

CITY OF TAMPA

CHAPTER 43A

ZONING CODE

Zoning Conformance

Chapter 43A became effective upon implementation of each quadrant as described in the schedule below:

Ybor City Historic District	July 25, 1986	Ordinance 9324-A
East Quadrant	October 10, 1986	Ordinance 9403-A
South Quadrant	February 23, 1987	Ordinance 9533-A
North Quadrant	June 15, 1987	Ordinance 9628-A
West Quadrant	December 21, 1987	Ordinance 9880-A
Central Business District (CBD)	July 10, 1989	Ordinance 89-149

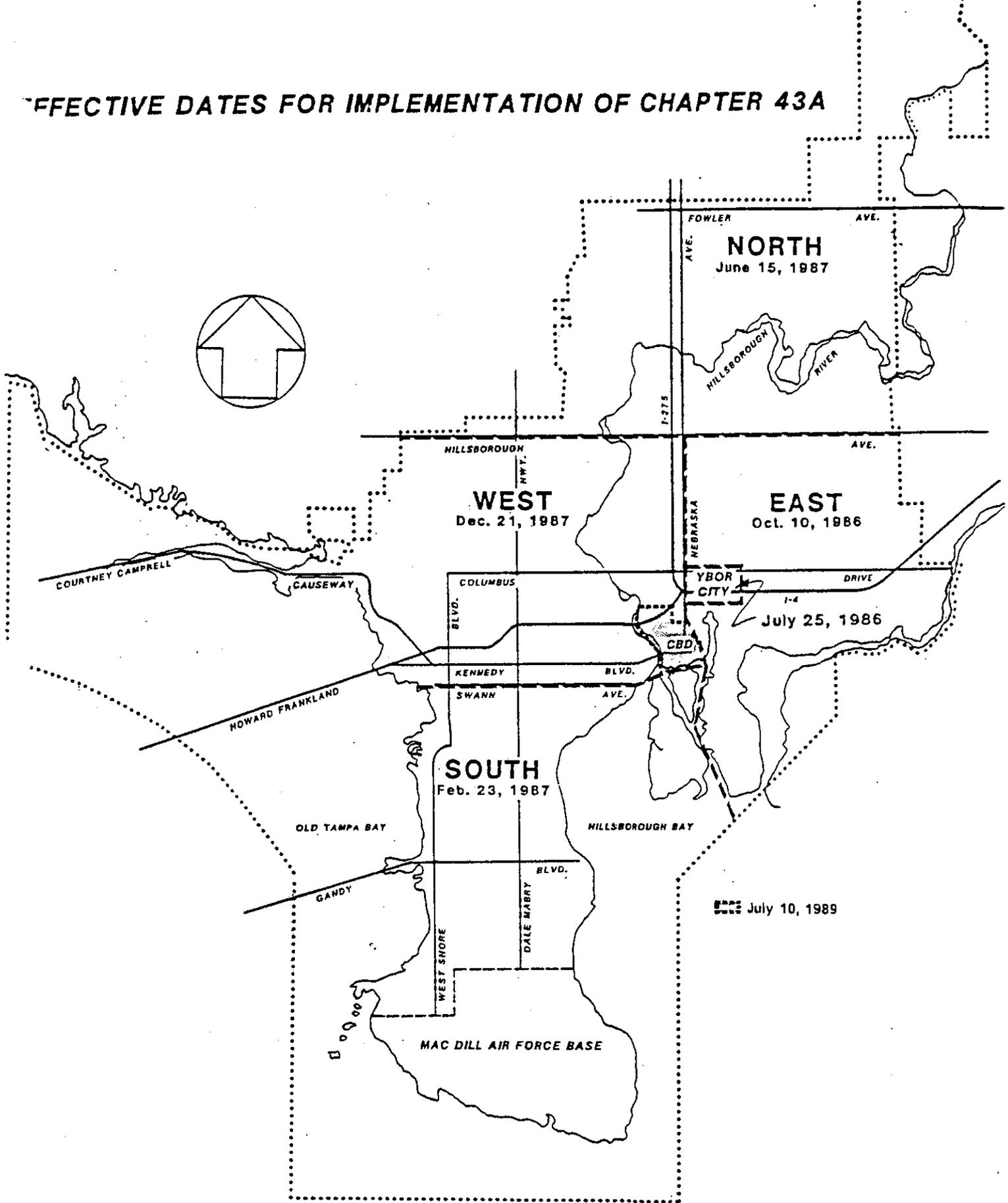
See Map for Quadrant Boundaries

Effective 8/7/90: Ordinance No. 90-204, adopting, readopting and reenacting the official zoning atlas of the City of Tampa which rezones and designates zoning districts for all property in the City of Tampa.

Chapter 27 - Ord. # 90-237 9/17/90

Date of Printing:
August 7, 1990

EFFECTIVE DATES FOR IMPLEMENTATION OF CHAPTER 43A



TEXT AMENDMENTS TO CHAPTER 43A

CITY OF TAMPA ZONING CODE

NOTE: All of the amendments listed below have been incorporated into and comprise a complete Zoning Code of the City of Tampa, Chapter 43A which is current as of the printing date shown on this document. Please contact the City of Tampa Land Development Coordination Division for information on pending amendments (Phone 223-8405), City Hall Annex, Third Floor, North Wing.

<u>AMENDMENTS</u>	<u>EFFECTIVE DATE</u>	<u>ORDINANCE #</u>
1. Original Establishment of Chapter 43A (Articles I-XX)	02/17/84	8482-A
2. Establishment of new M-AP Zoning Districts (Sec.43A-35,36,89,282)	03/11/85	8809-A
3. Special Street Setbacks Amendment and Adding Special Use Conditions for Ybor City Historic District (Sec.43A-50,177,282)	10/04/85	9043-A
4. Establishment of Ybor City Historic District (Article VII)	11/15/85	9101-A
5. Comprehensive Amendments	07/25/86	9322-A
6. Barrio Latino Commission Membership (43A-132) and Use Table (Sec. 43A-35)	10/06/86	9385-A
7. Definition of Nonconformity (Sec. 43A-186 and 190)	12/19/86	9465-A
8. Antennas in Ybor City Historic District (Sec. 43A-80 and Sec. 43A-127)	01/16/87	9500-A
9. Establishment of Churches as a Special Use (Sec. 43A-35, 127, 177)	01/16/87	9501-A
10. Method of Appointment for BOA Members (Sec. 43A-225(b))	01/23/87	9514-A
11. Single Family Height Limits and BOA Powers (Sec. 43A-35, 127, 226)	04/24/87	9592-A
12. Buffers and Screening (Sec. 43A-76)	05/22/87	9612-A

<u>AMENDMENTS</u>	<u>EFFECTIVE DATE</u>	<u>ORDINANCE #</u>
13. Special Street Setbacks (Sec. 43A-46)	08/28/87	9706-A
14. Establishment of the RM-18 District Regulations (Sec. 43A-35)	09/18/87	9721-A
15. Infill Development (Sec. 43A-83 and 282)	09/18/87	9722-A
16. BOA Sign Posting (Sec. 43A-227)	09/25/87	9738-A
17. Renumbering Articles X - XXI and DRI Regulations (Sec. 43A-171 through 380)	09/25/87	9739-A
18. Clarifying Type of Receipt for Parcel Rezoning Applications (Sec. 43A-288)	12/04/87	9850-A
19. Architectural Review Commission and Barrio Latino Commission added to Development Review Committee (Sec. 43A-103)	12/18/87	9853-A
20. ARC to comment on Variances or Administrative Appeals in Historic Districts and Land- mark Sites (Sec. 43A-257)	12/18/87	9854-A
21. Establishment of Historic Preservation Ordinance (Article 9, and Sec. 43A-372)	12/18/87	9855-A
22. Scriveners Errors (Sec. 43A-35, 257, 372)	03/25/88	88-100
23. Renumber Article XVIII, Legal Status	03/25/88	88-101
24. Comprehensive Amendments (Sec. 43A-35, 36, 80, 127, 132, 177, 212, 371, 372)	04/15/88	88-101
25. Establish Drive-In Windows as S-2 use in YC-5 District and add Special Use Conditions (Sec. 43A-127 and 197)	06/09/88	88-181
26. Comprehensive Amendments (Per 1988 Annual Review)	09/30/88	88-301

<u>AMENDMENTS</u>	<u>EFFECTIVE DATE</u>	<u>ORDINANCE #</u>
27 Establish Tampa Quality Development District (Sec. 43A-254)	10/04/88	88-374
28. Home Occupation Sign, ARC Review Authority, Area Rezoning Sign Posting and Scriveners Errors (Sec. 43A-35(b), 36, 77, 103, 127, 155, 177, 197, 256, 288)	12/19/88	88-411
29. Commercial Parking, M-AP and Ybor City Use Table Clarifications (Sec. 43A-35, 36, 127)	01/06/89	89-5
30. Sign Regulations (Sec. 43A-46, 88, 89)	03/09/89	89-51
31. Establish Article 18 Central Business District (Sec. 43A-35, 372. and Article 18)	07/10/89	89-136
32. Comprehensive Plan Consistency Matrix, Small Day Care Facility, Accessory Structures, PD Procedures, Effect of Denial for PD and BOA Cases (Sec. 43A-4, 35, 47, 72, 81, 127, 226, 254, 263, 289)	07/07/89	89-153
33. Revision of Eighty Percent Rule, Lot of Record Definition (Sec. 43A-35, 197, 210, 372)	07/07/89	89-156
34. Revision of the Comprehensive Plan Consistency Matrix (Section 43A-4)	08/25/89	89-198
35. Revision of the TQD Point Criteria (Section 43A-254(g)2 and (h)	11/16/89	89-291
36. Revision of Table 8-1, Ybor City Official Schedule of permitted uses and permissible special uses (Section 43A-127(b))	01/25/90	90-20
37. Land Development Regulations (February 1, 1990)	02/08/90	90-33
38. Comprehensive Amendments (February 22, 1990)	02/22/90	90-43

43AAMDTS.NEW
2/22/90

<u>AMENDMENTS</u>	<u>EFFECTIVE DATE</u>	<u>ORDINANCE #</u>
39. Single Family Attached Design Standards (Sec.43A-84)	04/26/90	90-107
40. Scriverner's Error, Individual Special Uses, Retail Sales, Convenience Goods (Sec.43A-197)	04/26/90	90-104
41. Revision of Definition of Dwelling, Single-Family Attached (Sec.43A-372)	04/26/90	90-107
42. Noise Attenuation Requirements (Sec.43A-85)	04/26/90	90-107
43. Area Rezoning Application Requirements (Sec.43A-287(b))	06/29/90	90-175
44. Area Rezoning Sign Posting (Sec.43A-288(b)4.)	06/29/90	90-175
45. Readoption of 43A Text, Amendment Procedures	8/7/90	90-203
46. Readoption of 43A Map	8/7/90	90-204

ORDINANCES AND RESOLUTIONS RELATED TO

CHAPTER 43A

NOTE: The ordinances and resolutions listed below do not amend the text of Chapter 43A, City of Tampa Zoning Code. However, these actions of City Council are related to and affect development in the City of Tampa.

<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>ACTION</u>
1. Implements Chapter 43A for all Future Rezoning Applications	10/31/87	Ord. 9426-A
2. Exempts Central Business District from Chapter 43A	04/10/87	Ord. 9581-A
3. Fee Schedule for all Applications	06/04/87	Res. 2585-I
4. Fee Schedule for Text Amendments	02/25/88	RES. 88-384
5. Designation of Hyde Park as a Historic District	07/11/88	Ord. 88-199
6. Designation of West Tampa Public Library as a Historic Landmark, 1718 North Howard Avenue	07/05/88	Ord. 88-200
7. Designation of Tampa Union Station as a Historic Landmark 601 North Nebraska Avenue	07/05/88	Ord. 88-201
8. Amendment to the Designation of Tampa Union Station as a Historic Landmark (Amends Ord. 88-201)	12/02/88	Ord. 88-398
9. Redesignation of Tampa Union Station as a Historic Landmark 601 North Nebraska Avenue	09/21/89	Ord. 89-215
10. Fee Schedule for Right-Of-Way Activities	10/13/88	Res. 88-1908
11. Fee Schedule for Subdivision Activities	10/13/88	Res. 88-1909

ORDINANCES AND RESOLUTIONS RELATED TO CHAPTER 43A (continued)

12.	Fee Schedule for Zoning and Land Development Activities (supercedes Res. 2585-I and Res. 88-384)	10/13/88	Res. 88-1911
13.	Designation of Tampa Theatre and Office Building as a Historic Landmark, 709-711 Franklin Street	10/17/88	Ord. 88-330
	<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>ACTION</u>
14.	Redesignation of Tampa Theatre and Office Building as a Historic Landmark, 709-711 Franklin Street	09/21/89	Ord. 89-214
15.	Designation of Biglow-Helms House as a Historic Landmark, 4807 Bayshore Boulevard	10/17/88	Ord. 88-331
16.	Fee Schedule for Subdivision Activities (Amendment to Resolution 88-1909)	12/01/88	Res. 88-2182
17.	Fee Schedule for Zoning and Land Development Activities (Amendment to Resolution 88-1911)	12/01/88	Res. 88-2183
18.	Fee Schedule for Right-of-Way Activities; Amending Fee for Address Changes (Amends Res. 88-1908)	10/19/89	Res. 89-1894
19.	Fee Schedule for Zoning and Land Dev. activities; Adding a Fee for Rezoning Substantial Deviation Determination	10/19/89	Res. 89-1895
20.	Fee Schedule for DRI Annual Reports and the Downtown DRI Substantial Deviations (Amends Res. 88-1911 and 88-2183)	10/19/89	Res. 89-1896
21.	Fee Schedule for Zoning and Land Development Activities; Adding Fees for Zoning Interpretation Letters; Amending Fees for Zoning certification Letters (Amends Res. 4706-H)	10/19/89	Res. 89-1897

ORDINANCES AND RESOLUTIONS RELATED TO CHAPTER 43A (continued)

<u>ACTION</u>	<u>EFFECTIVE DATE</u>	<u>ACTION</u>
22. Designation of Sulphur Springs Water Tower as a Historic Landmark	10/26/89	Ord. 89-273
23. Designation the Tampa Bay Hotel (Plant Hall) as a Historic Landmark 401 Kennedy Blvd.	12/14/89	Ord. 89-300
24. Designation of the Palmerin Hotel as a Historic Landmark 115 and 117 W. Davis	05/31/90	Ord. 90-149
25. Designation of St. Paul A.M.E. Church as a Historic Landmark 506 E. Harrison Street	05/31/90	Ord. 90-150
26. Zoning Administrator - Time Frame for Review	08/09/90	Ord. 90-209
27. Schedule of Fees for Local Planning Agency	08/16/90	Res. 90-1356

09 2550
08 137

CHAPTER 43A

TABLE OF CONTENTS

<u>Sections</u>	<u>Title</u>	<u>Page</u>
<u>ARTICLE I GENERAL PROVISIONS</u>		
43A-1	Repeal of Existing Regulations	1-1
43A-2	Effect on Pending or Future Prosecution	1-1
43A-3	Intent and Purpose	1-1
43A-4	Consistency Matrix	1-2
43A-5	Reserved	1-4
<u>ARTICLE II APPLICATION OF REGULATIONS</u>		
43A-6	Area of Coverage of Chapter 43A	2-1
43A-7	Zoning Affects All Lands, Water, Structures, Uses and Occupancies	2-1
43A-8	Zoning Affects Height and Bulk of Buildings, Population Density, Lot Coverage, Yards and Other Open Spaces, Off-Street Parking and Loading, Signs And Other Matters	2-1
43A-9	Yard, Area, Open Space, Off-Street Parking and Off-Street Loading Space For One Structure or Use Not to be Used to Meet Requirements for Another	2-2
43A-10	Creation of New Lots; Reduction of Lot Or Yard Dimensions Below Minimum Requirements Prohibited	2-2
43A-11	Reserved	2-2
43A-12	Action Where Zoning Lot Contains Two Or More District Designations	2-2
43A-13	Calculation and Rounding	2-3
43A-14-15	Reserved	2-3

ARTICLE III ESTABLISHMENT OF
OFFICIAL ZONING ATLAS

43A-16	Division of City of Tampa into Zoning Districts and Identification in Official Zoning Atlas of City of Tampa	3-1
43A-17	Adoption of Official Zoning Atlas	3-1
43A-18 - 19	Reserved	3-1
43A-20	Inset Maps	3-1
43A-21	Other Supplements	3-1
43A-22	District Regulations Extend to All Portions of Districts Surrounded by Boundaries	3-2
43A-23	Rules Where There is Uncertainty as to Boundaries	3-2
43A-24 - 25	Reserved	3-3

