enacted Feb. 21, 1962; Ord. No. 3143-A, § 1, enacted March 22, 1962; Ord. No. 3199-A, § 1, enacted July 10, 1962; Ord. No. 3632-A, § 3, enacted Oct. 20, 1964; and Ord. No. 6725-A, § 1, enacted Aug. 30, 1977.

Sec. 43-56. Setback lines on all streets bordering cemeteries regardless of any other provisions in this chapter relating to or fixing front, side or rear yard setback lines.

There shall be a setback of fifty (50) feet as measured from the center line of any dedicated street or highway for any grave, tomb, mausoleum or other structures or things placed or designed for a memorial of the dead; and no grave, tomb or mausoleum or any structure for any enclosure for the burial of the dead shall be constructed or moved nearer than fifty (50) feet to the center line of any dedicated street or highway within the city corporate limits of the City of Tampa. (Ord. No. 4490-A, § 1, 8-13-68)

Sec. 43-57. Waiver of setback lines where property is acquired for street or road right-of-way purposes.

Subsequent to May 1, A.D. 1958, whenever any property is acquired by the State of Florida, County of Hillsborough, or the City of Tampa, by condemnation or by voluntary conveyance, for the widening of any street, road or highway within the corporate limits of the city, where the depth of the remaining property after such conveyance or condemnation in one owner who does not own the contiguous property to the rear does not exceed one hundred ten (110) feet from the way widened, the front yard requirements set up in the various provisions of this chapter are hereby waived, and where said remaining depth is not over ninety-five (95) feet,

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then both the front and rear yard requirements are hereby waived. (Ord. No. 2441-A, § 1, 7-29-58)

Sec. 43-58. Reserved.

Editor's note—Section 1 of Ord. No. 7839-A, enacted Dec. 22, 1981, repealed § 43-58 which pertained to setback lines on Grand Central Avenue between Brevard Avenue and Howard Avenue. Said provisions derived from Ord. No. 2967-A, § 1, enacted May 23, 1961.

Sec. 43-59. Side yard setback requirements; waiver.

Whenever any property is acquired by the State of Florida, County of Hillsborough or the City of Tampa, by condemnation or by voluntary conveyance for the widening of any street, road or highway within the corporate limits of the City of Tampa, where the width of the remaining property after such conveyance or condemnation in one owner who does not own the contiguous property on one or both sides is less than minimum building site area requirements provided for in the various use classifications in Article II, Chapter 43, City of Tampa Code, the side yard requirements set up in said building site area provisions are hereby waived. (Ord. No. 3561-A, § 1, 6-11-64)

Sec. 43-60. Reserved.

Editor's note—Section 1 of Ord. No. 7839-A, enacted Dec. 22, 1981, repealed § 43-60 which pertained to setback lines on certain through streets. The repealed provisions derived from Ord. No. 3632-A, § 4, enacted Oct. 20, 1964; Ord. No. 3726-A, § 1, enacted April 20, 1965; Ord. 4116-A, § 1, enacted Jan. 10, 1967; Ord. No. 4413-A, § 1, enacted April 9, 1968; Ord. No. 5103-A, § 1, enacted June 1, 1971; Ord. No. 5923-A, § 1, enacted April 30, 1974; Ord. No. 6566-A, § 1, enacted Jan. 18, 1977; and Ord. No. 7560-A, § 1, enacted Feb. 10, 1981.

Sec. 43-61. Setback requirements for construction within flood-prone areas.

(A) 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 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 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 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 26, page 44, Public Records of Hillsborough County, Florida; containing approximately 290,555 square feet.
- (4) The west 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 half of the northeast quarter of the northwest quarter of said Section 13; thence southerly 340 feet, more or

less; thence westerly 520 feet to the westerly boundary of said west half of the northeast quarter of said northwest quarter; thence northerly along said 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 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 said west half of the northeast quarter of the northwest quarter of said section a distance of 25.0 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 37 minutes 00 seconds east along the southerly boundary of said subdivision and the easterly projection thereof 280.66 feet; thence south 00 degrees 00 minutes 00 seconds west 175.02 feet; thence south 89 degrees 36 minutes 00 seconds west 280.67 feet to the Point of Beginning;

And less the south 100 feet of the north 612.71 feet of the east half of the west half of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, Hillsborough County, Florida, *less* the west 25 feet for road right-of-way; containing 495,710 square feet, more or less.

- (5) A tract of land in the east half of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, described as follows:

From the northwest corner of the east half of the southeast quarter of the northwest quarter of said Section 13 run northerly along the westerly boundary of

the east half of the northeast quarter of the northwest quarter of said Section 13, a distance of 590 feet, more or less, to the Point of Beginning; continue northerly along said westerly boundary a distance of 710 feet; thence easterly 150 feet; thence southerly parallel to said westerly boundary 310 feet; thence easterly 180 feet; thence southerly parallel to said westerly boundary 400 feet; thence westerly 330 feet; less existing rights-of-way; containing approximately 178,500 square feet.

- (6) A tract of land in the east 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 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 half of the southeast quarter of the northwest quarter of said Section 13, a distance of 245 feet, more or less, to the Point of Beginning; thence easterly 100 feet; thence southerly parallel to said westerly boundary 380 feet; thence westerly 100 feet to a point on said westerly boundary; thence northerly along said westerly boundary to the Point of Beginning; containing approximately 38,000 square feet.

- (7) The west half of the southeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, less existing rights-of-way; containing approximately 877,800 square feet. (Ord. No. 7072-A, § 2, 11-28-78; Ord. No. 7211-A, §§ 1, 2, 5-24-79; Ord. No. 7288-A, §§ 1, 2, 9-25-79)

Sec. 43-62. Erection of fences.

(1) *Purpose.* The purpose of the following provisions is to regulate the erection of fences within the corporate limits of the City of Tampa according to the actual use of the property in question.