ARTICLE IV ADOPTION AND
AUTHENTICATION OF SCHEDULE
OF DISTRICT REGULATIONS

43A-26	Adoption of Schedule of District Regulations	4-1
43A-27	Official Zoning Atlas; Official Schedule of District Regulations	4-1
43A-28	Authentication; Recording of Nature and Dates of Amendments to the Official Atlas	4-2
43A-29	Unauthorized Changes Prohibited	4-2
43A-30	Official Zoning Atlas; Official Schedule of District Regulations; Final Authority	4-2
43A-31	Retention of Earlier Zoning Maps or Atlases or Schedule of District Regulations	4-2
43A-32 - 34	Reserved	4-3
43A-35	Official Schedule of District Regulations	4-3
43A-36	District Regulations for M-AP Airport Compatibility Districts	4-25
43A-37 - 40	Reserved	4-30

ARTICLE V APPLICATION OF AREA,
HEIGHT, AND PLACEMENT
REGULATIONS

43A-41	Regulations Encumbering Land Required to Satisfy Regulations	5-1
43A-42	Height Regulation, Generally	5-1
43A-43 - 44	Reserved	5-1
43A-45	Permitted Projections into Required Yards	5-2
43A-46	Special Street Setbacks	5-2
43A-47	Lots, Yards and Measurements	5-6
43A-48	Irregular Lots	5-10
43A-49	Yards Between Residential Buildings	5-12
43A-50	Emergency Access to Courtyards	5-13
43A-51	Setback Requirements for Construction within Floodprone Areas	5-13
43A-52 - 63	Reserved	5-15

ARTICLE VI SUPPLEMENTAL
REGULATIONS

43A-64-66	Reserved	6-1
43A-67	Access	6-1
43A-68	Reserved	6-2
43A-69	Mobile Homes and Construction Trailers	6-2
43A-70	Vehicle Repair in Residential District	6-2
43A-71	Model Dwelling Units And Pre-Construction Sales Offices	6-3
43A-72	Accessory Structures	6-5
43A-73	Enclosure of Existing Porches	6-6
43A-74	Garage and Yard Sales	6-7
43A-75	Vehicle Parking	6-7
43A-76	Buffers and Screening	6-8

43A-77	Home Occupations	6-11
43A-78	Solid Waste Storage Area	6-12
43A-79	Fence and Wall Regulations	6-12
43A-80	Antennas	6-14
43A-81	Swimming Pools	6-19
43A-82	Performance Standards for Manufacturing and Processing Operations	6-19
43A-83	Infill Development	6-20
43A-84	Single Family Attached Design Standards	6-21
43A-85	Noise Attenuation Requirements	6-22
43A-86	Screening of Open Storage Yards	6-22
43A-87	Screening of Open Display Areas	6-23
43A-88	Off-Site Signs	6-23
43A-89	On-Site Signs	6-26
43A-90-99	Reserved	6-34

ARTICLE VII DEVELOPMENT
REVIEW COMMITTEE

43A-100	Intent and Purpose	7-1
43A-101	Development Review Committee Establishment	7-1
43A-102	Duties of the Committee	7-1
43A-103	Administration and Membership	7-1
43A-104	Meetings	7-2
43A-105-125	Reserved	7-2

ARTICLE VIII YBOR CITY
HISTORIC DISTRICT

43A-126	Intent	8-1
43A-127	Historic District Established	8-1
43A-128	Authority of City Council and Barrio Latino Commission	8-7

43A-129	Authentic Restoration or Reconstruction	8-8
43A-130	Alternative Parking Requirements	8-9
43A-131	Barrio Latino Commission Recommendation	8-12
43A-132	Barrio Latino Commission	8-12
43A-133	Certificate of Appropriateness	8-16
43A-134	Review Criteria	8-18
43A-135	Interior Arrangement not Considered	8-20
43A-136	Review of Application by Commission	8-20
43A-137	Certain Changes Not Prohibited	8-21
43A-138	Appeal of Decision	8-21
43A-139	Applications for Certificates Involving Proposed Demolition of Structures within District	8-21
43A-140	Termination of Certain Uses	8-25
43A-141	Compliance	8-25
43A-142-150	Reserved	8-25

ARTICLE IX HISTORIC PRESERVATION

43A-151	Intent and Declaration of Public Policy	9-1
43A-152	Architectural Review Commission of the City of Tampa	9-2
43A-153	Powers and Duties of the A.R.C.	9-5
43A-154	Designation of City Landmarks and Landmark Sites and Historic Districts	9-8
43A-155	Review of Work on Landmarks, Landmark Sites, and Property in Historic Districts	9-13
43A-156	Review of Applications to Demolish	9-19
43A-157	Compliance with the Certificates of Appropriateness	9-21
43A-158	Emergency Actions to Protect Buildings While their Designation is Considered	9-22

43A-159	Maintenance and Repair of Landmarks, Landmark Sites and Property in Historic Districts	9-24
43A-160-170	Reserved	9-25
	<u>ARTICLE X OFF-STREET PARKING AND LOADING</u>	
43A-171	Intent	10-1
43A-172	Off-Street Parking Required	10-1
43A-173	Compliance with Regulations	10-1
43A-174	Joint Use of Facilities	10-1
43A-175	Visibility at Intersection	10-2
43A-176	Methods of Providing Parking and Loading	10-4
43A-177	Number of Off-Street Parking Spaces	10-4
43A-178	Determination for Unlisted Uses	10-9
43A-179	Calculation of Parking Require- ments Related to Number of Seats	10-9
43A-180	Reduction of Required Parking Spaces	10-10
43A-181	Off-Street Parking Space Standards	10-11
43A-182	Off-Street Loading Space, Required	10-16
43A-183	Off-Street Loading Space Standards	10-17
43A-184-190	Reserved	10-17
	<u>ARTICLE XI SPECIAL USE PERMITS</u>	
43A-191	Intent	11-1
43A-192	Classes of Special Use Permits; Agent or Body Responsible for each General Procedure	11-1
43A-193	Minor Changes to be Approved by Zoning Administrator; Modifications Require Action by City Council	11-5
43A-194	General Standards	11-6

43A-195	Conditions and Safeguards	11-8
43A-196	Lapse of Special Uses	11-9
43A-197	Regulations Governing Individual Special Uses	11-9
43A-198-205	Reserved	11-27

ARTICLE XII NONCONFORMITIES

43A-206	Classification	12-1
43A-207	Intent Concerning Nonconformities Generally	12-1
43A-208	Intent Concerning Nonconforming Uses	12-2
43A-209	Special Uses not to be Considered Nonconforming	12-2
43A-210	Nonconforming Lots	12-2
43A-211	Nonconforming Uses of Land Without Structures or with Minor Structures	12-3
43A-212	Nonconforming Uses of Major Structures, or Structures and Premises in Combination	12-4
43A-213	Reserved	12-4
43A-214	Nonconforming Structures, Other than Signs	12-4
43A-215	Nonconforming Characteristics of Use	12-5
43A-216	Reserved	12-5
43A-217	Nonconforming Structures Unsafe for Reasons Other than Lack of Maintenance	12-5
43A-218	Nonconforming Temporary Help Agencies and Blood Donor Centers	12-5
43A-219	Nonconforming Adult Bookstores, Adult Theaters, or Cabarets	12-5
43A-220-225	Reserved	12-6

ARTICLE XIII SITE PLAN
ZONING DISTRICTS

43A-226	PD Planned Development District	13-1
43A-227	PD(A) Planned Development District Alternative Review Process	13-4
43A-228	Site Plan Zoning District Review Procedures	13-6
43A-229-253	Reserved	13-13
43A-254	Tampa Quality Development (TQD) District	13-14

ARTICLE XIV BOARD OF
ADJUSTMENT

43A-255	Board of Adjustment, Establishment of	14-1
43A-256	Powers of Board	14-2
43A-257	Board of Adjustment Administration	14-2
43A-258	Quorum and Vote Required	14-4
43A-259	Application of the Variance Power	14-4
43A-260	Application of Interpretation Power	14-5
43A-261	Appeal Stays Further Proceedings	14-5
43A-262	Exceptions to Stay of Action	14-5
43A-263	Effect of Denial	14-6
43A-264	Appeals of Board of Adjustment Actions	14-6
43A-265 - 269	Reserved	14-6

ARTICLE XV ADMINISTRATION

43A-270	Establishment of Administrative Officer	15-1
43A-271	Duties of the Zoning Administrator	15-1
43A-272	Powers and Limitations of Zoning Administrator	15-1
43A-273	Zoning Compliance Permit Required	15-2
43A-274 - 275	Reserved	15-2

43A-276	Administration and Enforcement of Performance Standards	15-2
43A-277	Fees	15-4
43A-278	Determination Concerning Uses Not Specified	15-4
43A-279-284	Reserved	15-5

ARTICLE XVI, AMENDMENTS

43A-285	Statement of Intent	16-1
43A-286	Amendment Initiation	16-1
43A-287	Procedure for Amendment Application	16-1
43A-288	Public Notice Requirements	16-4
43A-289	Receipt of Applications and Holding of Public Hearings Thereon by City Council	16-7
43A-290	Comprehensive Review of Chapter	16-9
43A-291	Review of City Council Action	16-9
43A-292	City Council Reconsiderations	16-9
43A-293-299	Reserved	16-9

ARTICLE XVII DEVELOPMENT OF REGIONAL IMPACT

43A-300	Applicability	17-1
43A-301	Fees	17-1
43A-302	Public Notice Requirement	17-1
43A-303	Review	17-1
43A-304-309	Reserved	17-1

ARTICLE XVIII
CENTRAL BUSINESS DISTRICT

43A-310	Purpose and Intent	18-1
43A-311	Central Business District (CBD) and Zoning Subdistricts Established; Procedures for Rezoning	18-5

43A-312	Official Schedule of Permitted Principal, Accessory and Special Uses	18-6
43A-313	Official Schedule of Dimensional Regulations	18-9
43A-314	CBD Development Design Approval and Procedures	18-10
43A-315	CBD Development Design Regulations	18-18
43A-316	CBD Parking Requirements	18-39
43A-317	CBD Surface Parking Regulations	18-44
43A-318	Amortization Schedule for Adult Uses, Blood Donor Centers and Temporary Help Agencies	18-44
43A-319	Supplemental Regulations	18-45
43A-320-334	Reserved	18-45

ARTICLE XIX, RESERVED

43A-335-359	Reserved	19-1
-------------	----------	------

ARTICLE XX ENFORCEMENT

43A-360	Violations	20-1
43A-361	Liability	20-1
43A-362	Reserved	20-1
43A-363	Penalties and Remedies	20-1
43A-364-369	Reserved	20-1

ARTICLE XXI DEFINITIONS

43A-370	Interpretation of Terms or Words	21-1
43A-371	Definitions of Groupings of Various Districts	21-1
43A-372	Defined Words	21-2
43A-373-380	Reserved	21-31

ARTICLE XXII LEGAL STATUS

43A-381	Serverability	22-1
43A-382	Conflict with Other Laws	22-1

CHAPTER 43A

LIST OF TABLES AND DIAGRAMS

	<u>TITLE</u>	<u>PAGE</u>
Table	4-1 Schedule of Permitted Uses by District	4-11
Table	4-2 Schedule of Area, Height, Bulk, and Placement Regulations	4-19
Table	4-3 Schedule of M-AP Permitted Uses, Floor Area Ratio, and Maximum Coverage Regulations	4-26
Table	4-4 Schedule of M-AP Minimum Lot Area, Width, Maximum Height, and Required Yards	4-29
Diagram	5-1 Types of Regular Lots	5-8
Diagram	5-2 Measurement of Lot Widths and Yards	5-9
Diagram	5-3 Permissible Irregular Lots	5-11
Diagram	5-4 Yards Between Residential Buildings	5-11
Diagram	6-1 Buffer Matrix	6-9
Table	8-1 Schedule of Permitted Uses and Permissible Special Uses, Ybor City Historic District	8-4
Table	8-2 Schedule of Dimensional Regulations, Ybor City Historic District	8-6
Table	8-3 Table of Required Parking Spaces, Ybor City Historic District	8-10
Diagram	10-1 Visibility at Intersections and Required Site Distances	10-3
Table	10-1 Table of Required Parking Spaces	10-5
Table	10-2 Regular Car Off-Street Parking Layout	10-11
Table	10-3 Compact Car Off-Street Parking Layout	10-13
Diagram	10-2 Off-Street Parking Stall Layout	10-14
Table	10-4 Off-Street Loading Requirements	10-17

Diagram 18-1	Central Business District Character District Map	18-4
Table 18-1	Schedule of Permitted Principal, Accessory and Special Uses, Central Business District	18-7
Table 18-2	Schedule of Dimensional Regulations, Central Business District	18-9
Diagram 18-2	Central Business District Public Access/View Corridors	18-28
Table 18-3	Table of Required Parking Spaces, Central Business District	18-40

ARTICLE I

GENERAL PROVISIONS

Section 43A-1. Repeal of Existing Regulations.

The existing regulations of the City of Tampa relating to the use of land, water, and buildings, and the provisions of off-street parking and loading and the erection and maintenance of signs, contained in the City of Tampa Code of Ordinances Chapter 43, Zoning, as amended, are repealed and replaced by this Chapter of the City of Tampa Code.

Section 43A-2. Effect on Pending or Future Prosecution

The adoption of this Chapter shall not affect nor prevent any pending or future prosecution of, or action to abate, violation of Chapter 43, which occurred prior to the effective date of this chapter.

Section 43A-3. Intent and Purpose.

This Chapter is adopted as one of the instruments of implementation of the public purposes and objective of the Tampa Comprehensive Plan 2000. This Chapter is declared to be in accord with the Tampa Comprehensive Plan 2000.

It is the intent and purpose of the Tampa Comprehensive Plan 2000, and of this Chapter, which aids in implementing it, to promote the public health, safety, morals, convenience, comfort, amenities, prosperity, and general welfare of the City and to provide, among other matters, a wholesome, serviceable, and attractive community; to increase the safety and security of home life; to preserve and create a more favorable environment in which to rear children; to stabilize and enhance property and civic values; to develop meaningful and productive relationships between the private sector and City government; to provide for a more uniformly just land use pattern and tax assessment base; to aid in development and redevelopment of the City; to increase traffic safety and ease transportation problems; to provide more adequately for vehicular parking, parks, parkways, recreation, schools, public buildings and facilities, housing, job opportunities, light, air, water, sewerage, sanitation, and other public requirements; to lessen congestion, disorder, and danger which often occur in unplanned and unregulated urban development; to prevent overcrowding of land and undue concentration of population; to ensure compatibility of new development with existing development and open space; to conserve and enhance the natural and man-made resources of the City; and to provide more reasonable and serviceable means and methods of protecting and

safeguarding the economic and social structure upon which the good of all depends.

To further the objectives of the Tampa Comprehensive Plan 2000 and the intent and purpose of this Chapter, the City is divided into districts of such number, shape, characteristics, area, common unity of purpose, adaptability, or use as will accomplish the objectives of the Tampa Comprehensive Plan 2000 and this Chapter.

Section 43A-4. Consistency Matrix.

The Consistency Matrix shall be used to determine consistency of existing Chapter 43A zoning districts with the Tampa Comprehensive Plan 2010 and to determine consistency of a proposed rezoning request with the Tampa Comprehensive Plan 2010. Any zoning district which is not consistent with the Tampa Comprehensive Plan 2010, according to the Consistency Matrix, shall not be permitted, applied for nor approved.

Section 43A-5. RESERVED

ARTICLE II
APPLICATION OF REGULATIONS

Section 43A-6. Area of Coverage of Chapter 43A.

Except as specifically provided in this Chapter, the regulations of this Chapter shall apply throughout the jurisdiction of the City of Tampa with the exception of the Tampa Central Business District. For parcels of land annexed to the City of Tampa after the effective date of this Chapter, the provisions of Florida Statutes Section 171.062(a), as amended from time to time, shall govern.

Section 43A-7. Zoning Affects All Lands, Water, Structures, Uses and Occupancies.

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

Section 43A-8. Zoning Affects Height and Bulk of Buildings, Population Density, Lot Coverage, Yards, and Other Open Spaces, Off-Street Parking and Loading, Signs and Other Matters.

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

- (a) To exceed the permissible height, bulk or floor area;
- (b) To accommodate or house a greater number of families or other occupants, or to provide a greater number of dwelling units.
- (c) To occupy a greater percentage or portion of lot area;
- (d) To provide less lot area per dwelling unit or to occupy smaller lot;
- (e) To provide narrower or smaller yards or other open spaces, or spaces or separations between buildings or portions thereof;

(f) To provide less off-street parking or off-street loading space;

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

Section 43A-9. Yard, Area, Open Space, Off-Street Parking and Off-Street Loading Space for One Structure or Use not to be Used to Meet Requirements for Another.

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

Section 43A-10. Creation of New Lots; Reduction of Lot or Yard Dimensions Below Minimum Requirements Prohibited.

No new lot shall be created after the effective date of this Chapter except in conformity with the requirements of applicable regulations. No yard or lot existing at the time of passage of these regulations shall be reduced in width, depth, or area by private action below the minimum requirements set forth herein.

Section 43A-11. RESERVED

Section 43A-12. Action Where Zoning Lot Contains Two or More District Designations.

(a) Non-Residential Districts.

Where a zoning lot contains two or more district designations with different basic floor-area ratio limits, the basic floor area for the zoning lot shall not exceed the sum of the results obtained by multiplying the privately owned land area of the zoning lot in each district by the applicable basic floor-area ratio limit for that portion of the zoning lot. Such permitted floor area may be distributed throughout the zoning lot without regard to district boundaries. However, the resulting basic floor-area ratio may not exceed that allowed in the Land Use Plan Category or categories in which the zoning lot is located.

(b) Residential Districts.

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

Section 43A-13. Calculation and Rounding.

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

Section 43A-14 through Section 43A-15. RESERVED.

ARTICLE III

ESTABLISHMENT OF OFFICIAL ZONING ATLAS

Section 43A-16. Division of City of Tampa into Zoning Districts and Identification in Official Zoning Atlas of City of Tampa.

The City of Tampa, ~~except for the Central Business District,~~ is divided by this Chapter into zoning districts, the boundaries and designations of which are shown in a series of maps, covering in combination the entire land and water area of the City of Tampa, and identified as the Official Zoning Atlas of the City of Tampa, hereafter Official Zoning Atlas.

Section 43A-17. Adoption of Official Zoning Atlas.

The Official Zoning Atlas, together with all lawfully adopted explanatory material shown thereon or therewith, will be adopted by reference and declared to be part of this Chapter at such time, after zoning conformance has occurred, that City Council shall, by ordinance, declare that such is to be the case.

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

Section 43A-18. RESERVED.

Section 43A-19. RESERVED.

Section 43A-20. Inset Maps.

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

Section 43A-21. Other Supplements.

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

Section 43A-22. District Regulations Extend to All Portions of Districts Surrounded by Boundaries.

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

Section 43A-23. Rules Where There is Uncertainty as to Boundaries.

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

- (a) Boundaries Indicated as Approximately Following the Centerlines of Streets, Alleys, Rights-of-Way, or Easements; Variation Between Actual and Mapped Location; Effect of Vacation on Zoning Status of Property.

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

- (b) Boundaries Indicated as Approximately Following Boundaries of Streets, Alleys, Other Public Property Lines, Rights-of-Way, of Easements.

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

- (c) Boundaries Indicated as Approximately Following Mean High Water Lines or Centerlines of Rivers, Canals, Lake, Bays, or Other Bodies of Water.

Boundaries indicated as approximately following mean high water lines or centerlines of rivers, canals, lakes, bays, or other bodies of water shall be construed as following such mean high waterlines or centerlines. In the case of a change in mean

high waterline, the boundary shall be construed as moving with the change, except where such moving would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such manner as to avoid such change.

d) Boundaries Indicated as Approximately Parallel to or Extensions of Features.

Boundaries indicated as approximately parallel to or extensions of features described in subsections (a), (b) and (c) above, shall be construed as being parallel to or extensions of such features.

(e) Distances Not Specifically Indicated.

Where distances are not specifically indicated on any map in the Official Zoning Atlas, they shall be determined by reference to the scale of the map.

(f) Boundaries Indicated as Entering Any Body of Water.

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

(g) Council Action in Cases of Remaining Uncertainty, Conflicts.

In other circumstances not covered above, or where existing natural or man-made features are at variance with those shown in the Official Zoning Atlas, or where it is illegible or unclear, or where interpretation based on the above rules appears to produce contradiction or conflict with the intent of this Chapter, or upon request from the Zoning Administrator or from any affected property owner, the City Council shall, by resolution, make a finding and interpretation concerning the boundaries involved in accord with the intent and purpose of this Chapter.

In cases where such finding and interpretation involves only correction to the Official Zoning Atlas or any official supplement, and does not change the zoning of any lot, the City Council may direct, by resolution, corrections without proposing an amendment to the map involved. In cases where the zoning of any lot would be changed by such correction, the City Council shall initiate a proposed corrective amendment.

Section 43A-24 through Section 43A-25. RESERVED.

ARTICLE IV

ADOPTION AND AUTHENTICATION OF
SCHEDULE OF DISTRICT REGULATIONS

Section 43A-26. Adoption of Schedule of District Regulations.

A substantial part of the regulations applying in many of the districts established by this Chapter has been set out in tabular form in a series of sheets identified as the Official Schedule of District Regulations which, together with all lawfully adopted explanatory material shown therein, is hereby adopted and declared to be part of this Chapter.

Section 43A-27. Official Zoning Atlas; Official Schedule of District Regulations.

(a) Authentication.

1. Official Zoning Atlas.

Each basic atlas sheet and each overlay or supplemental element thereto or otherwise contained in the Official Zoning Atlas shall be authenticated by the signature of the Mayor; attested by the signature of the City Clerk, and bear the seal of the City, under the following words:

"This is to certify that this is (page number, title, or other specific identification) of the Official Atlas referred to and adopted by reference by Ordinance No. ___ of the City of Tampa, Florida, approved _____, 19____."

2. Official Schedule of District Regulations.

Each sheet of the Official Schedule of District Regulations shall be authenticated by the signature of the Mayor, attested by the signature of the City Clerk, and shall bear the seal of the City under the following words:

"This is to certify that this is page ___ of the Official Schedule of District Regulations referred to and adopted by reference by Ordinance No. ___ of the City of Tampa, Florida, approved _____, 19____."

(b) Location of Official Zoning Atlas, Official Schedule of District Regulations

The Official Zoning Atlas and the Official Schedule of District Regulations shall be located in the office of the City Clerk.

Section 43A-28. Authentication; Recording of Nature and Dates of Amendments to the Official Zoning Atlas.

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

Section 43A-29. Unauthorized Changes Prohibited.

No changes of any nature shall be made in the Official Zoning Atlas, the Official Schedule of District Regulations, or any matter shown thereon, except in conformity with the requirements and procedures set forth in this Chapter. Any unauthorized changes, of whatever kind by any person or persons, shall be considered a violation of this Chapter and punishable as provided by law; provided, this provision shall not be held to foreclose action under other applicable criminal statutes of the State of Florida against any person or persons alleged to have made unauthorized changes in this Chapter.

Section 43A-30. Official Zoning Atlas; Official Schedule of District Regulations; Final Authority.

Regardless of the existence of purported copies of all or part of the Official Zoning Atlas or all or part of the Official Schedule of District Regulations which may from time to time be made, published, or reproduced, the Official Zoning Atlas and amendments thereto in the office of the City Clerk shall be the final authority as to the current zoning status of all lands and waters in the City, and the Official Schedule of District Regulations and amendments thereto in the office of the City Clerk shall be the final authority as to regulations set forth therein as applying to such districts.

Section 43A-31. Retention of Earlier Zoning Maps or Atlases or Schedule of District Regulations.

At least one copy of all zoning maps or atlases, or schedules of district regulations, or remaining portions thereof, which have had the force and effect of official zoning maps or atlases or schedules for the City prior to the effective date of adoption or

amendment of this Chapter shall be retained by the City Clerk and preserved as a public record and as a guide to the zoning status of lands and waters prior to such dates.

Section 43A-32 - 34. RESERVED.

Section 43A-35. Official Schedule of District Regulations.

(a) Schedule of Statements of Purpose and Intent.

The following array presents for the several districts the Statements of Purpose and Intent applicable to each district.

1. SINGLE FAMILY RESIDENTIAL DISTRICTS

Single family districts provide for detached residential housing development on a variety of lot sizes in accordance with the Tampa Comprehensive Plan 2000. Alternative forms of housing types are permitted at appropriate densities, through the Planned Development Districts (PD and PD-A) provisions of this Chapter. Accessory uses, compatible related support uses for residential development and Special Uses are also permitted.

(A) RS-150 RESIDENTIAL SINGLE FAMILY.

This district provides areas primarily for low density single family detached dwellings on spacious lots, wherein a property owner may obtain reasonable assurance of compatible development.

(B) RS-100 RESIDENTIAL SINGLE FAMILY.

This district provides areas for primarily low density single family detached dwellings similar to those provided for in the RS-150 Residential Single Family District, but with smaller minimum lot size requirements.

(C) RS-75 RESIDENTIAL SINGLE FAMILY.

This district provides areas for primarily low density single family detached dwellings similar to those provided for in the RS-150 and RS-100 Residential Single Family Districts, but with smaller minimum lot size requirements.

(D) RS-60 RESIDENTIAL SINGLE FAMILY.

This district provides areas for primarily low density single family detached dwellings similar to those provided for in the RS-150, RS-100, and RS-75 Single Family Districts, but with smaller minimum lot size requirements.

(E) RS-50 RESIDENTIAL SINGLE FAMILY.

This district provides areas for primarily low density single family detached dwellings similar to those provided for in the RS-150, RS-100, RS-75, and RS-60 Single Family Districts, but with smaller minimum lot size requirements.

2. MULTIPLE-FAMILY RESIDENTIAL DISTRICTS

Multiple-family districts provide for residential development at a variety of densities in accordance with the Tampa Comprehensive Plan 2000. Accessory uses, compatible related support uses to residential development and certain Special Uses are also permitted. Planned Development Districts (PD and PD-A), at appropriate densities are also permitted through the provisions of this Chapter.

(A) RM-12 RESIDENTIAL MULTIPLE-FAMILY.

This district provides primarily for low-medium density residential uses including single family and two family developments. Multiple-family development may be permitted through the Special Use Permit procedure.

(B) RM-16 RESIDENTIAL MULTIPLE-FAMILY.

This district provides primarily for low-medium density residential uses, similar to those provided in the RM-12 district, including single family and two family developments, at an increased density. Multiple family development may be permitted through the Special Use Permit procedure.

(C) RM-18 RESIDENTIAL MULTIPLE-FAMILY.

This district provides primarily for low-medium density residential uses, similar to those provided in the RM-12 district, including single family and two family developments, at an increased density. Multiple family development may be permitted through the Special Use Permit procedure.

(D) RM-24 RESIDENTIAL MULTIPLE-FAMILY.

This district provides primarily for medium density multiple-family residential development.

(E) RM-35 RESIDENTIAL MULTIPLE-FAMILY.

This district provides primarily for medium-high density multiple-family residential development.

(F) RM-50 RESIDENTIAL MULTIPLE-FAMILY.

This district provides primarily for high density multiple-family residential development.

(G) RM-75 RESIDENTIAL MULTIPLE-FAMILY.

This district provides primarily for high density multiple-family residential development. Such high density residential structures shall be located in close proximity to regional shopping, employment, and public transportation opportunities.

3. OFFICE DISTRICTS.

Development of the following office and professional districts shall be in accordance with the Tampa Comprehensive Plan 2000. They are intended to provide for a combination of office, institutional and residential uses, compatible Special Uses and compatible related support uses as well as Planned Development Districts (PD and PD-A) under the provisions of this Chapter.

(A) RO RESIDENTIAL OFFICE.

This district provides primarily for low density residential development and low intensity office uses compatible with residential neighborhoods. The district permits conversion of residential structures or the construction of new structures for office and related use. ~~This district shall be applied to land located along arterial or collector streets as identified on the Major Street Map.~~ In addition, this district may be used to provide a buffer between residential and more intensive commercial and office districts.

(B) RO-1 RESIDENTIAL OFFICE.

This district provides primarily for low to low-medium density residential development and low-medium intensity office uses compatible with residential neighborhoods. This district would permit conversion of residential structures or the construction of new structures for office and related use. This district shall be applied to land located along arterial or collector streets, as shown on the Major Street Map.

(C) OP OFFICE PROFESSIONAL.

This district provides primarily for institutional, professional and general office development of an intensity greater than the RO-1, Residential Office Zoning District and less than the OP-1, Office Professional Zoning District. This district shall be applied to land located along arterial and collector streets, as shown on the Major Street Map.

(D) OP-1 OFFICE PROFESSIONAL.

This district provides primarily for high intensity areas of institutional, professional and general office development. This district shall be applied in areas of the City where specific nodes of intense office development are appropriate. The district shall be applied to land located along arterial or collector streets, as shown on the Major Street Map.

4. COMMERCIAL DISTRICTS

The commercial districts provide for various retail sales, personal services, office and institutional uses, accessory uses as appropriate thereto and compatible supporting uses, as well as selected Special Uses, all at appropriate intensities and in locations in accordance with the Tampa Comprehensive Plan 2000. Planned Development Districts (PD and PD-A), in accordance with the regulations of this Chapter and in conformity with the Tampa Comprehensive Plan 2000 are also permitted.

(A) CN COMMERCIAL-NEIGHBORHOOD.

This district provides areas for limited retail and personal services in residential neighborhoods. This district shall be placed at appropriate locations to supply the daily service needs of such neighborhoods and shall not be used to promote strip commercial development. This district shall not be normally located within 1,000 feet of another neighborhood commercial district, as measured along the shortest distance between property lines without regard to route of normal travel. This district shall be applied to land located along arterial and collector streets, as shown on the Major Street Map.

(B) CG COMMERCIAL-GENERAL.

This district provides areas where a variety of retail and commercial service activities can be conducted compatible with surrounding uses and residential districts. This district shall be located on arterial or collector streets as identified on the Major Street Map.

(C) CI COMMERCIAL-INTENSIVE.

This district provides areas for intense commercial activity, permitting heavy commercial and service uses on arterial streets as identified on the Major Street Map.

5. INDUSTRIAL DISTRICTS

The industrial districts provide primarily for manufacturing, processing, assembly, warehousing and related uses at appropriate intensities and locations in accordance with the Tampa Comprehensive Plan 2000. Performance standards are used to insure compatibility with neighboring uses and districts. Planned Development Districts (PD and PD-A) are also permitted in appropriate locations in accordance with the Tampa Comprehensive Plan 2000.

(A) IG INDUSTRIAL-GENERAL.

This district provides primarily for areas of light manufacturing, wholesaling, warehousing, assembly or product processing, heavy equipment and vehicular repairs and other light industrial uses.

(B) IH INDUSTRIAL-HEAVY.

This district provides primarily for areas of intensive manufacturing and industrial uses in areas related to the Port of Tampa or other areas capable of supporting such uses.

6. M-AP AIRPORT COMPATIBILITY DISTRICTS

The Airport Compatibility District is designed to promote the appropriate type and intensity of development of land uses on and surrounding an airport. The purpose of designating land and water areas in this district is to encourage development 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.

The M-AP Airport Compatibility District shall consist of four (4) subdistricts or sectors. The subdistricts are described as follows:

- (A) M-AP 1. Because these areas are most affected by aircraft traffic, the intensity of development in allowable heights of structure shall be at a level as to minimize population and eliminate hazards to aircraft operations.
- (B) M-AP 2. The height of structures and land use permitted in these areas are of low intensity to reduce population in proximity to the airport and its runways.
- (C) M-AP 3. The land uses, intensities and heights of structures are limited to those which, for safety purposes, reduce population in the path of aircraft approaching or departing on these runways.
- (D) M-AP 4. The land uses, intensities and heights of structures are designed to maintain the density of population for safety in areas surrounding the airport.

7. YBOR CITY HISTORIC DISTRICT

The purpose of the Ybor City Historic District is to promote and preserve this historic district and its landmarks for the educational, cultural, economic, and general welfare of the public through the preservation, protection and regulation of buildings, sites, monuments, structures and other areas of historic interest or importance within the Ybor City area of the City of Tampa; to safeguard the heritage of our City by preserving and regulating this district and its landmarks which reflect elements of our cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of this district and the neighborhoods within it; to strengthen the City's economic base by the stimulation of the tourist industry; to establish, stabilize and improve property values; to foster economic development and to manage growth.