(2) *Single-family Use:*

- (a) No fence more than six (6) feet high shall be erected to the rear of any building or on the side of any building back from the applicable front yard setback.
- (b) Such fence shall not be constructed so as to be higher than three (3) feet between the front yard setback in the applicable zoning district and the front lot line on which a residence is located; provided, however, that the above-mentioned limitation of three (3) feet shall be four (4) feet in the event the fence is built of material that will not obstruct light, air and visibility.
- (c) The height limitations in (b), above, may be varied by the board of adjustment up to a maximum of six (6) feet; provided, however, that such fences are constructed of: masonry, wood, decorative wrought iron, or a buffering strip may be constructed using a plant and/or structural screen which shall be at least seventy-five (75) per cent opaque, and no greater than six (6) feet high; provided further however, that the variances set out above may only be granted by the board of adjustment, where the petitioner has met the requirement set forth in section 43-77(c) of the City of Tampa Code.

(3) *Multifamily Use.* It shall be unlawful to construct fences in excess of six (6) feet on the property line of any property developed for multifamily use. Such six-foot fences shall be of solid masonry construction, wood or a buffering strip may be constructed using a plant and/or structural screen which shall be at least seventy-five (75) per cent opaque.

(4) *Nonresidential Use.* Where buffering or fencing requirements are not provided for by the City of Tampa Code, regarding non-residential use of property, fences may be erected up to a maximum of eight (8) feet.

(5) *Electric Fences Prohibited.* It shall be unlawful for any person to erect, install or maintain any electrically-charged fence within the city, except that the building inspector may issue a permit for an electrically-charged fence to retain animals upon proof that the fence will not be hazardous to life.

(6) *Barbed Wire Fencing.* It shall be unlawful for any person to erect, construct or maintain any barbed wire fencing within the city except:

- (a) One (1) course of barbed wire may be installed above the top line of a six-foot chain link fence located in a district zoned for industrial purposes.
- (b) Barbed wire fences which comply with state statutes may be erected, constructed or maintained on premises zoned for agricultural uses.

(7) *Miscellaneous Fencing Provisions:*

- (a) The measurements referred to in sections 43-62(1) through 43-62(4) shall be the average height of the fence from the natural grade of the property at the boundary between it and the adjoining property, or if there is any fill, retaining wall or other condition on the fenced property, then the average measurement of the fence shall be made from the lower grade of the two adjoining properties at the boundary line between the two (2) properties.
- (b) No fence shall be permitted which obstructs motorists' visibility as determined by the traffic engineer pursuant to section 34-122 of the City of Tampa Code.
- (c) All applications for building permits for fences, walls or buffer strips, shall state whether such is to be placed at or near a boundary between the property of the applicant and adjoining property, and also whether there is any fill, slanting, elevation or other difference in the level or grade between the properties. In the event there is, the building inspector shall, in issuing the permit, cut the height by such amount as will be necessary to compensate for such difference in grade so as to make the fence not in excess of the maximum permitted as the same affects the natural grade of the adjoining property. The purpose of this section is to protect the rights of adjoining property owners, and not to have fences in excess of the heights set forth in sections 43-62(1) through 43-62(4) of the City of Tampa Code.

(d) Walls or fences of wood construction, authorized by this section, must be constructed so that the exposed framing of each section of fence faces the interior yard. However, 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 the following conditions:

1. There is an existing fence and/or hedge located on the property adjacent to the parcel for which the new fence is requested.
2. 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.

However, within the front yard setback, the exposed framing must face the interior of the fenced yard, and the exposed framing shall not be visible from the adjacent rights-of-way.

(e) Height limitation set out above may be varied by the board of adjustment; provided, however, that at no time may such variances exceed twenty (20) per cent of the maximum applicable height limitation, except as provided by section 43-62(2)(c) which allows a board of adjustment variance up to a maximum of six (6) feet when certain conditions are met. (Ord. No. 8892-A, § 1, 5-30-85; Ord. No. 8961-A, §§ 1, 2, 7-25-85; Ord. No. 9128-A, § 1, 12-12-85)

Secs. 43-63—43-70. Reserved.

ARTICLE V. BOARD OF ADJUSTMENT***Sec. 43-71. Composition; appointment; terms; term of members appointed in May 1977; removal; vacancies.**

(a) The board of adjustment shall consist of seven (7) members. Four (4) members shall be appointed by the mayor, with the approval of the majority of the city council, and three (3) members shall be appointed by the city council. The next three (3) appointments to be made subsequent to the effective date of this article shall be made by the city council so that the composition of the board shall thence consist of four (4) mayoral appointees and three (3) council appointees; thereafter, mayoral and/or council appointments shall be made whenever the terms of their respective appointees expire, and in accord with the regulations set forth herein.

(b) Upon the appointment of the board of adjustment to take office in May of 1977, the mayor shall designate three (3) seats whose initial terms in office shall be four (4) years and two (2) seats whose initial terms in office shall be two (2) years. Upon the expiration of these initial terms of office, all appointments to the board of adjustment shall be for four-year terms.

(c) Members of the board of adjustment may be removed for cause by the mayor. Any member of the board of adjustment absent from six (6) consecutive meetings shall automatically be removed from the board.

(d) Each appointment to fill a vacancy shall be for the unexpired term and shall be made by the mayor, with approval of the majority of the city council, if the vacating member was appointed by the mayor and shall be made by the city council if the vacating member was appointed by the city council.

*Editor's note—Ord. No. 6596-A, § 1, adopted March 1, 1977, specifically amended the Code by deleting Art. V, §§ 43-71—43-82 and adopting in lieu thereof new §§ 43-71—43-81 as herein set out. Said former sections, which pertained to the same subject matter, had been derived from Ord. No. 1980-A, §§ 39.18—39.28, 1-17-56; Ord. No. 3631-A, § 4, 10-20-64; Ord. No. 5195-A, § 1, 10-19-71; Ord. No. 5739-A, § 1, 8-28-73; Ord. No. 6205-A, § 1, 7-22-75, and Ord. No. 6595-A, § 1, adopted March 1, 1977.

(e) All persons appointed to the board of adjustment must be residents of the City of Tampa at the time of their appointment. Any member taking up domicile in some place other than the City of Tampa shall be automatically removed from the board.