The Ybor City Historic District consists of six (6) subdistricts:

(A) YC-1 Central Commercial Core

This subdistrict comprises the cultural, social, shopping and service heart of the Ybor City Historic District. The regulations are intended to preserve and enhance its touristic, cultural and economic functions by preserving its rich mixture of land uses, relatively modest intensity of development, low rise structures and distinctive architecture.

(B) YC-2 Residential

This district comprises land devoted to residential development including single family and multi-family dwellings. The regulations are intended to preserve and conserve this predominately single-family and two-family housing form, and to encourage the development of vacant tracts suitable for residential uses.

(C) YC-3 Hillsborough Community College

This district comprises land devoted to and designated for development as part of the Hillsborough Community College and supporting related uses.

(D) YC-4 Residential /Redevelopment

Change per Art. 8
This district comprises mainly vacant land designated for redevelopment which will support and enhance the touristic, cultural and economic functions of the Ybor

City Historic District by providing residential dwellings and supporting personal services, convenience goods and office uses in the architectural style compatible with Ybor City's traditions.

(E) YC-5 General Commercial

This district comprises land used and designated for retail and commercial service operations primarily to serve the residents of the immediate area.

(F) YC-6 Community Commercial

This district comprises land devoted to general and intensive commercial uses located on the southern fringe of the historic district and which will provide a transition to the industrial uses south of the historic district.

8. PP-PUBLIC PARKS.

omit
This district is designed to identify and protect those publicly owned parcels used or proposed for park, recreation or open space uses.

9. CENTRAL BUSINESS DISTRICT (CBD)

The purpose of the CBD district is to implement the goals of the Tampa Central Business District Land Use Policy Plan (a component of the Future Land Use Element of the 2010 Comprehensive Plan for the City of Tampa). It is also the purpose of the Central Business District regulations to guide development design to establish the desired character of development for each of the twelve (12) CBD character districts identified in the CBD Land Use Policy Plan. The Central Business District consists of two zoning subdistricts:

CBD - 1 This zoning subdistrict is appropriate for CBD projects in areas with low to mid-rise structures.

CBD - 2 This zoning subdistrict is appropriate for CBD projects in areas with high-rise structures.

(b) Schedule of Permitted Uses by District

Except as specifically provided in this Chapter, regulations governing the use of land and structures within the various districts in the City of Tampa, shall be as shown in the Schedule of Permitted Uses by District.

M-AP Districts are not shown in the following Schedule of Permitted Uses by District. Such district regulations are described in Section 43A-36 (District Regulations for M-AP Districts.)

Central Business District (CBD) zoning sub-districts are not shown in the following Schedule of Permitted Uses by District. Such district regulations are described in Article XVIII, Central Business District.

- X - Permitted Principal Use
- S1 - Special Use - Zoning Administrator Review
- S2 - Special Use - City Council Review
- A - Permitted Accessory Use
- B - Board of Adjustment Review *omit*
- Blank - Prohibited Use

The use of land or structures which are not expressly listed in the Schedule of Permitted Uses by District as Permitted Principal Uses, Permitted Accessory Uses are prohibited uses and shall not be established in that district.

Uses listed as Permitted Special Uses may be established in that district only after approval of an application for a Special Use Permit in accordance with the procedures and requirements in Article XI.

TABLE 4-1
SCHEDULE OF PERMITTED USES BY DISTRICT

USE GROUP A	RS-		RS-		RS-		RS-		RM-		RM-		RM-		RM-		RO-		RO-		OP-		OP-		CN		CG		CI		IG		IH		PP	
	150	100	75	60	50	12	16	18	24	35	50	75	RM-	RO-	RO-	OP-	OP-	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		
Adaptive Reuse <i>omit</i>	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2																			
Agriculture, Non-Live Stock <i>omit</i>																																				
Bed & Breakfast						S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2																			
Cemetery	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

USES	RS-150	RS-100	RS-75	RS-60	RS-50	RM-12	RM-16	RM-18	RM-24	RM-35	RM-50	RM-75	RO	RO-1	OP	OP-1	CN	CG	CI	IG	IH	PP
Congregate Living Facilities:																						
Facilities of 6 or fewer residents ³	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X			
Small Group Care Facility	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1						
Large Group Care Facility									S1	S1	S1	S1	S1	X	X	X						
Correctional Facility																				X		X
Dwelling, Multiple Family						S1	S1	S1	X	X	X	X			S1	S1	S1	S1	S1	S1		
Dwelling, Single Family, Detached	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Dwelling, Single Family, Semi-Detached						X	X	X	X	X	X	X										
Dwelling, Single Family, Attached						X	X	X	X	X	X	X			S1	S1	S1	S1	S1	S1		
Dwelling, Two Family						X	X	X	X	X	X	X			X	X	X					
80% Lot Development	S2	S2	S2	S2	S2																	
Home Occupation	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	A	A	A	A	A	A	A	A		
Private Pleasure Craft Used as Residence	S2	S2	S2	S2	S2																	

USES	RS-150	RS-100	RS-75	RS-60	RS-50	RM-12	RM-16	RM-18	RM-24	RM-35	RM-50	RM-75	RO	RO-1	OP	OP-1	CN	CG	CI	IG	IH	PP
Professional Residential Facility:																						
Recovery Home A						S2		S2	S2	S2		S2	S2									
Recovery Home B														S2	S2	S2		S2	S2			
Residential Treatment Facility														S2	S2	S2		S2	S2			
Life Care Treatment Facility														S2	S2	S2						
<u>USE GROUP B</u>																						
Accessory Use to a Permitted Principal or Special Group B Use														A	A	A		A	A	A	A	A
Churches	S2	S2	S2	S2	S2	S2	S2	S2	S2	X	X	X	S2	S2	X	X	X	X	X			
Clinic															X	X	X	X	X			
Club																	X	X	X	X		
Colleges															X	X		X	X			
Day Care & Nursery Facility									S1	S1	S1	S1	S1	S1	S1	X	S1	X	X	X		
Day Care & Nursery Facilities (numbers limited to 5 Children)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

USES	RS-150	RS-100	RS-75	RS-60	RS-50	RM-12	RM-16	RM-18	RM-24	RM-35	RM-50	RM-75	RO	RO-1	OP	OP-1	CN	CG	CI	IG	IH	PP
Fraternity or Sorority															X	X		X	X			
Funeral Parlor													X		X	X		X	X			
Hospitals and Associated Uses																X		X	X			
Hotels and Motels																X		X	X			
Public Cultural Facility															X	X		X	X			
Rooming House																		X				
School	S2	S2	S2	S2	S2	X	X	X	X	X	X	X	S2	X	X	X		X	X			
School, Vocational																		X	X		X	
School, Business															X	X		X	X		X	
School, Trade																		X	X		X	
<u>USE GROUP C</u>																						
Accessory Use to a Permitted Principal or Special Group C Use																			A	A	A	A
Adult Uses																			S1	S1	S1	
Airports <i>omit</i>																						
Airport Related Uses																						
Appliance & Equipment Repair																		X	X		X	X

USERS	RS-150	RS-100	RS-75	RS-60	RS-50	RM-12	RM-16	RM-18	RM-24	RM-35	RM-50	RM-75	RO	RO-1	OP	OP-1	CN	CG	CI	IG	IH	PP
Bank															X	X	X	X	X	X		
Bank, Drive-In															X	X	X	X	X	X		
Bar & Lounge																		X	X	X		
Blood Donor Center																			S2	S2		
Bottle Clubs																	X	X	X	X		
Catering Shop																	X	X	X	X		
Cigar Factory																		X	X	X	X	X
Crematorium																			X	X	X	X
Drive-In Window															S1	S1		S1	S1	S1		
Dry Cleaning Plant, Large																			X	X	X	X
Dry Cleaning Plant, Small																		X	X	X		
Heliport, Helistop																S2			X	X	X	X
Junkyard																						S1
Kenel																		X	X	X		X
Landfill																						S1
Maintenance or Storage Facility																			X	X	X	X
Manufacturing, Heavy																						X

USERS	RS-150	RS-100	RS-75	RS-60	RS-50	RM-12	RM-16	RM-18	RM-24	RM-35	RM-50	RM-75	RO	RO-1	OP	OP-1	CN	CG	CI	IG	IH	PP
Manufacturing, Light																				X	X	X
Marina																		X	X	X	X	X
Nursing, Convalescent & Extended Care Facility									S1	S1	X	X		S1	S1	X		X	X			
Office, Business & Professional													X	X	X	X	X	X	X	X	X	X
Office, Medical													X	X	X	X	X	X	X	X	X	X
Parking, Off Street Principal Use																S1		S1	S1	S1	S1	S1
Accessory Use						A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Commercial Use	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2												
Parking, Temporary	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1
Personal Services									A	A	A	A		A	X	X	X	X	X	X	X	X
Pharmacy													A	A	A	A	X	X	X	X	X	X
Place of Assembly																		X	X	X	X	X
Printing, Light															A	A		X	X	X	X	X
Printing & Publishing																A			X	X	X	X
Public Service Facility	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	X	X	X	X	X	X

USES	RS-150	RS-100	RS-75	RS-60	RS-50	RM-12	RM-16	RM-18	RM-24	RM-35	RM-50	RM-75	RO	RO-1	OP	OP-1	CN	CG	CI	IG	IH	PP
Public Use Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Radio/Television Studio																X		X	X	X		
Radio/Television Transmitter Site	S2	S2	S2	S2	S2	S2													S2	S2	S2	
Recreation Facility, Commercial															X	X		X	X	X		
Recreation Facility, Private	S1	S1	S1	S1	S1	S1	S1	S1	X	X	X	X	S1	X	X	X	X	X	X	X	X	X
Research Activity															X	X		X	X	X	X	
Restaurant																X		X	X	X	X	
Restaurant, Drive-In																		X	X	X	X	
Retail Sales, Convenience Goods																	X	X	X	X	X	
Retail Sales, Distilled Beverages																		X	X	X	X	
Retail Sales, Gasoline																	S1	X	X	X	X	X
Retail Sales, Shopper's Goods																		X	X	X	X	
Retail Sales, Specialty Goods																	X	X	X	X		
Reupholstery Shop																		X	X	X	X	

USES	RS-150	RS-100	RS-75	RS-60	RS-50	RM-12	RM-16	RM-18	RM-24	RM-35	RM-50	RM-75	RO	RO-1	OP	OP-1	CN	OG	CI	IG	IH	PP
Storage, Open																			A ²	X	X	
Temporary Help Agency																			S2	S2	S2	
Temporary Special Events	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	S1	
Transportation Service Facility																			X	X	X	
Utility Transmission Site	S2	S2	S2	S2	S2	S2													S2	S2	S2	
Vehicle Repair, Major																			X	X	X	
Vehicle Repair, Minor																			X	X	X	
Vehicle Sales and Leasing																			X	X	X	
Vermn Control & Related Services																			X	X	X	
Veterinary Office																			X	X	X	
Warehouse & Wholesale Trade																			X	X	X	
Warehouse, Mini																			X	X	X	

1 See Section 43A-72 for Accessory Parking Requirements.

2 See Section 43A-86 for Buffering Requirements for Open Storage.

3 In the RS and RM Zoning Districts, Congregate Living Facilities of six or fewer residents may not locate within a 1000' radius of each other.

Schedule of Area, Height, Bulk and Placement Regulations.

(1) Except as specifically provided in other sections of this chapter, regulations governing the minimum lot area and width; required front, side and rear yards; floor area ratio, height of structure, area of signs; and related matters shall be as shown in the Schedule of Area, Height, Bulk and Placement Regulations.

M-AP Districts are not shown in the following Schedule of Area, Height Bulk and Placement Regulations. M-AP District Regulations are described in Section 43A-36 (District Regulations for M-AP District), or in adopting ordinance that prohibits use of flex line.

Central Business District (CBD) zoning sub-districts are not shown in the following Schedule of Area, Height, Bulk and Placement Regulations. CBD zoning district regulations are described in Article XVIII, Central Business District.

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

R E S I D E N T I A L D I S T R I C T S

District	Minimum Lot Area Width (Sq.Ft.) (Ft.)	Required Yards (Ft.)			Maximum F.A.R.	Maximum Height (FT.)
		Front Side	Interior Lot/Corner Lot	Rear Corner		
RS-150	15,000	30	20	15	N/A	35
RS-100	10,000	25	20	7	N/A	35
RS-75	7,500	25	20	7	N/A	35
RS-60	6,000	25	20	7	N/A	35
RS-50	5,000	20	20	7	N/A	35
RM-12	5,000 and 3,630/d.u.	25	15	7	N/A	35
RM-16	5,000 and 2,723/d.u.	25	15	7	N/A	35

District	Minimum Lot Area Width (Sq.Ft.) (Ft.)	Required Yards (Ft.)			Maximum F.A.R.	Maximum Height (FT.)
		Front	Side	Rear		
RM-18	5,000 and 2,420/d.u.	25	7	15	N/A	35
RM-24	5,000 and 1,815/d.u.	25	7	20	N/A	60 ²
RM-35	5,000 and 1,243/d.u.	25	7	20	N/A	120 ^{3/8}
RM-50	5,000 and 871/d.u.	25	7	20	N/A	200 ^{3/8}
RM-75	5,000 and 580/d.u.	25	7	20	N/A	N/A ^{5/8}
RO	5,000 and 5,000/d.u.	25	7	20	0.35	35
RO-1	5,000 and 2,723/d.u.	25	7	20	0.5	35

O F F I C E A N D P R O F E S S I O N A L D I S T R I C T S

OP	10,000 and 1,815/d.u.	25	10	20	1.0 ⁷ 1.5	60 ²
OP-1	10,000 and 871/d.u.	20	10	20	3.0 ⁷ 3.5	200 ^{3/8}

Table 4-2, Page-2

C O M M E R C I A L D I S T R I C T S

District	Minimum Lot		Required Yards (Ft.)				Maximum F.A.R.	Maximum Height (Ft.)
	Area (Sq.Ft.)	Width (Ft.)	Front	Side	Rear	Corner		
CN	5,000 and 2,500/d.u.	60	20	10	10	20	0.35	30
CG	10,000	75	20	10	10	20	1.0 ⁷ 1.5	45 ⁶
CI	10,000	100	20	0	10	20	1.0 ⁷ 1.5	45 ⁶

I N D U S T R I A L D I S T R I C T S

IG	5,000	50	20	0	0	20	0.75	60
IH	5,000	50	20	0	0	20	0.75	N/A ⁴

Table 4-2, Page-3

Notes

- 1 Except where lesser height is specified by Hillsborough County Aviation Authority regulations.
- 2 For each foot of building height above 30 feet, the required yards shall be increased by one foot.
- 3 For each two feet of building height above 30 feet, the required front and corner yards shall be increased by one foot, except that if the zoning lot is immediately adjacent to a residential zoning district, the rear and side yards shall also meet the setback noted above.
- 4 For each three feet of building height above 50 feet, the required yards shall be increased by one foot.
- 5 For each four feet of building height above 30 feet, the required yards shall be increased by one foot.
- 6 Places of Assembly in the CG & CI Districts may exceed the maximum permitted height provided that for every one foot of height above 45 feet all required yards shall be increased by one foot.
- 7 The higher number applies when 50% of required off-street parking is provided within principal structure.
- 8 Microwave Communication Protection - Structures which exceed 70 feet in height shall not obstruct or interfere with any existing federally - licensed point-to-point telecommunication pathway.
 - a. Provide a survey (frequency coordination analysis) to determine whether proposed structure will obstruct or interfere with any FCC Licensed microwave pathway.
 - b. Notify all license holders of effected pathway by certified mail; and provide an affidavit to the City verifying said notice.
 - c. Reimburse the licensee for costs associated with the relocation of the effected pathway for the life of the license.

N/A - Not Applicable.

Microwave Communication Protection

Tampa City Code Section 43A-35[c] establishes a procedure to assure that structures exceeding 70 feet do not interrupt or interfere with an existing federally licensed point to point telecommunication path.

Anyone seeking a permit to construct a building 70 feet or taller must determine whether the building's footprint will effect any federally licensed CARS, STL, common carrier and operational fixed pathways operating in the .9, 1.9, 2, 2.1, 4, 6, 6.7, 10.5, 11, 12, 18 and 23 GHz bands. This determination must be made prior to applying for a building permit.

At the time of application, the following documents must accompany the permit application:

- a. a certified path interference plot [40 mile range], overlaying a USGS 1:250,000 scale map, showing the proposed building site and any existing federally licensed pathways. All paths must be identified by license holder [name & address], site coordinates, call sign and plot reference.
- b. a certified path interference plot [6-8 mile range], overlaying a USGS 1:24,000 scale map, showing the proposed building site and any existing federally licensed pathways. All paths must be identified by license holder[name & address], site coordinates, call sign and plot reference.
- c. a certified statement from a telecommunication engineer or firm certifying whether or not the proposed structure will interfere with any existing federally licensed point to point telecommunication path.

Should the interference study determine that a problem may exist, or that a pathway may be interrupted or affected, then it shall be necessary for the applicant to perform site engineering evaluations to determine the extent of the interference. This information must be shared with the affected licensee[s].

In the event of interference, the applicant must submit an affidavit, in accordance with TCC 43A-35 paragraph 8(c) describing how the licensee's pathway shall be maintained. Original certified copies of the aforementioned documents shall be provided to Ms. Gloria Moreda, City of Tampa, Zoning Office and Robert Sepe, City of Tampa, Office of Cable Communication.

(d) Minimum Lot Area & Density Factors.

The following summary shows the district acronyms, the district names, the zoning lot area and density factors required by district.

In order to determine density for residential ~~the~~ ^{uses the} following formula shall be used:

$$\frac{\text{Zoning Lot Area (Sq. Ft.)}}{\text{Density Factor}} = \frac{\text{Total Dwelling Units}}{\text{Density Factor}}$$

RESIDENTIAL DISTRICTS

SINGLE FAMILY DISTRICTS

		<u>Zoning Lot Area</u> (in sq. ft.)	<u>Density Factors</u> (in sq. ft.)
RS-150	Residential Single Family	15,000	-
RS-100	Residential Single Family	10,000	-
RS-75	Residential Single Family	7,500	-
RS-60	Residential Single Family	6,000	-
RS-50	Residential Single Family	5,000	-

MULTIPLE FAMILY DISTRICTS

RM-12	Residential Multiple Family	5,000	and 3,630/d.u.
RM-16	Residential Multiple Family	5,000	and 2,723/d.u.
RM-18	Residential Multiple Family	5,000	and 2,420/d.u.
RM-24	Residential Multiple Family	5,000	and 1,815/d.u.
RM-35	Residential Multiple Family	5,000	and 1,243/d.u.
RM-50	Residential Multiple Family	5,000	and 871/d.u.
RM-75	Residential Multiple Family	5,000	and 580/d.u.

RESIDENTIAL OFFICE DISTRICTS

RO	Residential Office	5,000	and 5,000/d.u.
RO-1	Residential Office	5,000	and 2,723/d.u.

OFFICE DISTRICTS

OP	Office Professional	10,000	and 1,815/d.u.
OP-1	Office Professional	10,000	and 871/d.u.

		Minimum Lot Area (in sq. ft.)	Density Factors (in sq. ft.)
<u>COMMERCIAL DISTRICTS</u>			
CN	Commercial-Neighborhood	5,000	and 2,500/d.u.
CG	Commercial-General	10,000	-
CI	Commercial-Intensive	10,000	-
<u>INDUSTRIAL DISTRICTS</u>			
IG	Industrial-General	5,000	-
IH	Industrial-Heavy	5,000	-
<u>M-AP AIRPORT COMPATIBILITY DISTRICTS</u>			
M-AP 1		10,000	-
M-AP 2		10,000	-
M-AP 3		10,000	-
M-AP 4		10,000	-
<u>YBOR CITY HISTORIC DISTRICT</u>			
YC-1	Central Commercial Core	2,000	-
YC-2	Residential	2,500	-
YC-3	Hillsborough Community College	10,000	-
YC-4	<i>delete</i> Residential/Redevelopment	5,000	and 1,244/d.u.
YC-5	General Commercial	5,000	-
YC-6	Community Commercial	5,000	-
<u>OTHER DISTRICTS</u>			
PP	<i>delete</i> Public Park	-	-
PD	Planned Development	-	-
PD-A	Planned Development Alternative	100 Acres	-
TQD	Tampa Quality Development	3 Acres	-
CBD	Central Business District	-	-

Section 43A-36. District Regulations for M-AP Airport Compatibility Districts.

(a) The M-AP Airport Compatibility District shall consist of four (4) subdistricts or sectors. These subdistricts are described as follows:

M-AP 1. The airport and a subdistrict of the M-AP District that includes areas lying within the boundaries of the approach surfaces or zones to Runways 9, 27, 18L, 18R, 36L and 36R at Tampa International Airport (Identified by the symbol 'NA' or 'IA' on the officially adopted Hillsborough County Aviation Authority Zoning Map 'A' and henceforth in this Section 43A-36, referred to as 'NA' or 'IA') and lying within 5,000 feet of the threshold end of each above-mentioned Runways. Because these areas are most affected by aircraft traffic, the intensity of development and allowable heights of structures shall be at such a level as to minimize population and eliminate hazards to aircraft operations.

M-AP 2. A subdistrict of the M-AP District that includes areas lying between the approach surfaces or zones for Runways 18L and 18R and Runways 36L and 36R at Tampa International Airport (Identified as 'IA') and within 5,000 feet of the nearest threshold end of an abovementioned Runway and those areas lying west of Runway 18R-36L at Tampa International Airport to the west edge of the transitional surface of runway 18R-36L at Tampa International Airport, (as shown on the officially adopted Hillsborough County Aviation Authority Zoning Map 'A') beginning, at the South, at a point 5,000 feet from the threshold end of Runway 36L and running to a point, at the North, 5,000 feet from the threshold end of Runway 18R. The height of structures and land uses permitted in these areas are of low intensity that reduces population in proximity to the airport and its runways.

M-AP 3. A subdistrict of the M-AP District that includes lying within the boundaries of the approach surfaces or zones for Runways 18L, 18R, 36L and 36R at Tampa International Airport (Identified as 'IA') and lying beyond 5,000 feet from the threshold end of the abovementioned Runways. The land uses, intensities, and heights of structures are limited to those which, for safety purposes, reduce population in the path of aircraft approaching or departing on these Runways.

M-AP 4. A subdistrict of the M-AP District that includes those areas of land not included in subdistricts M-AP-1, M-AP-2, or M-AP-3. The land uses, intensities, and heights of structures are designed to maintain the density of population for safety in areas surrounding the airport.

TABLE 4-3
 1. SCHEDULE OF M-AP PERMITTED USES
 MAXIMUM FLOOR AREA RATIO, AND MAXIMUM COVERAGE REGULATIONS

Permitted Uses	M-AP 1		M-AP 2		M-AP 3		M-AP 4	
	Use/FAR/Coverage (%)							
<u>Use Group B</u>								
Catering Shops	X .35 40%							
Clinic	- - -	- - -	- - -	- - -	X 1.5 50%	X 1.5 50%	X 1.5 50%	X 1.5 50%
Hotel/Motel	- - -	X .35 40%	- - -	- - -	- - -	X 1.5 60%	X 1.5 60%	X 1.5 60%
<u>Use Group C</u>								
Airports	X - 60%	X .5 60%	X .5 60%	- - -	- - -	X 1.5 60%	X 1.5 60%	X 1.5 60%
Airport Related Uses	X .5 60%	X .5 60%	X .5 60%	- - -	X 1.5 60%	X 1.5 60%	X 1.5 60%	X 1.5 60%
Other Uses Located on Land Owned by Hillsborough County Aviation Authority	S2 - -	S2 - -	S2 - -	- - -	S2 - -	S2 - -	S2 - -	S2 - -
Appliance & Equipment Repair	X .5 50%	X .5 50%	X .5 50%	- - -	X 1.5 60%	X 1.5 60%	X 1.5 60%	X 1.5 60%
Bank	X .35 40%	X .35 40%	X .35 40%	- - -	X 1.5 60%	X 1.5 60%	X 1.5 60%	X 1.5 60%
Bank, Drive-In	X .35 40%	X .35 40%	X .35 40%	- - -	X 1.5 60%	X 1.5 60%	X 1.5 60%	X 1.5 60%
Drive-In Window	S1 - -	S1 - -	S1 - -	- - -	S1 - -	S1 - -	S1 - -	S1 - -
Heliport, Helistop	- - -	- - -	- - -	- - -	- - -	- - -	X .5 -	X .5 -
Kennel	X .5 50%	X .5 50%	X .5 50%	- - -	X 1.5 60%	X 1.5 60%	X 1.5 60%	X 1.5 60%

NOTE: Coverage means maximum lot coverage of buildings.

Permitted Uses	M-AP 1		M-AP 2		M-AP 3		M-AP 4	
	Use/FAR/Coverage (%)							
<u>Use Group C (Cont.)</u>								
Maintenance or Storage Facility	X 1.0	60%	X 1.5	60%	X 1.5	60%	X 1.5	60%
Manufacturing, Heavy	X .5	60%	X 1.5	60%	X 1.5	60%	X 1.5	60%
Manufacturing, Light	X .5	60%	X 1.5	60%	X 1.5	60%	X 1.5	60%
Marina	X .5	50%	X .5	50%	X 1.5	60%	X 1.5	60%
Office, Business & Professional	X .35	40%	X 1.5	60%	X 1.5	60%	X 1.5	60%
Office, Medical	X .35	40%	X 1.5	60%	X 1.5	60%	X 1.5	60%
Parking, Off-Street, Principal	S1 .5	-	S1 .5	-	S1 1.5	60%	S1 1.5	60%
Parking, Off-Street, Accessory	A -	-	A -	-	A -	-	A -	-
Parking, Temporary	S1 -	-						
Personal Services	S1 .25	40%						
Printing, Light	A -	-	A -	-	A -	-	A -	-
Printing & Publishing	X .5	60%	X .5	60%	X 1.5	60%	X 1.5	60%
Public Service Facility	X -	-	X -	-	X -	-	X -	-
Public Use Facility	X .35	40%	X .35	40%	X 1.5	60%	X 1.5	60%

Permitted Uses	M-AP 1		M-AP 2		M-AP 3		M-AP 4	
	Use/FAR/Coverage (%)							
<u>Use Group C (Cont.)</u>								
Radio/TV Studio	-	-	-	-	X 1.5	60%	X 1.5	60%
Radio/TV Transmitter Site	-	-	-	-	X	-	X	-
Research Activity	X .35	40%	X 1.5	60%	X 1.5	60%	X 1.5	60%
Restaurant	-	-	X .35	40%	-	-	X 1.5	60%
Restaurant, Drive-In	-	-	X .35	40%	-	-	X 1.5	60%
Retail Sales, Convenience Goods	S1 .25	40%						
Retail Sales, Gasoline	S1 .25	50%	S1 .25	50%	S1 .5	60%	S1 .5	60%
Transportation Service Facility	-	-	-	-	X 1.5	60%	X 1.5	60%
Vehicle Repair, Major	X .25	50%	X .25	50%	X .5	60%	X .5	60%
Vehicle Repair, Minor	S1 .25	50%	S1 .25	50%	S1 .5	60%	S1 .5	60%
Vehicle Sales & Leasing	X .5	50%	X 1.5	60%	X 1.5	60%	X 1.5	60%
Veterinary Office	X .35	40%	X .35	40%	X 1.5	60%	X 1.5	60%
Warehouse	X 1.0	60%	X 1.5	60%	X 1.5	75%	X 1.5	75%
Wholesale Trade	X 1.0	60%	X 1.5	60%	X 1.5	75%	X 1.5	75%

Table 4-4

2. SCHEDULE OF MINIMUM LOT AREA, WIDTH, MAXIMUM HEIGHT AND REQUIRED YARDS

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

3. ADDITIONAL CRITERIA REGARDING THE APPLICATION OF REGULATIONS WITHIN THE M-AP DISTRICT

In addition to the criteria established in Article II (Application of Regulations), the following criteria are provided to assist in the administration of the M-AP Districts:

(A) The District Regulations outlined in this Section are intended to describe regulations for individual uses on a zoning lot. Where an applicant proposes to develop a multiple tenant building or buildings on a zoning lot and the ultimate users of the buildings are unknown, the following rules shall apply:

- The applicant must indicate, when applying for a zoning compliance permit, 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 zoning compliance 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 zoning compliance permit.

(B) Accessory uses shall be clearly incidental and subordinate to the permitted or principal use of the zoning lot or structures on the lot. Where occupational licenses are required by other laws in order to perform the accessory use function, the accessory use's incidental and subordinate relationship to the principal use must clearly be demonstrated to the Zoning Administrator before the accessory use is permitted. Accessory uses, including, but not limited to employees' restaurants, snack bars, conference rooms, etc., shall not display signs, maintain access points external to the structure of the principal use or exhibit any characteristics that would imply or suggest that the accessory use is more than incidental or subordinate to the principal use.

(C) The regulations for the M-AP districts shall be construed in a manner that does not encourage or advocate the assembly or concentration of people within the Districts, particularly within the M-AP 1 and M-AP 2 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 the Districts are prohibited. This section should not be interpreted to prohibit general conference and meeting rooms for the occupants.

(D) When a zoning lot contains two or more subdistrict designations with different regulations, the Zoning Administrator shall make all necessary determinations and interpretations to enforce the regulations in a manner consistent with the purpose and intent of the District and other regulations outlined elsewhere in this Chapter. However, under no circumstances shall the permitted use or maximum development regulations differ or exceed what is permitted for that portion of the zoning lot.

(b) Exemption.

Property owned or controlled by the Hillsborough County Aviation Authority and used for airports and airport related uses, as defined in Section 43A-372, shall be exempt from the provisions of this section.

Uses not described under "Airports" and related "Airport Related Uses" or otherwise permitted in the M-AP may be established on land owned by the Hillsborough County Aviation Authority only after a Development Plan has been submitted to the Hillsborough County City-County Planning Commission for recommendation and after review and approval by the City Council of the City of Tampa.

Section 43A-37 through Section 43A-40. RESERVED.

ARTICLE V

APPLICATION OF AREA, HEIGHT
AND PLACEMENT REGULATIONS

Section 43A-41. Regulations Encumbering Land Required to Satisfy Regulations.

No portion of a lot, used in connection with an existing or proposed building, structure or use, and necessary for compliance with the area, height, and placement regulations of this Chapter shall, through sale or otherwise, be used again as a part of the lot required in connection with any other building, structure, or use.

Section 43A-42. Height Regulation, Generally.

(a) Excluded Portions of Structures.

Except as specifically provided herein, the height limitations of this Chapter shall not apply to any penthouses or roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, chimneys, or similar equipment required to operate and maintain the building (provided that such structures shall not cover more than twenty percent of roof area), nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, or similar structures and other similiar architectural features which may be erected above the height limit, nor to fire or parapet walls, provided however that such walls shall not extend more than five feet above the roof. Such features on fences/walls shall not extend more than one foot above the maximum height, and shall have a ten foot spacing between them.

(b) Aviation Hazards.

No building or other structure (regardless of exclusions set forth at Subsection (a) above) shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards. In any area within the City, in addition to height limitations established by this Chapter, limitations established by ordinance or by any ordinance amending or replacing such ordinance or by lawful Federal, State, Hillsborough County Aviation Authority regulations, shall apply to heights of buildings, structures, or natural vegetation.

Section 43A-43 through Section 43A-44. RESERVED.

Section 43A-45. Permitted Projections into Required Yards.

Certain architectural features such as cornices, eaves and gutters, fireplaces, flower boxes, bay windows, decorative molding and balconies may project no more than three feet into the required front yard, five feet into the required rear yard and two feet into the required corner or side yard.

Section 43A-46. 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 provided for in the City of Tampa Code. The special street setback line shall be measured from the centerline of the existing right-of-way. Where adequate right-of-way exists and where specific zoning district setbacks exist, then such zoning districts setbacks shall control.

The Department of Housing and Development Coordination may authorize a waiver or reduction of the Special Street Setbacks as required below for the placement of signs only, provided the following regulations are met:

- (a) The request for a waiver is in a form approved by the City and shall be signed by the property owner.
- (b) The applicant acknowledges and agrees that the waiver may be unconditionally revoked at any time by the City; upon revocation, the sign shall be relocated to conform with this section, or if relocation is not feasible, the sign shall be removed.
- (c) Any waivers granted shall be duly recorded in the public records of Hillsborough County, Florida and evidence of the same shall be presented to the building official prior to issuance of a sign permit.
- (d) Any waiver granted hereunder shall not be construed as a waiver of any of the remaining sign setback requirements contained in this Chapter.