(f) No member of the board may serve on the board for more than two (2) consecutive terms. Only those terms of office commencing in May, 1977 and thereafter shall be counted for the purposes of this provision. (Ord. No. 6596, § 1, 3-1-77; Ord. No. 9010-A, § 1, 8-29-85; Ord. No. 9514-A, §§ 1, 2, 1-22-87)

Sec. 43-72. Rules to be adopted to govern affairs.

The board shall adopt rules for governing the conduct of its affairs not inconsistent with the provisions of this article.

- (1) Meetings of the board of adjustment shall be held at the call of the chairman, and at such times as the board may determine by majority vote.
- (2) The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses and production of evidence by the issuance of all forms of subpoena, and shall have the power to punish for contempt by fine not exceeding one hundred dollars (\$100.00). Persons appearing before the board of adjustment shall have the right to give testimony, present witnesses, and to cross-examine adverse witnesses. The board of adjustment may, by rule, provide for cross-examination to be performed by the presiding officer from questions provided him in writing by parties to the proceeding.
- (3) Such evidence shall be admissible, which is of the kind that usually affects fair-minded people in the conduct of their more important affairs. When in doubt, this rule shall be construed in favor of the free admissibility of evidence.
- (4) After the taking of testimony and discussion of the issued, the members of the board of adjustment shall immediately vote on the question before it. No vote

shall be postponed unless it is necessary to obtain additional evidence before rendering a decision. All testimony, deliberations of the board, and votes shall be open to the public.

- (5) In addition to the written minutes kept by the secretary to the board, the board shall cause a tape recording of all deliberations to be made, which tape recordings shall be maintained in the custody of the secretary of the board. The tape recordings may be used for preparing transcripts of proceedings of the board of adjustment. Parties requiring transcripts shall pay a reasonable fee to the City of Tampa to cover costs of preparation of said transcripts.
- (6) The board shall keep minutes of all proceedings showing the vote of each member upon each question, or if absent or failing to vote because of possible conflict of interest, indication of such fact, and shall keep minutes of each meeting, all of which shall immediately be filed in the office of the board, and shall be a public record.
- (7) Denial of an appeal to the board of adjustment shall preclude acceptance and consideration of another appeal covering substantially the same subject matter and involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous appeal. An appellant may, however, apply for a rehearing within forty-five (45) days of the handing down of any decision if the appellant is able to present new evidence to the board; provided, however, that the application for rehearing is accompanied by sufficient funds to pay the costs of notification of interested parties. (Ord. No. 6596, § 1, 3-1-77)

Sec. 43-73. Appeals to board of adjustment from decision of administrative official.

Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, board or department of the City of Tampa affected by any decision of an administra-

tive official under any zoning ordinance enacted pursuant to this part. Such appeal shall be taken within thirty (30) days after rendition of the order, requirement, decision or determination appealed from by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The appeal shall be in the form prescribed by the rules of the board. The administrative official from whom the appeal is taken shall, upon notification of the filing of the appeal, forthwith transmit to the board of adjustment all the documents, plans, papers or other materials constituting the record upon which the action appealed from was taken. (Ord. No. 6596, § 1, 3-1-77)

Sec. 43-74. Stay of work and proceedings on appeal, generally.

An appeal to the board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was taken shall certify to the board of adjustment that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. (Ord. No. 6596, § 1, 3-1-77)

Sec. 43-75. Time and notice of hearing; decision; who may be heard.

(a) *Time of hearing; posting notice required; contents of notice.* The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as required by law or ordinance, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. Notice of hearing of cases before the board of adjustment shall be given by posting of notice by sign on property, which sign may be cardboard, metal or other substance, and of a size of not less than eighteen (18) inches by twenty-four (24)

inches, upon which shall be printed, painted or otherwise made to appear the following information:

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof as required by law or ordinance, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. Notice of hearing of cases before the board of adjustment shall be given by posting of notice by sign on property, which sign may be cardboard, metal or other substance, and of a size of not less than eighteen (18) inches by twenty-four (24) inches, upon which shall be printed, painted or otherwise made to appear the following information:

"PUBLIC NOTICE—Hearing before Board of Adjustment, City of Tampa, City Council Chambers, City Hall (insert date and hour of hearing) involving this property."

(b) *Petitioner to post sign, mail notice of hearing.* The petitioner shall post such sign in a conspicuous place on or near the front of the property or in the parkway in front of the land involved. In addition, the petitioner shall mail, by certified mail, at least ten (10) days prior to any hearing of an appeal, notice of said hearing setting forth the legal description and street address, if any, of the property for which the appeal is being taken, the name or names of the petitioner(s), the nature of the appeal, and the time and place of the hearing. Such notice shall be mailed to all property owners, according to the latest ad valorem tax records, of every parcel of land within a one-hundred-fifty-foot radius of subject property, (excluding streets and street rights-of-way).

(c) *Petitioner to prepare and file affidavit; attachments to affidavit.* The petitioner shall prepare an affidavit stating that the sign required herein was posted, setting forth the lands that lie within one hundred fifty (150) feet (excluding 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. The petitioner shall attach to said affidavit the postmarked receipts for certified mail showing the date the notices were mailed. The affidavit and the postmarked receipts for certified mail must be

filed with HICS not less than five (5) days prior to the date of the public hearing. (Ord. No. 6596, § 1, 3-1-77; Ord. No. 7081-A, §§ 1, 2, 12-12-78; Ord. No. 8457-A, § 1, 1-12-84; Ord. No. 9737-A, § 1, 9-24-87)

Sec. 43-76. Same—Payment of costs.

The person, firm or corporation taking an appeal, prior to the filing of such appeal with the board of adjustment, shall deposit with the city a sum of money sufficient to pay the expenses of mailing notices and publications and other charges as may be required by law, ordinance or resolution. (Ord. No. 6596, § 1, 3-1-77; Ord. No. 8397-A, § 3, 10-27-83)

Sec. 43-77. Board of adjustment; powers and duties.