Any waiver or reduction in the Special Street Setbacks for any structure other than signs shall only be authorized by the Board of Adjustment.

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SETBACK FROM CENTERLINE</u>
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 Ave.	Nebraska	Columbus	46 feet
	Columbus	Orient Road	54 feet
	Orient Road	East City Limits	46 feet
Brorein	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
Columbus	Lincoln	A.R.D.C.	46 feet
	A.R.D.C.	15th St.	28 feet
	15th St.	43rd St.	22 feet
	43rd St.	Broadway	54 feet
Commerce	Germer	Interbay Blvd.	30 feet
Country Club	Armenia	Florida	46 feet
Courtney Campbell	West City Limits	Eisenhower	86 feet

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SETBACK</u> <u>FROM</u> <u>CENTERLINE</u>
Cypress	Memorial	Westshore	42 feet
	I-275	MacDill	34 feet
Dale Mabry	MacDill AFB	Gandy	54 feet
	Gandy	Kennedy	45 feet
West Davis	Hillsborough	North City Limits	98 feet
	Chesapeake Ave.	East Davis	34 feet
East Davis	Chesapeake Ave.	West Davis	34 feet
El Prado	MacDill	Bayshore Blvd.	42 feet
Florida	Scott	Osborne	28 feet
	Bougainvillea	North City Limits	54 feet
Fowler	I-275	East City Limits	54 feet
Gandy	Gandy Bridge	Dale Mabry	54 feet
Hanna	Florida	East City Limits	30 feet
Henderson	Manhattan	Kennedy	45 feet
Highland	Buffalo	Hillsborough Ave.	30 feet
Hillsborough Avenue	West City Limits	I-275	54 feet
Himes	Interbay Blvd.	Henderson	42 feet
	Henderson	Columbus	45 feet
	Hillsborough	North City Limits	45 feet
Howard	Bayshore Blvd.	Platt	34 feet
	Platt	Cimino	34 feet
Hyde Park	DeLeon	Kennedy	28 feet
Interbay Blvd.	Westshore	Dale Mabry	34 feet
Jackson St.	Ashley	Kennedy	34 feet
Kennedy	Lois	Ashley	54 feet
Lake	Nebraska	34th	34 feet
	34th	Buffalo	42 feet
MacDill	Columbus	Buffalo	46 feet
	Nebraska	13th St.	42 feet

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SETBACK FROM CENTERLINE</u>
Manhattan	Gandy	Euclid	42 feet
Maritime	Hooker's Point	22nd St.	42 feet
McKinley	Busch	Fowler	46 feet
Nebraska	Kennedy	Floribraska	54 feet
Orient	Adamo	North City Limits	42 feet
Plant	Bayshore Blvd.	Kennedy	28 feet
Platt	Armenia	Plant	28 feet
	Bayshore	Brorein	28 feet
	Brorein	Beatrice	42 feet
Sligh	West City Limits	Nebraska	46 feet
Swann	Dale Mabry	South Blvd.	46 feet
Tampa Bay Blvd.	Lois	Dale Mabry	46 feet
	Dale Mabry	Himes	34 feet
Twiggs	Ashley	Pierce	34 feet
	Pierce	13th St.	42 feet
Tyler	Jefferson	Cass	28 feet
Violet	Highland	Florida	28 feet
Waters	West City Limits	Nebraska	42 feet
	Nebraska	22nd St.	30 feet
Westshore	Interbay	Kennedy	34 feet
Willow	Platt	Main	30 feet
Wishart	Armenia	Hillsborough	42 feet
Yukon	Florida	Nebraska	30 feet
4th Ave.	13th St.	34th St.	34 feet
13th St.	Beatrice	Kennedy	42 feet
	Kennedy	Adamo	54 feet
	4th Ave.	7th Ave.	34 feet

<u>STREET</u>	<u>FROM</u>	<u>TO</u>	<u>SETBACK FROM CENTERLINE</u>
15th St.	4th Ave. Nuccio Lake	Nuccio Lake Osborne	42 feet 28 feet 42 feet
17th, 18th, 19th Ave.'s	A.R.D.C.	15th St.	28 feet
19th, 20th St.'s	Maritime	Adamo	34 feet
19th Street	8th Ave.	12th Avenue	30 feet
21st St.	800 feet So. of Adamo I-4	I-4 22nd Avenue	28 feet 54 feet
22nd St./Cause- way Blvd.	East City Limits Maritime 22nd Ave. Waters	Maritime Adamo Sligh Busch	42 feet 46 feet 46 feet 42 feet
30th St.	Yukon Fowler	Fowler North City Limits	46 feet 54 feet
34th St.	21st Ave.	Lake	34 feet
40th St.	Hillsborough	Busch	54 feet
50th St.	South City Limits Columbus	Crosstown Exp. Buffalo	54 feet 54 feet

Section 43A-47. Lots, Yards and Measurements.

(a) Measurements of Lot Width and Yards.

The width of a lot shall be measured at the rear of the required front yard. However, if the lot is a lot of record as of the adoption of this ordinance, the width of the lot may be measured at the base building line. For curvilinear lots, all yards shall be measured from the midpoint of the lot line and at the required depth perpendicular to that lot line. (See Diagram 5-2)

(b) Measurement of Yards on Waterfront Property.

For lots with seawalls, the depth of a waterfront yard shall be measured perpendicular to the centerline of the seawall. For lots without seawalls, the waterfront yard shall be measured

perpendicular to the waterside lot line or perpendicular to the mean high water line, whichever is nearer to the principal structure on the same lot. The depth of a waterfront yard shall be determined by its location as a front, side or rear yard.

(c) Lot Area.

Lot area shall include all land within the legally described property boundaries. Lot area shall not include private or public streets or access easements; lot area may include any other utility easement, as determined by the Zoning Administrator.

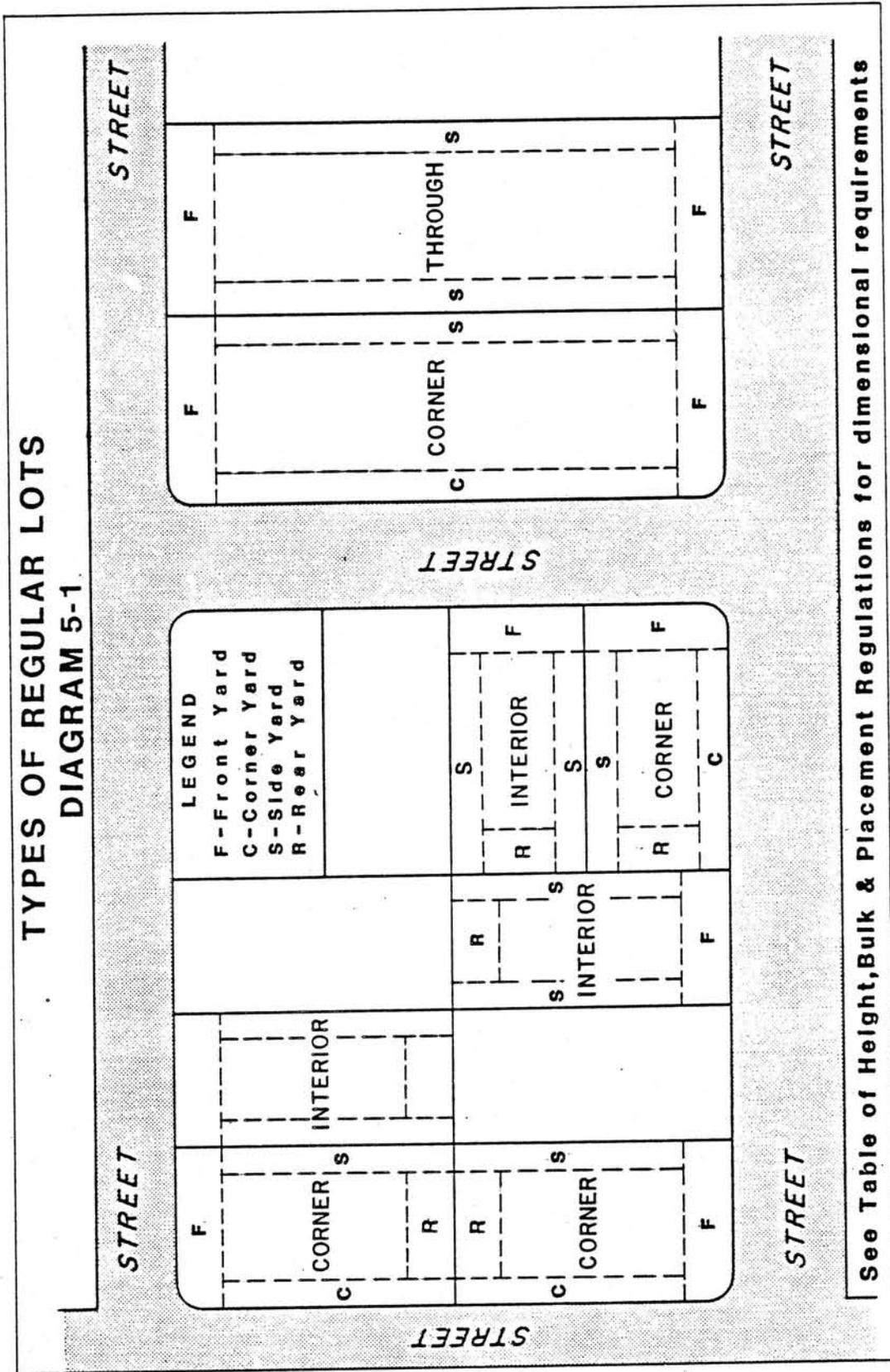
(d) Types of Lots.

- (1) Corner lot is a lot located at the intersection of two or more streets. (See Diagram 5-1)
- (2) Interior lot is a lot abutting only one street. (See Diagram 5-1)
- (3) Through lot is a lot other than a corner lot, with two street frontages, where the streets are generally parallel to each other. (See Diagram 5-1.)

(e) Determination of Yards.

- (1) On corner lots with two street frontages, the front yard shall be the shortest boundary adjacent to a street. The second lot line adjacent to a street shall be considered a corner yard as determined by the Schedule of Area, Height, Bulk and Placement Regulations.
- (2) On corner lots with three or more street frontages, there shall be two front yards which are the two shortest boundaries adjacent to the street and most nearly parallel to each other. The third and other street frontages shall be considered corner yards as determined by the Schedule of Area, Height, Bulk and Placement Regulations.
- (3) Through lots shall be considered to have two front yards adjacent to the street and side yards perpendicular to the front yards. No rear yard shall be required for through lots.
- (4) The address of a house or direction which the house faces shall have no effect on the yard regulations outlined above.

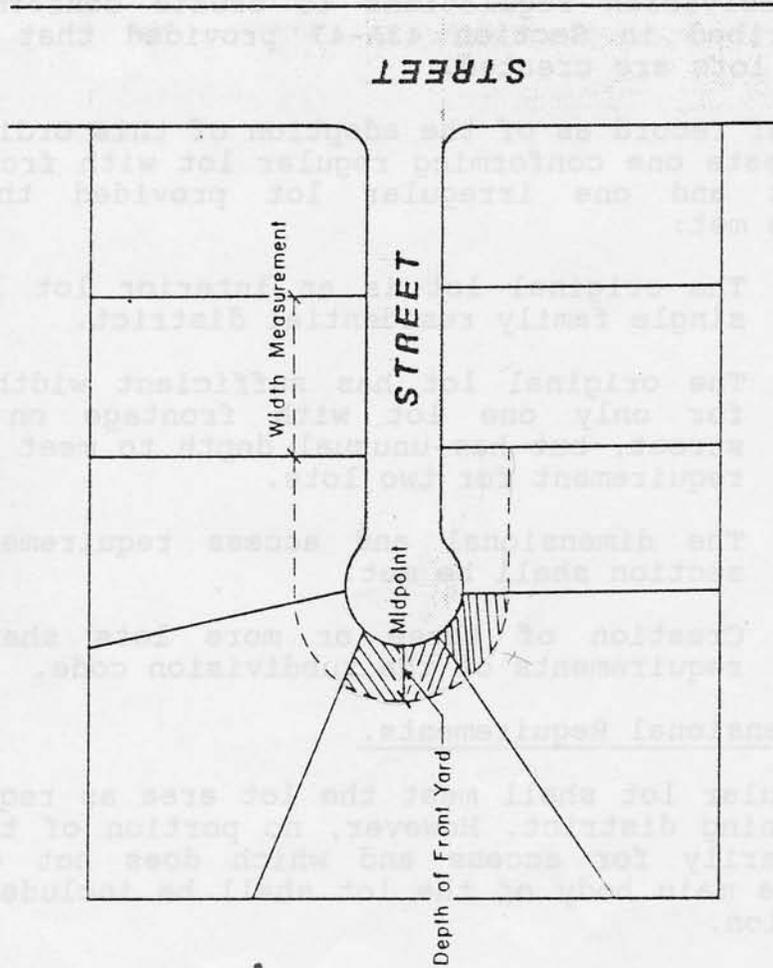
**TYPES OF REGULAR LOTS
DIAGRAM 5-1**



See Table of Height, Bulk & Placement Regulations for dimensional requirements

7/7/89

MEASUREMENT OF LOT WIDTHS & YARDS
DIAGRAM 5-2



Section 43A-48. Irregular Lots.

(a) Definition.

An irregular lot is a lot which does not meet the minimum lot width as required in the applicable zoning district and measured as described in Section 43A-47.

(b) Existing Irregular Lots.

An irregular lot which is a lot of record as of the adoption of this ordinance may be developed, provided it meets the dimensional and access requirements as outlined in this section.

(c) Creation of Irregular Lots.

Any irregular lot may be subdivided, in compliance with applicable subdivision regulations to create conforming regular lots as described in Section 43A-47 provided that no residual nonconforming lots are created.

Any lot of record as of the adoption of this ordinance may be divided to create one conforming regular lot with frontage on the public street and one irregular lot provided the following conditions are met:

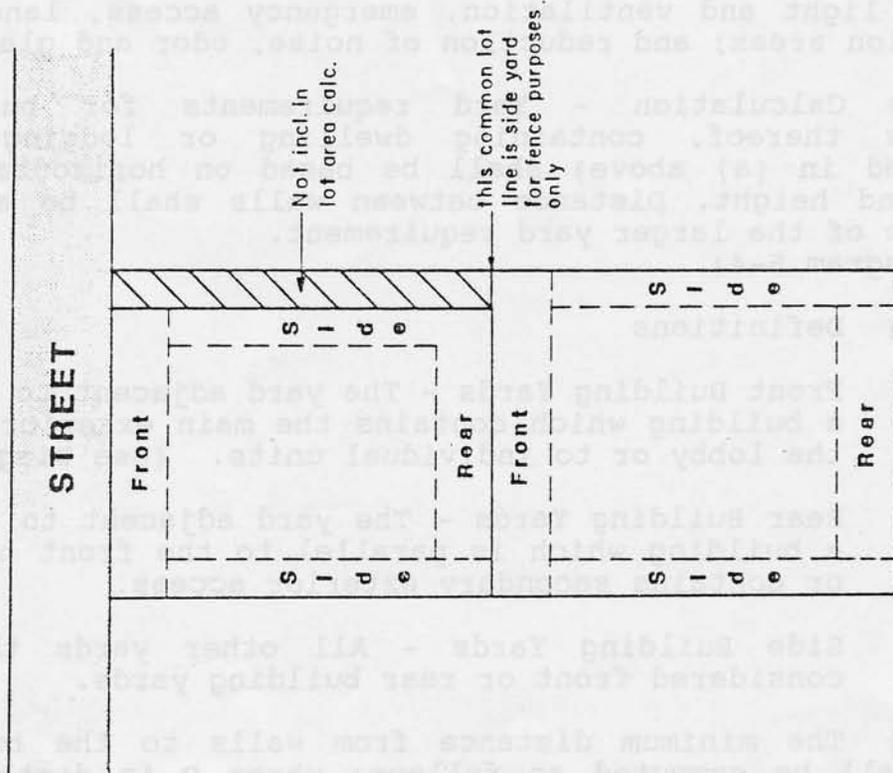
- (1) The original lot is an interior lot located in a single family residential district.
- (2) The original lot has sufficient width to provide for only one lot with frontage on the public street, but has unusual depth to meet the lot area requirement for two lots.
- (3) The dimensional and access requirements of this section shall be met.
- (4) Creation of three or more lots shall meet all requirements of the subdivision code.