The board of adjustment shall have the following duties:

- (a) To hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance or regulation.
- (b) (1) To hear and pass on such conditional uses as the board of adjustment is specifically authorized to pass on under the terms of the zoning ordinance; to decide such questions as are involved in the determination of when conditional uses should be granted; and to grant conditional uses with appropriate conditions and safeguards, or to deny conditional uses when not in harmony with the purpose and intent of any chapter of the City Code of the City of Tampa.
- (2) In granting any conditional uses, the board shall find that such grant will not adversely affect the public interest and shall conform to any adopted comprehensive land use plans affecting the land in question.
- (3) In granting any conditional uses, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this chapter and any

ordinance enacted under it. Violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of the ordinance.

- (4) The board of adjustment may prescribe a reasonable time limit within which the action for which the conditional use is required shall be begun or completed, or both.
 - (5) Before considering any conditional use, the board shall forward the application to the Hillsborough County Planning Commission for study and recommendation. Requests for conditional uses not passed on by the planning commission within thirty (30) days shall be considered approved.
- (c) To authorize upon appeal such variance from the terms of the chapter as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of the chapter would result in unnecessary and undue hardship. Under no circumstances shall the board grant a variance to permit a use not generally or by conditional use permitted in the zoning district involved or any use expressly or by implication prohibited in the zoning district by the terms

of this chapter. Further, the board of adjustment shall at no time grant any variance or conditional use which would allow construction to any height in excess of one story or twenty (20) per cent, whichever is greater, of the permitted height in the zoning classification of the property on which the structure would be located. No nonconforming use of neighboring lands, structures or buildings, nor permitted uses in adjacent zoning districts, shall be considered grounds for the grant of a variance. Under no circumstances shall the board grant any variance in a defined area of the city where the City of Tampa has declared a moratorium, if such variance requested of the board is related to the intent or purpose of said moratorium. In order to grant any variance from the terms of this chapter, the board must find:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
- (2) That the special conditions and circumstances do not result from the actions of the applicant;
- (3) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other lands, buildings or structures in the same zoning district;
- (4) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would work unnecessary and undue hardship on the applicant;
- (5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

- (6) That the grant of the variance will be in harmony with the general intent and purpose of the chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;
- (7) a. In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards in conformity with this part and any ordinance enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the chapter.
- b. The board of adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.
- c. Any variance granted shall conform to any comprehensive land use plan adopted by the City of Tampa. (Ord. No. 6596, § 1, 3-1-77; Ord. No. 7037-A, § 1, 9-7-78)

Sec. 43-78. Board of adjustment; review of administrative orders.

In exercising its powers, the board of adjustment may, upon appeal and in conformity with provisions of this chapter, reverse or affirm, in whole or in part, or may modify any order, requirement, decision or determination made by an administrative official in the enforcement of any zoning ordinance or regulation adopted pursuant to this part, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. (Ord. No. 6596, § 1, 3-1-77)

Sec. 43-79. Concurrence of four members to make decisions.

The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide

in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variation in this chapter. (Ord. No. 6596, § 1, 3-1-77)

Sec. 43-80. Petition to court of record by person aggrieved with board decision.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board or bureau of the City of Tampa, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board and shall be in the form of a petition for writ of certiorari. (Ord. No. 6596, § 1, 3-1-77)

Sec. 43-81. Waiver of ingress, egress requirements.

In exercising any of its powers, the board of adjustment shall not be authorized to modify ingress or egress to or from property within any area zoned "E," Universal Extension District, as provided in section 43-21 of the Code. (Ord. No. 6596, § 1, 3-1-77)

Secs. 43-82—43-91. Reserved.

ARTICLE VI. MISCELLANEOUS

Sec. 43-92. Plats.

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected and such other information as may be necessary to provide for the enforcement of this ordinance [chapter]. A record of such applications and plats shall be kept in the office of the building inspector. Where application is made to enlarge an existing nonconforming use the application shall be accompanied by an affidavit giving

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the description of the premises owned at the date of the passage of this ordinance [chapter]. (Ord. No. 1980-A, § 39.29, 1-17-56)

Sec. 43-93. Reserved.

Editor's note—Ord. No. 7045-A, § 1, adopted Sept. 26, 1978, specifically amended the Code by repealing § 43-93, which pertained to community unit plan. Said section had been derived from Ord. No. 1980-A, § 39.30, adopted Jan. 17, 1956.

Sec. 43-93.1. Procedure for city council grants of variances and conditional uses.

(1) [*Procedures.*] When the city council is authorized to consider petitions for variances and conditional uses under general or special law or the provisions of the city Code, the following procedures shall be followed:

- (a) The petition shall be typewritten and shall be sworn to by the petitioner or petitioners or his attorney or agent, and shall include the mailing address of the petitioner or petitioners;
- (b) It shall contain the legal description of the land involved, including the street address, if any; the names of all owners, mortgage holders, lienors and lessees; and the zoning classification applied to the land;

- (c) It shall state the extent of the variance desired or specify the conditional use desired;
- (d) Where a variance is desired, it shall include a concise description of the hardship or practical difficulty justifying the grant of the variance;
- (e) Four (4) copies of the petition shall be filed with the city council of the City of Tampa;
- (f) When the variance or conditional use is sought for land which is the subject of a petition to rezone, and the grant of the variance or conditional use is contingent on the grant of the petition to rezone, both petitions may be filed simultaneously. Where this procedure is followed, only one fee shall be charged for processing both petitions, which fee shall be the fee normally charged for processing a petition to rezone.

(2) *Study and report by Hillsborough County Planning Commission.* Immediately upon receipt of the petition a copy thereof shall be referred to the Hillsborough County Planning Commission for review and recommendations.

(3) *Notice of public hearing.* A public hearing shall be fixed and notice published, using the procedures provided in section 43-96, City of Tampa Code, for zoning changes. Information on signs posted on the property shall be modified to indicate that the action to be taken by the city council will be a grant of a variance or conditional use, rather than a rezoning.

(4) *Costs borne by petitioner; deposit with department of housing, inspections and community services (HICS); amendments to petition; effect of denial of petition; refiling.* Where a petitioner files a petition requesting a variance or conditional use from the city council, the petitioner shall pay a sum as fixed by city council, to the department of HICS for the City of Tampa to cover the city's costs in connection with the handling and processing of the application. All other regulations regarding costs, deposit with the department of HICS, amendments to petitions, effect of denial of petitions, and refiling shall be in accordance with section

43-96, City of Tampa Code. (Ord. No. 6594, § 1, 3-1-77; Ord. No. 8397-A, § 4, 10-27-83)

Sec. 43-94. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this ordinance [chapter] they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. Whenever any provisions for the use of land in the City of Tampa as shown by the zoning map and by these regulations shall conflict with any private contract, restrictive covenant, negative easement, equitable servitude or other agreements between private parties, the provisions of the zoning map of the City of Tampa and of these zoning regulations shall govern and be effective and control, notwithstanding such private contract rights. Nothing contained in this ordinance [chapter] shall be construed as superseding any Special Act of the Legislature relative to the subject matter of this ordinance [chapter]. If, because of error or omission in the zoning map, any land in the City of Tampa is not shown as being in a Zoning District, the classification of such land shall be R-1 Single Family, unless changed by amendment to the Zoning Ordinance. (Ord. No. 1980-A, § 39.31, 1-17-56)

Sec. 43-95. Changes and amendments.

(1) The city council may from time to time amend, supplement, change or repeal the regulations, restrictions or district boundaries set out in this ordinance [chapter].

(2) Amendment to the zoning regulations shall be carried out in the following manner:

(a) Notice of time and place of a public hearing and notice of intent to enact a proposed ordinance shall be published once in a newspaper of general circulation in the City of Tampa at least thirty (30) days and no more than sixty (60) days before the date of said public hearing.

(b) A copy of the proposed ordinance shall be forwarded to the Hillsborough County Planning Commission for review and recommendation.

(c) The notice of intent to enact a proposed ordinance and notice of the public hearing shall state the date, time and place of the meeting, the title of the proposed ordinance, and the place within the municipality where the proposed ordinance may be inspected by the public. This notice shall also state that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(3) The following procedures shall be followed for any area rezonings. Area rezoning for the purpose of this ordinance [chapter] means any rezoning initiated by the city council, or by a person other than the property owner or his agent.

(a) Where area rezonings involve less than five (5) per cent of the total land area of the City of Tampa, the city council shall direct the clerk of the City of Tampa to notify each affected real property owner by use of the procedures required by state law.

(b) Where area rezonings involve more than five (5) per cent of the total land area of the City of Tampa, the city council shall hold two (2) advertised public hearings, directing the city clerk to give notice of these public hearings by use of the procedures required by state law.

(c) In addition to the above notification requirement, there shall be posted on a bulletin board in the lobby of the city hall a copy of the notice, together with a map showing the area to be rezoned and the proposed changes in zoning, which map and notice shall be posted for a period of fifteen (15) days prior to any public hearing.

(d) The area to be rezoned shall be posted by the public works department with signs indicating that there is a proposed area rezoning for that area. The signs used shall be of a color different from the signs used

to post properties regarding which an owner has petitioned for rezoning, so that the public will be aware of the difference between the owner's request for rezoning and the area rezoning. (Ord. No. 1980-A, § 39.32, 1-17-56; Ord. No. 4607-A, § 1, 2-18-69; Ord. No. 6527-A, § 1, 11-30-76; Ord. No. 8301-A, §§ 1-3, 7-21-83)

Sec. 43-96. Petitions for zoning changes.

(A) *Information on petition.* Every petition addressed to the city council of the City of Tampa requesting that regulations, restrictions and boundaries established, ordained or provided for in connection with zoning in the City of Tampa be amended, supplemented, changed or repealed, shall contain the following information and shall be presented to the city council in the following form:

- (1) The petition shall be typewritten and shall be sworn to by the petitioner or his authorized agent, and shall include the post office address of the petitioner.
- (2) 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.
- (3) It shall list all owners of property which is the subject of the petition, together with all owners of property within one hundred fifty (150) feet (excluding roads or streets) in any direction from the property line of the property which is the subject of the petition; and the names and addresses of all such owners to be obtained by reference to the latest ad valorem tax records.
- (4) It shall state the reason why such regulations, restrictions and boundaries should be amended, supplemented, changed or repealed.
- (5) 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.
- (6) It shall have attached a drawing or blueprint of the subdivision in which the land is located or, if unplatted land, the

streets, highways, roads, alleys and public places surrounding the land.

- (7) One (1) copy of the petition shall be filed with the department of housing, inspection and community services of the City of Tampa, (hereinafter referred to as "HICS").
- (8) One (1) copy of any site plan required by this chapter and any additional copies as may be required by HICS, shall be filed at the time the petition is filed.

(B) Compliance with Tampa 2000 Comprehensive Plan; review of petitions by departments and agencies:

- (1) In addition to a review for accuracy and completeness of a rezoning application, no petition for rezoning shall be accepted for filing by HICS unless the subject property is located completely within a Tampa 2000 Land Use classification that allows consideration of the requested zoning district. This review shall be based upon the official Tampa 2000 Comprehensive Land Use Plan, Future Land Use Element, Preliminary Subsector Plan Maps, and Tables.
 - (a) If HICS determines that any portion of the property, subject of the rezoning petition, is located within two (2) or more land use classifications, one or more of which classifications would prevent consideration of the requested zoning district, then the petition for rezoning shall not be accepted for filing.
 - (b) If HICS determines that the actual boundaries of the land use classification are in such doubt as to render a determination by HICS impossible, then the city council, by resolution, shall determine whether a Tampa 2000 Comprehensive Land Use Plan amendment shall be required.
 - (c) Notwithstanding the above, HICS may receive for filing a rezoning petition, where the petitioner establishes that a land use plan amendment is presently being processed by the appropriate land planning agency, which amendment, if approved, would result in a land use classification which would allow consideration of the requested zoning district. Any fees paid by the

petitioner to process the rezoning petition are forfeited, should the subject land use plan amendment fail to be adopted by the city council. Notwithstanding any other provisions of this section, city council shall not set the public hearing on a related rezoning petition until such land use plan amendment ordinance has become law.