(d) Dimensional Requirements.

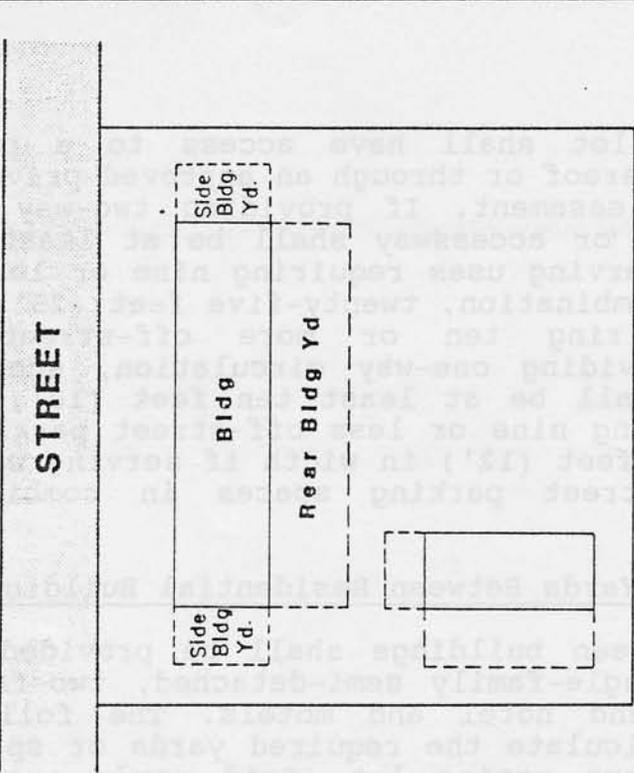
An irregular lot shall meet the lot area as required in the applicable zoning district. However, no portion of the lot which is used primarily for access and which does not constitute a portion of the main body of the lot shall be included in the lot area computation.

The required setbacks of the applicable zoning district shall be met as shown in the figure below. For fence purposes only, the common lot line shall be considered a side yard.

**PERMISSIBLE IRREGULAR LOT
DIAGRAM 5-3**



**YARDS BETWEEN RESIDENTIAL
BUILDINGS
DIAGRAM 5-4**



(e) Access.

The irregular lot shall have access to a public street through a portion thereof or through an approved private street or an approved access easement. If providing two-way circulation, such portion of lot or accessway shall be at least twenty feet (20') in width if serving uses requiring nine or less off-street parking spaces in combination, twenty-five feet (25') in width if serving uses requiring ten or more off-street spaces in combination. If providing one-way circulation, such portion of lot or accessway shall be at least ten feet (10') in width if serving uses requiring nine or less off-street parking spaces in combination, twelve feet (12') in width if serving uses requiring ten or more off-street parking spaces in combination. (See Diagram 5-3)

Section 43A-49. Yards Between Residential Buildings.

(a) Yards between buildings shall be provided for single-family attached, single-family semi-detached, two-family, multi-family buildings, and hotel and motels. The following method shall be used to calculate the required yards or spacing between buildings on the same zoning lot. Said yards are intended to achieve the following objectives: adequate privacy, views, natural light and ventilation, emergency access, landscaping and recreation areas; and reduction of noise, odor and glare.

(b) Calculation - Yard requirements for buildings, or portions thereof, containing dwelling or lodging units (as described in (a) above) shall be based on horizontal length of walls and height. Distance between walls shall be at least the distance of the larger yard requirement.
(See Diagram 5-4)

(c) Definitions

Front Building Yards - The yard adjacent to that wall of a building which contains the main exterior entrance to the lobby or to individual units. (See Diagram 5-4)

Rear Building Yards - The yard adjacent to that wall of a building which is parallel to the front building wall or contains secondary exterior access.

Side Building Yards - All other yards that are not considered front or rear building yards.

(d) The minimum distance from walls to the building yard line shall be computed as follows; where D is depth of yard in feet, L is wall length in feet, and H is height in feet.

Front and Rear Building Yards: $D = 6 + 2(H/11) + L/10$
Side Building Yards: $D = 2 + H/11 + L/10$

(e) Length of Walls - Shall be measured as the horizontal distance from corner to corner of the building. Where walls of contiguous frontage are offset by angles or setbacks of 6 feet or more, the length of each segment shall be measured separately. Where walls are of varying heights of one story or more, each segment of varying height shall be measured separately. Length of walls of circular buildings shall be construed as the diameter of the building.

(f) Where buildings vary in height, the building yards shall be calculated based upon the portion of the building with the greatest height. Lower portions of buildings may extend into the yard required for upper portions.

Section 43A-50. Emergency Access to Courtyards.

(a) Inner courts formed on four sides by building walls shall have a minimum dimension equal to the sum of required yards; but in no case shall they be less than 150 square feet.

(b) An unobstructed passageway not less than four feet wide by seven feet high shall be provided at the lowest level of each inner court. Such passageways shall be located and designed to facilitate non-vehicular emergency access and equipment, including ladders.

Section 43A-51. Setback Requirements for Construction within Floodprone Areas.

No building or structure may be set, constructed, moved to or within the floodplain and drainage retention area (approximately sixty (60) acres located generally within the elevation 28.0 contour) as designated for the Curiosity Creek Drainage System and more specifically described as follows:

- (1) The east one-half of Block 4 of the North Tampa Acreage in Section 13, Township 28 South, Range 18 East, of record in Plat Book 11, page 84, Public Records of Hillsborough County, Florida; containing approximately 199,850 square feet.
- (2) The east one-half of Block 3 of North Tampa Acreage in Section 13, Township 28 South, Range 18 East, of record in Plat Book 11, page 84, Public Records of Hillsborough County, Florida; containing approximately 200,195 square feet.
- (3) All of Lots 7 and the east one-half of Lots 3, 4, 5, and 6, all in Block 4 of W. E. Hamner's Forest Acres in Section 13, Township 28 South, Range 18 East, a subdivision of record in Plat Book 61, Page 44, Public Records of Hillsborough County, Florida; containing approximately 290,555 square feet.

- (4) The west one-half of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, LESS AND EXCEPT Larue Grande Subdivision, of record in Plat Book 41, Page 66, Public Records of Hillsborough County, Florida, AND the following described parcel of land:

Begin at the northwest corner of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, run easterly 520 feet, more or less, along the northerly boundary of the west one-half of the northeast quarter of the northwest quarter of said Section 13; thence southerly 340 feet, more or less; thence westerly 520 feet to the westerly boundary of said west one-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 one-half of the northeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, Hillsborough County, Florida; run thence North 89 degrees 36 minutes, 00 seconds east along the southerly boundary of said west one-half of the northeast quarter of the northwest quarter of said section a distance of 26.0 feet; thence north 00 degrees 00 minutes 00 seconds east (assumed bearing) 30.0 feet to the Point of Beginning; continue thence north 00 degrees 00 minutes 00 seconds east 175.00 feet to the southwest corner of Larue Grande Subdivision Unit 1, as recorded in Plat Book 41, Page 66 of the Public Records of Hillsborough County, Florida; thence north 89 degrees 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 one-half of the West one-half of the Northeast quarter of the Northwest quarter of Section 13, Township 28 South, Range 18 East, Hillsborough County, Florida, 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 one-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 one-half of the southeast quarter of the northwest quarter of said Section 13 run northerly along the westerly boundary of the east one-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 one-half of the southeast quarter of northwest quarter of Section 13, Township 28 South, Range 18 East, described as follows:

From the northwest corner of the east one-half of the southeast quarter of the northwest quarter of Section 13, Township 28 South, Range 18 East, run southerly along the westerly boundary of the east one-half of the southeast quarter of the northwest quarter of 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 one-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.

Section 43A-52 through Section 43A-63. RESERVED.

ARTICLE VI

SUPPLEMENTAL REGULATIONS

The following regulations shall apply generally or in groups of districts as indicated, unless district regulations or regulations for particular uses specifically provide to the contrary, and qualify or supplement other regulations appearing in this Chapter.

Section 43A-64 through Section 43A-66. RESERVED.

Section 43A-67. Access.

In addition to minimum yard and building spacing requirements specified in this Chapter, all buildings and other structures, land preparation, and landscaping shall be so located and arranged on lots as to provide safe and convenient access for emergency purposes, fire protection, servicing, and off-street parking and loading located on the premises. As to access through such premises, the following limitations shall apply:

- (a) Access to Uses not Permitted in Residential Districts; Exceptions.

No private land which is residentially zoned shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in the residential district, except as provided below or otherwise authorized by this Chapter or other lawful regulations:

1. Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through privately owned residentially zoned land, access reserved for and limited to such vehicles may be authorized by the Board of Adjustment, subject to conditions and safeguards designed to protect the tranquility and character of the residential land so traversed.
2. Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the Board of Adjustment across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquility and character of the residential land so traversed.

Section 43A-68. RESERVED.

Section 43A-69. Mobile Homes and Construction Trailers.

(a) No mobile home shall be permitted within the corporate limits of the City of Tampa except in a duly licensed mobile home park or in PD Districts in which mobile homes are an approved use. No mobile home shall be parked upon any public street right-of-way.

(b) A licensed contractor engaged upon a project or construction for which a building permit has been issued by the City of Tampa may temporarily use a construction trailer for office facilities in the location where the work is being done; provided further, such construction trailer shall not be placed upon the 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.

(c) A permit may be issued by the Building Bureau of the City of Tampa for a one year period for the use of construction 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 remodeling is completed, whichever is the shorter period. The permit may not be renewed after the expiration of the one year period.

(d) 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 construction trailers, mobile homes, or modular homes for temporary conduct of business, or office or residential uses, where the former business or residential 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 property upon which the construction 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. Such permit shall be issued only for a six month period.

Section 43A-70. Vehicle Repair in Residential Districts.

The repairing of an automobile or a motor vehicle in a residential zoning district is subject to the following restrictions:

(a) Only minor repairs and maintenance may be performed which, for the purposes of this section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil; the replacement of spark plugs, ignition point; the rotation of tires

and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines.

(b) Any other repairs on the motor vehicle or automobile shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current State of Florida license plates, or motor vehicles designated by the State of Florida as qualifying for an antique, or horseless carriage designation.

(c) Said repairs shall be performed only at the address shown on the vehicle registration.

Section 43A-71. Model Dwelling Units and Preconstruction Sales Offices.

(a) In any residential district where residential dwelling units are allowed, the developers or their agents may operate one model dwelling unit as a sales office for the specific project under construction, subject to the following restrictions:

1. The model dwelling unit shall meet all district requirements for lot and yard dimensions.
2. Signs shall not be illuminated after 9:30 p.m.
3. The model dwelling unit shall not be used for any business activity later than 9:30 p.m.
4. At least five off-street parking spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project.
5. The model dwelling unit shall not be used as a means to sell similar units located elsewhere in the City.
6. The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.

Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

(b) In those zoning districts where multifamily dwelling uses are permitted, a temporary structure may be used as a preconstruction sales office for the purpose of displaying a typical dwelling unit arrangement, subject to the following restrictions:

1. The structure shall be limited to one story in height.
2. The structure shall be appropriately landscaped and shall be subject to the requirements of Section 43A-76.
3. The structure shall be subject to the same front setback requirements as the principal structure to be erected and shall otherwise be subject to all setback requirements for this district.
4. Adequate off-street parking facilities and access driveways shall be developed only within those locations approved for said facilities in conjunction with the permanent apartment structure, and no additional parking areas or access driveways shall be permitted.
5. Signs shall be permitted only in accordance with the regulations set forth for said use within the district.
6. The structure shall comply fully with all existing building codes and ordinances of the City.
7. The structure shall be completely and totally removed within six months from the date of the issuance of a building permit for same or upon the completion of the permanent residential dwelling structure whichever date is later.
8. In the event that the structure should not be removed or demolished by the owner or other parties in interest within the terms of Subsection (8) hereof, the City, acting through its Chief Building Inspector, is authorized to vacate, demolish or remove, either with City forces or by independent contractor submitting the lowest and best bid, any such building or structure. The City shall assess the entire costs of such vacation, demolition or removal against the owner or other parties in interest.

Section 43A-72. Accessory Structures.

The following requirements shall apply to all accessory structures.

(a) Accessory structures in single family residential districts.

1. All accessory structures must meet the following setbacks:

From Front Lot Line	60 feet
From Corner Lot Line	25 feet
From Side Lot Line	5 feet
From Rear Lot Line	5 feet

2. Accessory structures shall not exceed fifteen feet in height.
3. There shall be a minimum separation of 10 feet between principal and accessory structures on the same zoning lot except that when the accessory structure is air conditioning equipment, the 10' separation from the principal structure shall not be required. The separation shall be measured from the nearest edge of the eave of each building. Principal and accessory structures shall not be connected by any type of breezeway, or open or closed passageway unless the principal structure setbacks are met for both structures.

(b) Accessory Structures in Multi-Family Districts.

1. Accessory structures shall not exceed 35 feet in height.
2. Accessory structures shall comply with yard requirements for principal structures in that district.

(c) Portable Accessory Structures in all Residential Districts.

Portable accessory structures are those structures without a permanent foundation and capable of being moved intact. Portable accessory structures shall meet all of the requirements for accessory structures as outlined in Section 43A-72(a) above and shall also meet the following specific requirements.

1. Only one portable accessory structure shall be allowed per zoning lot.

2. The portable accessory structure shall be properly anchored in a method approved by the Building Department.
3. Portable accessory structures shall not be permitted within the required water yards of waterfront property.
4. No mechanical equipment shall be operated within or attached to the structure.

(d) Accessory structures in non-residential districts.

1. All structures must comply with yard requirements of the zoning district in which it is located.
2. Portable accessory structures shall be limited to one per zoning lot and shall be anchored in a method approved by the Building Department.
3. Portable accessory structures shall not be located within the required setback of water lots.
4. Trailers, mobile homes and tractor trailers shall not be used as permanent or portable accessory structures.

(e) Accessory Parking Structures.

1. Parking structures which are accessory to the principal residential use of the property may be permitted in any multi-family district or any multi-family PD project provided the structure meets the Schedule of Area Height, Bulk and Placement Regulations (Article IV) for primary structures in that district.
2. Parking structures which are accessory to a mixed non-residential uses are permitted provided they meet the Schedule of Area Height, Bulk, and Placement Regulations (Article IV) for primary structures in that district.

Section 43A-73. Enclosure of Existing Porches.

Where a lawful screened or porch structure existed on or before January 17, 1956, except those constructed as accessory structures within required rear yards, such structure may be enclosed without application to, or approval by, the Board of Adjustment for a variance to a required yard, provided no part of the structure, excluding eaves, is closer than ten feet to any street right-of-way or closer than six feet to any other property line.

Section 43A-74. Garage and Yard Sales.

A limited number of garage, yard, tag, patio and apartment sales are specifically permitted, as an accessory use in all residential districts. Such sales shall be limited to one during each six month period, for a duration not to exceed three days.

All such sales shall be conducted in compliance with Chapter 20 of the City of Tampa Code.

Section 43A-75. Vehicle Parking

(a) Recreation Vehicles and Private Pleasure Craft.

Any owner of recreation vehicles and private pleasure craft may park or store such equipment on private residential property subject to the following conditions:

1. At no time shall such vehicles be occupied or used for living, sleeping, or housekeeping purposes.
2. Parking is permitted anywhere on a lot for loading and unloading purposes for a period not exceeding twenty-four hours.
3. At no time shall the vehicles be connected to any utility service.
4. If said vehicle is parked or stored outside of an enclosed garage, it shall be parked or stored a minimum of 60 feet from all street rights-of-way, and a minimum of 5 feet from all interior lot lines.
5. Parking of the vehicles is not permitted within a waterfront yard, except for boats when provisions have been made to place the boat directly into the water from its place of parking.

(b) Commercial Equipment in Residential Districts.

The parking of commercial equipment in any residential district is prohibited. This requirement shall not be interpreted to prohibit commercial vehicles from loading and unloading in any residential district and shall not prevent temporary parking of vehicles on a lot as accessory to a lawful commercial use of the same residential lot or require such vehicles to be garaged. Parking is, however, permitted within any entirely enclosed structure which meets the regulatory requirements for the applicable zoning district.

(c) Commercial Equipment in Office and Commercial Districts.

The parking of commercial equipment in the office, CN and CG districts is limited to two vehicles per establishment. The maximum size of the vehicles shall be standard van or 1/2 ton pick-up truck.