- (2) Upon acceptance for filing of any petition, and upon certification by HICS, HICS shall distribute copies of such petition to the appropriate land planning agency, the traffic engineer, the right-of-way engineer, the drainage engineer, the water department, the fire department, and any other city, county, regional or state agency deemed appropriate to undertake review of such petition, as determined by HICS. Any such department or agency shall have the right to enter written or oral testimony into the record of the public hearing. Written testimony shall be submitted to HICS for consolidation into a single document in accordance with time limitations set forth within such established procedures as may be adopted by resolution of the city council.

(C) Notice of public hearing; affidavit of property owners; notice on property:

- (1) Upon being notified by HICS that the petition has been certified, the city council shall set a date for public hearing on the petition, which public hearing shall be scheduled no less than fifteen (15) days, and no more than seventy-five (75) days from the date on which city council set the public hearing. Notice of this public hearing shall be published in a newspaper of general circulation in the City of Tampa at least fifteen (15) days prior to the public hearing, and notice of intent to rezone shall be forwarded to the petitioner.
- (2) In addition to the published notice, the petitioner shall immediately, upon the setting of the date of the public hearing and not less than fifteen (15) days prior to the date set for public hearing, send a copy of the published notice to the owners, according to the latest ad valorem tax records, of every parcel of land within a distance of one

hundred fifty (150) feet (excluding road or street rights-of-way) in any direction from the property line of the land upon which the petitioner requests a change in the district zoning classification. The copy of the published notice shall be mailed to the owners, at their usual post office addresses, by certified mail, with return receipt requested. When the return receipts are delivered to the petitioner, the petitioner shall prepare an affidavit showing: The lands that lie within one hundred fifty (150) feet (excluding road or street rights-of-way) in any direction from the land upon which a change in the district zoning classification is requested; the names of the owners of such lands; the date and post office address to which each copy of the published notice was mailed, and the petitioner shall attach to the affidavit the return receipt notices that were mailed. The affidavits and the return receipts must be filed with the city clerk not less than five (5) days prior to the date of the public hearing.

- (3) HICS shall immediately upon the setting of the date of the public hearing, place a sign, which may be cardboard, metal or other substance, and of a size of not less than eighteen (18) inches by twenty-four (24) inches, upon which shall be printed, painted or otherwise made to appear the following information:

Public Notice—Rezoning Hearing

Before City Council, City of Tampa, City Council Chambers, City Hall (insert date and hour of hearing), to be rezoned

from _____

to _____

which sign shall be placed in a conspicuous place on or near the front of the property, in the parkway in front of the parcel of land upon which the petition requests a change in district zoning classification.

(4) If the petition is filed by a person other than the owner of the land or his authorized agent, rezoning shall be carried out as an area rezoning, under the provisions of applicable law.

(D) Costs borne by petitioner:

(1) Where a petitioner files a petition requesting that land be rezoned and placed in a different district zoning classification, the petitioner shall pay a sum as fixed by city council, to the City of Tampa to cover the city's costs and expense in connection with the handling and processing of the zoning application. The petitioner shall pay that sum to the City of Tampa before the petition will be received for filing. No refund of the sum paid shall be made after the petition is filed; provided, however, that by majority vote of members present and voting, the Tampa City Council shall have the authority to direct the director of revenue and finance to refund the filing fee to the petitioner in any case where, due to administrative error and without petitioner's fault, the rezoning petition has been unnecessarily filed.

(2) In the event that notices of the time and date of the public hearing as required by subsection (C)(2) above are not mailed to property owners at least fifteen (15) days prior to the scheduled date of the public hearing by the petitioner, and an affidavit together with the return receipts establishing proof of the mailing of these notices are not filed with the city council at least five (5) days prior to the scheduled date of the public hearing, the petitioner shall be required to amend his petition as provided for in this section.

(E) Amended petition. A petition may be amended to correct an error or omission, but if the amendment requires readvertisement of the notice of public hearing, petitioner shall pay a sum fixed by city council, to cover costs and expenses as a result of the amendment at the time the amendment is filed. Amendments shall be filed at the office at which original petitions are filed.

(F) Appearance by petitioner. The petitioner, or his authorized agent, must appear in support of his petition at the public hear-

ing. Failure to so appear shall be grounds for denial of the petition in the absence of good cause shown.

(G) *Effect of denial of petition.* Denial of rezoning petitions, by the city council, filed under this section shall preclude consideration of other rezoning petitions for the same zoning classification sought by the denied petition involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous petition. However, upon written petition to the city council, the council may consider a request to waive this time period. If considered, and if it is shown:

- (1) That a specific or comprehensive amendment to the adopted land use plan became a law subsequent to the certification of the denied petition for rezoning; and
- (2) That the said amendment has the effect of altering the land use plan so as to allow for favorable reconsideration of the petition;

then the council may waive the twelve-month rezoning prohibition period.

(H) *Withdrawal of petition.* The city council may allow a petitioner to withdraw his petition at any time; provided, however, if the request for withdrawal is made after publication of the notice of hearing, no petition for the reclassification of all or any part of the land which is the subject of the petition shall be allowed for twelve (12) months following the date of action taken by the city council approving such withdrawal, unless the city council specifies that the six-month limitation contained in paragraph (I) below, shall apply.

(I) *Refiling.* Where a petitioner filing an application for rezoning property fails to perfect his petition by not filing the affidavit on time or otherwise fails to comply with any other requirements of this section, or if petitioner asks for a postponement for any other reason, so that the petitioner may not be heard at the public hearing when scheduled, and any of the foregoing acts or omissions occur for two (2) consecutive scheduled public hearings, then no new or amended petition involving the same property may be filed until the expiration of six (6) months from the date of the last monthly meeting.

(J) *Review.* Review of city council action on petitions for zoning changes process within the procedures established within this section shall be to the circuit court, and shall be in the form of a petition for writ of certiorari. (Ord. No. 7568-A, § 2, 2-26-81; Ord. No. 7760-A, § 1, 9-3-81; Ord. No. 7840-A, § 1, 12-22-81; Ord. No. 8017-A, § 1, 7-29-82; Ord. No. 8301-A, §§ 4, 5, 7-21-83; Ord. No. 8397-A, §§ 5, 6, 10-27-83; Ord. No. 8398-A, § 1, 10-27-83)

Editor's note—In accordance with Ord. No. 7568-A, enacted Feb. 26, 1981, former § 43-96 has been deleted and a new § 43-96, as adopted in § 2 of said ordinance, is included herein.

The introductory language of Ord. No. 7568-A stated that former § 43-96 was adopted pursuant to Ch. 78-524 and restated the zoning procedure prescribed in said Ch. 78-524; and that said Ch. 78-524 was subsequently declared unconstitutional by order of the Circuit Court in and for Hillsborough County in Case No. 80-3523, hence, former § 43-96 has been deleted from this codification. Said provisions, as amended, derived from the following:

Ord. No.	Date	Ord. No.	Date
1980-A	1- 7-56	6183-A	6-10-75
2236-A	7- 2-57	6262-A	11- 4-75
4414-A	4- 9-68	6295-A	12-30-75
4638-A	4- 8-69	6527-A	11-30-76
4820-A	7-14-70	6665-A	5-31-77
5196-A	10-19-71	7153-A	2- 1-79
5784-A	11- 6-73	7180-A	3-27-79
5967-A	7- 9-74	7215-A	6- 5-79
6107-A	1-14-75	7457-A	7- 8-80

Sec. 43-96.1. Developments that require applications for approval of developments of regional impact.

Any improvement to land which constitutes a "development of regional impact," as defined in Chapter 380, Florida Statutes, shall not take place unless and until an application for approval of developments of regional impact is filed as provided for in section 43-96.2, City of Tampa Code. (Ord. No. 6187-A, § 1, 6-17-75; Ord. No. 7172-A, § 1, 3-8-79)

Sec. 43-96.2. Applications for approval of developments of regional impact.

(1) *Generally.* Every application for development approval shall be addressed to the city clerk of the City of Tampa and

shall be submitted on the forms approved by the Florida Department of Administration Division of State Planning. Sixteen (16) copies of the application shall be filed with the

department of housing, inspections and community services, and the department shall distribute those copies in the following manner: Two (2) copies to the appropriate land planning agency; seven (7) copies to the City Council, City of Tampa; one copy to the mayor of the City of Tampa; one copy to the City of Tampa City Attorney; one copy to the City of Tampa Department of Public Works; one copy to the City of Tampa Traffic Engineer; one copy to the City of Tampa Right-of-Way Engineer; one copy to the City of Tampa Drainage Engineer; one copy to the City of Tampa Water Department; one copy to the City of Tampa Sanitary Sewer Department; one copy to the City of Tampa Fire Department; and one copy to the Hillsborough County Environmental Protection Commission; one copy to the Division of State Planning of the State of Florida; and fifteen (15) copies to the Tampa Bay Regional Planning Council; and, certify by letter to the city clerk of the City of Tampa that the foregoing copies were appropriately mailed by certified mail.

(2) *Review; recommendations.* Immediately upon receipt of the application, a copy thereof shall be distributed to the appropriate agencies or bodies. A preliminary review shall be conducted by the appropriate land planning agency under administration of the department of housing, inspections and community services to verify that the application is complete with all of the required supporting documents. The department of housing, inspections and community services shall complete its initial review of the application within fourteen (14) days after it is filed. In the event any errors or omissions are found by the department within said period of time, the department shall notify the petitioner who shall have the responsibility to complete the application to rectify any errors or omissions. The appropriate land planning agency, the Tampa Bay Regional Planning Council and the department of housing, inspections and community services are required to make a report to the city council of their final recommendations within fifty (50) days after the public hearing has been set as provided in paragraph (3) hereof.

(3) *Public hearing:*

- (a) After an application has been properly completed and has been accepted by the Tampa Bay Regional Planning Council, a date for a public hearing on the application shall be fixed and notice published. Provided, however, in no event shall the date for a hearing be set so as to shorten the time for review of the application by the appropriate land planning agency, department of housing, inspections and community services, or the Tampa Bay Regional Planning Council. The notice shall state that the proposed development would be a development of regional impact. The notice shall be published one (1) time not less than sixty (60) days in advance of the hearing. Additionally, immediately upon setting the date and time for the hearing, notices reflecting that date and that time shall be sent by certified mail by the city clerk to the Tampa Bay Regional Planning Council, the division of state planning, and such others as may have been designated in writing to the city clerk by the division of state planning.
- (b) In addition to the published notice, the applicant shall immediately, upon the setting of a date for a public hearing and not less than fifteen (15) days prior to the date set for the public hearing, send a copy of the published notice to the owners of every parcel of land within a distance of one hundred fifty (150) feet in any direction from the property line of the land described in the application for development approval, which copy of the published notice shall be mailed to the owners, at their usual post office addresses, by certified mail with return receipt requested. When the return receipts are delivered to the applicant, the applicant shall prepare an affidavit showing: the lands that lie within one hundred fifty (150) feet in any direction from the land described in the application for development approval, the names of the owners or such lands; the date and post office address to which each copy of the published notice was mailed, and the applicant shall attach to the affidavit the return receipt notices that were mailed. The

affidavit and return receipts must be filed with the city clerk not less than seven (7) days prior to the date of the public hearing.

- (c) HICS shall, immediately upon the setting of the date for the public hearing, issue a sign, which may be cardboard, paper or other substance and of a size not less than eighteen (18) inches by twenty-four (24) inches, upon which shall be printed, painted or otherwise made to appear the following information:

"PUBLIC NOTICE—DEVELOPMENT OF REGIONAL IMPACT—Proposed Use, before City Council, City of Tampa, City Council Chambers, City Hall (insert date, time and petition number)."

which sign shall be placed by petitioner in a conspicuous place on or near the front of the property, in the parkway in front of the parcel of land described in the application for development approval.

- (4) *Costs.* When the applicant files an application for development approval, the applicant shall pay a sum as fixed by city council, to the department of housing, inspections and community services to cover the city's cost and expense in connection with the handling and processing of the application. The applicant shall pay the sum before the application will be received for filing by the department. A receipt showing payment to the City of Tampa for the sum shall be attached to the application. No refund of the sum paid shall be made after the application is filed.

- (5) *Amended application.* If the applicant amends his application, there shall be an amendment fee, in an amount fixed by city council, paid to the city. Copies of the amendment shall be distributed the same as the original application distribution process. If said amendments require readvertisement of the notice of public hearing, applicant shall pay an additional sum, as fixed by city council, to the city to cover the costs and expenses as a result of the amendment at the time the amendment is filed.

- (6) *Appearance by applicant.* The applicant or his representative shall appear in support of his application at the public hearing. Failure to so appear shall be grounds for

denial of the application in the absence of good cause shown.

(7) *Development order.*

- (a) Following the public hearing the city council shall enter a development order that shall approve, deny or conditionally approve the application.
- (b) The development order shall include provisions pertaining to:
 1. The period of effectiveness.
 2. The conditions under which the DRI review process will be retriggered; and
 3. The thirty-day period to which the development order may be appealed under the provisions of Chapter 380, Florida Statutes, as amended.
- (c) If the application is approved, the development order shall be in the form of an ordinance containing the foregoing provisions and such additional data relevant to the order as council may wish to include.
- (d) Copies of the development order shall be forwarded to the division of state planning and the regional planning agency within five (5) days of their issuance.
- (e) If the city council denies the development order, the city council must specify its reasons in writing and indicate any changes in the development proposal that would make the development eligible to receive the permit. (Ord. No. 6188-A, § 1, 6-17-75; Ord. No. 6726-A, § 1, 8-30-77; Ord. No. 6755-A, § 1, 10-4-77; Ord. No. 7172-A, § 2, 3-8-79; Ord. No. 7210-A, §§ 1, 2, 5-15-79; Ord. No. 8301-A, §§ 6, 7, 7-21-83; Ord. No. 8397-A, §§ 7, 8, 10-27-83; Ord. No. 9736-A, § 2, 9-24-87)

Sec. 43-97. Enforcement—Penalty.

The building inspector is hereby designated and authorized to enforce this ordinance [chapter], except as otherwise herein specifically provided. All violations of this article [chapter] shall be punished as provided in section 1-6 of the City of Tampa Code. (Ord. No. 1980-A, § 39.34, 1-17-56)

Sec. 43-98. Validity.

Should any section, clause or provision of this ordinance [chapter] be declared by the court to be invalid, the same shall not affect the validity of this ordinance [chapter] as a whole or any part thereof, other than the part so declared to be invalid. (Ord. No. 1980-A, § 39.35, 1-17-56)

Sec. 43-99. Repeal-saving clause.

Chapter 39 of the City of Tampa Code is hereby repealed, except Sections 39-45.1, 39-45.2, 39-66, 39-67, 39-68 and 39-69, which sections shall be renumbered to correspond with the article and section number as are adopted in this ordinance [chapter]. The provisions of this ordinance [chapter], together with article number, section number, and each paragraph, subparagraph, sentence or word is hereby adopted and enacted as Chapter 39 of the City of Tampa Code. The repeal provided for in this section shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance [chapter]. (Ord. No. 1980-A, § 39.36, 1-17-56)

Editor's note—The chapter repealed above is chapter 39 of the 1953 Tampa City Code.

Sec. 43-100. When effective.

This ordinance [chapter] shall be printed or typewritten and be published one time in a newspaper of general circulation published in the City of Tampa within five (5) days after its passage and approval thereof by the mayor, or after the time that the same shall take effect without such

approval; and a copy thereof shall be posted by the city clerk on the bulletin board in the hall on the first floor of the city hall in the City of Tampa, Florida, within five (5) days after the passage thereof and the approval thereof by the mayor or after the same shall take effect without such approval; and shall take effect one (1) day after it shall become a law. (Ord. No. 1980-A, § 39.37, 1-17-56)

Sec. 43-101. Establishment of zoning fees.

City council, by resolution, may establish reasonable fees for petitioner-requested zoning and board of adjustment activities. Such fees may, from time to time, be revised by resolution of city council. Such fees, upon good cause being shown, may be waived, by resolution of city council. (Ord. No. 8397-A, § 9, 10-27-83)

Sec. 43-102. Stay of enforcement.

(a) Except as provided in subsection (b) of this section, from the day of the issuance by the City of Tampa Building Bureau of a notice of violation of the zoning code for violations arising under Chapter 43 of this Code, enforcement of the provisions of this chapter shall be stayed for a period of fifteen (15) calendar days, excepting only Sundays and legal city holidays. At the expiration of this fifteen (15) day period, prosecution against the owner of the property in violation shall proceed as provided in section 1-6 of this Code, unless one of the following shall occur:

- (1) The zoning violation is corrected in all respects to comply with this code;
- (2) The owner of the property in violation shall petition the City of Tampa for a zoning change where such change, if granted, would bring the previous violation into harmony with this code;
- (3) The owner of the property in violation shall petition the proper authority of the City of Tampa for a variance where such variance, if granted, would justify the violation.

(b) The filing of a petition for a zoning change or a petition for a variance shall stay the enforcement of Chapter 43 of this Code, except enforcement of Chapter 43 is not stayed where in the opinion of the building bureau of the City of Tampa, the violation causes imminent peril to life or property. In the case of a determination of imminent peril to life or property, enforcement of Chapter 43 shall not be stayed except by the granting of a restraining order by the board of adjustment, the city council, or by a court of record on application on due cause shown, and only where notice is given to the building bureau.

(c) Within five (5) days, excluding only Sundays and legal city holidays, after denial of petition for a zoning change or petition for a variance, the owner of the property in violation shall correct the violation unless:

- (1) The petition denied was a petition for a variance and petitioner files a petition for a zoning change within the above specified five (5) days; or,
- (2) The petition denied was a petition for a zoning change and petitioner files a petition for a variance within the above specified five (5) days.

Within five (5) calendar days, excluding only Sundays and legal city holidays, after denial of the second petition appeal from the same violation or violations of this Code, said violation or violations shall be corrected or prosecution against the owner of the property in violation shall proceed as provided in section 1-6 of this Code. (Ord. No. 6664-A, § 1, 5-31-77)