Section 43A-76. Buffers and Screening.

In order to reduce the impacts of a use of land on adjacent uses which are of a significantly different character, buffers and screening shall be required in accord with the following provisions of this section.

(a) Buffers Required.

A buffer consists of a horizontal distance from a property line which may only be occupied by screening, drainage areas, utilities and landscaping materials. The required buffering distance between land uses on adjoining zoning lots is set forth in the Buffer Matrix below. Mechanical/air conditioning equipment, outdoor storage areas, and parking areas shall not be located within the required buffers.

Compliance with this section is required in all cases of new construction, change of use or expansion of use or structure subject to the following exceptions:

1. Addition to an existing structure or increase in the intensity of capacity of existing (or change in) use which is less than or equal to 500 square feet or 5% (whichever is less). This exemption may be exercised only once during the life of the building.
2. In cases where an addition or change in use exceeds 500 square feet or 5%, and where a 15 foot buffer would now be required, said buffer may include the loading area only when no alternative location exists. In such cases, the 6 foot high masonry wall is required.

Diagram 6-1

BUFFER MATRIX

Proposed Use \ Abutting Use	Abutting Use			Automotive repair, automotive maintenance, or automotive storage facility or any combination thereof, light manufacturing, supply yard	Any use in Group C other than the above
	Dwelling Single or Two-Family	Dwelling Multiple Family	Any Use in Use Group B		
Dwelling, single- or two-family	0	0	0	0	N/A
Dwelling, multiple family	5	0	10	15	15
Any principal use in Use Group B	10	10	0	15	10
Automotive repair, automotive maintenance, or automotive storage facility or any combination thereof, light manufacturing, open storage	15	15	15	0	0
Any principal use in Use Group C other than the above	15	15	10	0	0

NOTE: Number indicates width of buffer (in feet).

(b) Screening Required.

1. Five and ten foot buffers shall consist of (at least) the following (together with any additional specifications of City of Tampa Tree and Landscaping Ordinance):

- (A) A row of evergreen trees such as ligustrum, podocarpus, red cedar or holly which are planted 20 feet on center. Trees shall be 8-10 feet in height with 4-6 foot spread and 30 gallons at planting.
- (B) A row of evergreen shrubs between trees such as viburnum, ligustrum, holly, or juniper planted 5 feet on center. Shrubs shall be 7 gallons, 30-36 inches high and 24-36 inches spread (multi-stemmed) at planting.
- (C) Lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch covering the balance of the buffer.
- (D) Items 1-3 may be credited toward meeting the requirements of the Tree and Landscaping Code, where applicable.

2. Fifteen foot buffers shall consist of (at least) the following (together with any additional specifications of City of Tampa Tree and Landscaping Ordinance):

- (A) Lawn, low-growing evergreen shrubs, evergreen ground cover, covering the balance of the buffer; and
- (B) A finished masonry wall located within the required buffer, such wall to be a minimum height of six feet above finished grade. Said wall may be placed at the property line.

3. When an office, commercial or industrial use is separated from a residential use by an alley or street, off-street parking and loading areas must be designed to minimize the impact to the residential area. In an effort to shield head-lights, vehicular parking area must be screened by a minimum 3' high solid fence or hedge along the street and a minimum 6' high solid fence or hedge along an alley. This buffer does not apply to points of ingress and egress as allowed for drive-ways or pedestrian access-ways.

(c) Alternative Buffers and Screening.

In lieu of compliance with the above buffer and screening requirements, a developer may submit to the Zoning Administrator for his approval a detailed plan and specifications for landscaping and screening which will afford a degree of buffering and screening equivalent to or exceeding that provided by the above requirements.

(d) Existing Vegetation.

The retention of existing vegetation shall be maximized to the extent practicable wherever such vegetation contributes to required buffering and screening or to the preservation of significant trees.

(e) Maintenance of Landscaping.

All landscaping and screening providing required buffering and screening shall be maintained so as to continue their effectiveness. All required landscaping and screening shall be equipped with an irrigation system, as applicable.

Section 43A-77. Home Occupations.

The following specific standards shall apply to all Home Occupations:

(a) A home occupation shall include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, beauty and barber shops (one chair operations only), dog grooming (provided no overnight keeping of animals), repair of small household appliances, private tutoring and instruction (limited to five pupils at any one time), and professional services.

(b) No person shall be employed other than members of the immediate family residing on the premises.

(c) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to its use for residential purposes. Not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; and no outside display, storage, or use of land is permitted.

(d) There shall be no change in the outside appearance of the building or premises as a result of such occupation, with the exception of a name plate which shall be attached to the principal structure, shall not be illuminated, and whose maximum size shall not exceed two (2) inches by twelve (12) inches.

(e) No home occupation shall be conducted in any accessory building.

(f) No mechanical equipment shall be used for storage on the premises, except such that is normally used for purely domestic or household purposes, nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage.

(g) No commodity shall be sold on the premises nor displayed or warehoused on the premises for sale elsewhere.

(h) No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.

(i) A home occupation shall not be interpreted to include activities such as but not restricted to auto repair and tune-up, clinics, welding shops, animal hospital, or kennels.

(j) The use can qualify for all local, state and federal licenses, certificates and permits.

Section 43A-78. Solid Waste Storage Area.

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.

The storage facilities shall contain equipment, space and access that will be compatible with the City of Tampa's mechanical solid waste collection system.

Section 43A-79. Fence and Wall Regulations.

(a) Visibility Triangle.

All fences and walls shall conform to the requirements of Section 43A-175, Visibility at Intersections.

(b) Conflict with Buffer Requirements.

Where a fence or wall is required to comply with Section 43A-76, Buffers and Screening, and which fence may be in conflict with this section, the more restrictive regulation shall apply.

(c) Materials.

Fences and walls shall be constructed of chain link, wood, masonry, or decorative wrought iron, except as varied below.

The use of broken glass, spikes, or other similar materials is prohibited in all districts. Fences or walls charged with electricity shall only be permitted as accessory to an agricultural use. Barbed wire may be used for security purposes in any industrial district or if accessory to an agricultural use, provided that the barbed wire is limited to three strands which are located at a minimum elevation of six feet above the ground.

The Board of Adjustment may allow barbed wire for commercial and industrial uses where a security need is demonstrated by the applicant. When approved, the barbed wire shall be located at a minimum elevation of six feet above the ground.

Walls or fences of wood construction 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 one of 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; and the existing fence or hedge is of a construction and location such that it is physically impractical and infeasible to install a wood fence with the exposed framing facing the interior yard.
2. All adjacent affected property owners have declared in writing that they have no objection to the exposed framing.

(d) Method of Measurement.

Where a fence is located at the junction of properties with varying elevations, the elevation of the properties shall be averaged. The height of the fence shall also be averaged along the section of the fence on each property line.

(e) Front Yard.

Within the single family residential zoning districts, and YC-2 and YC-4 Subdistricts, fences and walls may be located within required front yards provided that the height does not exceed three feet for fences built of opaque materials, or four feet for fences built of transparent materials which do not obstruct light, air and visibility.

Alternative material PVC

(f) Maximum Height.

The maximum height for fences and walls are as follows:

	<u>Height</u>
Single and Multiple Family District	6 Feet
Ybor City 2 and 4	6 Feet
All Other Districts: Institutional, Commercial, Industrial, M-AP1-4, YC-1, YC-3 and YC-5. 40-6	8 Feet

Section 43A-80. Antennas.

(a) General Regulations.

This section shall apply to both satellite dish antenna and conventional receive-only communication antennas.

Where the term "antenna" is used, the term refers to both types of antennas. The terms "satellite dish antenna" and "conventional antenna" refer separately to the individual types of antennas.

Satellite dish antennas are defined to include all parabolic or spherical antennas whose purpose is to receive and/or transmit satellite signals of both audio and video transmission.

All antennas are considered structures and shall be installed in accordance with all applicable provisions of Chapter 45, Building Code of the City of Tampa.

No advertising or signage of any type is permitted on an antenna.

The height of a ground mounted antenna shall be the total maximum distance to which it is capable of being raised and shall be measured from the finished grade adjacent to the structure. The height of roof mounted antennas shall be the total maximum distance to which it is capable of being raised and shall be measured from the highest point of the finished grade of the portion of the roof on which it is mounted.

(b) Regulations for Single Family and the RM-12 Residential Districts.

1. General Regulations.

An antenna shall be considered an accessory use to the residence(s) and shall not constitute the principal use of the property. An antenna shall not be utilized for any commercial purpose. The satellite dish antenna shall only be utilized by the occupants of the residence for their personal enjoyment.

(c) Materials.

Alternative material PVC

Fences and walls shall be constructed of chain link, wood, masonry, or decorative wrought iron, except as varied below.

The use of broken glass, spikes, or other similar materials is prohibited in all districts. Fences or walls charged with electricity shall only be permitted as accessory to an agricultural use. Barbed wire may be used for security purposes in any industrial district or if accessory to an agricultural use, provided that the barbed wire is limited to three strands which are located at a minimum elevation of six feet above the ground.

The Board of Adjustment may allow barbed wire for commercial and industrial uses where a security need is demonstrated by the applicant. When approved, the barbed wire shall be located at a minimum elevation of six feet above the ground.

Walls or fences of wood construction 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 one of 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; and the existing fence or hedge is of a construction and location such that it is physically impractical and infeasible to install a wood fence with the exposed framing facing the interior yard.
2. All adjacent affected property owners have declared in writing that they have no objection to the exposed framing.

(d) Method of Measurement.

Where a fence is located at the junction of properties with varying elevations, the elevation of the properties shall be averaged. The height of the fence shall also be averaged along the section of the fence on each property line.

(e) Front Yard.

Within the single family residential zoning districts, and YC-2 and YC-4 Subdistricts, fences and walls may be located within required front yards provided that the height does not exceed three feet for fences built of opaque materials, or four feet for fences built of transparent materials which do not obstruct light, air and visibility.

(f) Maximum Height.

The maximum height for fences and walls are as follows:

	<u>Height</u>
Single and Multiple Family District	6 Feet
Ybor City 2 and 4	6 Feet
All Other Districts: Institutional, Commercial, Industrial, M-AP1-4, YC-1, YC-3 and YC-5. 4C-6	8 Feet

Section 43A-80. Antennas.

(a) General Regulations.

This section shall apply to both satellite dish antenna and conventional receive-only communication antennas.

Where the term "antenna" is used, the term refers to both types of antennas. The terms "satellite dish antenna" and "conventional antenna" refer separately to the individual types of antennas.

Satellite dish antennas are defined to include all parabolic or spherical antennas whose purpose is to receive and/or transmit satellite signals of both audio and video transmission.

All antennas are considered structures and shall be installed in accordance with all applicable provisions of Chapter 45, Building Code of the City of Tampa.

No advertising or signage of any type is permitted on an antenna.

The height of a ground mounted antenna shall be the total maximum distance to which it is capable of being raised and shall be measured from the finished grade adjacent to the structure. The height of roof mounted antennas shall be the total maximum distance to which it is capable of being raised and shall be measured from the highest point of the finished grade of the portion of the roof on which it is mounted.

(b) Regulations for Single Family and the RM-12 Residential Districts.

1. General Regulations.

An antenna shall be considered an accessory use to the residence(s) and shall not constitute the principal use of the property. An antenna shall not be utilized for any commercial purpose. The satellite dish antenna shall only be utilized by the occupants of the residence for their personal enjoyment.

2. Dimensional Regulations.

- (A) The placement of antennas shall be limited to one antenna per zoning lot upon which the primary use is located.
- (B) The maximum size of a satellite dish antenna shall be limited to twelve feet in diameter. The maximum height of a conventional antenna shall not exceed 12 feet in height.
- (C) The antenna shall only be located in the rear or side yards provided that the location is between the rear main building wall of the principal structure and the rear lot line. The antenna shall not be located in a front or corner yard.
- (D) The satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its diameter. The conventional antenna shall maintain rear and side yards of a depth equal to or greater than its height.
- (E) The overall height of the antenna shall not exceed the maximum height restriction of the applicable zoning district. The height measurement shall include both the antenna and any base or fixture upon which the it is constructed.

If a satellite dish antenna is ground mounted upon a base or fixture, the bottom of the antenna shall not be located more than 18 inches above the eaves of the roof of the principal structure.

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.

(c) Regulations for Multiple Family Residential (Except RM-12), Institutional, and CN and CG Districts.

1. General Regulations.

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

2. Dimensional Regulations.

(A) The placement of antennas shall be limited to two antennas per zoning lot.

(B) Location, yard, and height regulations. The antenna may either be located on the ground or may be located on the roof of the principal structure as prescribed below.

1. If the antenna is to be ground-mounted, it shall not be located in a required front or corner yard.

The ground-mounted satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its diameter. The conventional antenna shall maintain rear and side yards of a depth equal to or greater than its height.

The satellite dish antenna shall be fully screened from view of adjacent street rights-of-way by intervening building and/or trees and vegetation. The applicant shall provide documentation to the Zoning Administrator that the proposed location meets the screening requirements.

2. Antennas may be roof-mounted only on principal structures in excess of 30 feet in height. The roof-mounted antenna shall not be more than 22 feet in height, including the base and any fixture upon which the antenna is constructed.
3. The overall height of the satellite dish antenna shall not exceed 22 feet. The height measurement shall include both the satellite dish antenna and any base or fixture upon which the antenna is constructed.
4. The total combined height of the building and antenna shall not in any case exceed the maximum height restriction of the applicable zoning district.

(d) Regulations for CI, Industrial, and M-AP Districts.

1. General Regulations.

The antenna shall be considered an accessory use unless the transmission and/or reception of satellite signals is intrinsic to the principal use of the property. When considered an accessory use, the antenna shall not be constructed prior to the construction of the principal use of the property.

2. Dimensional Regulations.

(A) Antennas As Accessory Uses.

1. The placement of satellite dish antennas shall be limited to two antennas per zoning lot.
2. If ground-mounted, the satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its diameter. The conventional antenna shall maintain rear and side yards of a depth equal to or greater than its height. The overall height of the antenna shall not exceed 22 feet. The height measurements shall include both the antenna and any base or fixture upon which it is constructed.
3. If roof-mounted, the antenna shall not be more than 20 feet in overall height. The height measurement shall include both the antenna and any base or fixture upon which it is constructed.
4. The total combined height of the building and antenna shall not in any case exceed the maximum height restriction of the applicable zoning district.

(B) Antennas when the transmission and/or reception of satellite signals is intrinsic to principal use of the property.

Satellite dish antenna may be roof or ground mounted. If ground-mounted, the satellite dish antenna shall maintain rear and side yards of a depth equal to or greater than its diameter. The total combined height of the building and satellite dish antenna shall not in any case exceed the maximum height restriction of the applicable zoning district.

(e) Regulations for Antennas located at Radio and Television Studios and Colleges.

The utilization of antennas at radio and television stations and colleges is intrinsic to the operation of the station or college; therefore, the number of antennas is not limited, provided the following location, yard and height regulations are met.

Antennas may be roof or ground mounted. If ground mounted, the antenna shall maintain required yards of a depth equal to or greater than its diameter. The total combined height of the building and antenna shall not in any case exceed the maximum height restriction of the applicable zoning district.

(f) Regulations for the Ybor City Historic District.

Antennas are not permitted within the Ybor City Historic District except for locations at a college or office in the YC-3 subdistrict where the utilization of antennas is intrinsic to the operation of the college or office and subject to the following requirements:

1. Antennas shall be roof or ground mounted.
2. Ground mounted antennas shall maintain any required yards as set forth in Table VIII-2, subject to minimum required yards of a depth equal to or greater than its diameter.
3. The total combined height of the building and antenna shall not in any case exceed the maximum height restrictions of the applicable zoning district as set forth in Table VIII-2.

(g) 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: Single Family, Multiple Family, Office, CN and CG districts, the Board shall not be authorized to grant variance requests which would allow the installation of an antenna in the required front or corner yard. In addition, to the provisions of Section 43A-259, the applicant must clearly demonstrate that the requirements of this section mandate a location of the antenna such that reception is severely restricted or impaired.

*in 1977 Commercial Districts
10000
10000*

Dishes installed prior to 1985, with or without a permit, are per members from Capital Authority.

Section 43A-81. Swimming Pools.

Swimming pools, both above ground and below ground, are permitted as accessory structures to residential or non-residential structures provided that the following requirements are met. Similar structures such as spas shall also meet these requirements.

(a) Location.

Swimming pools may be located within side or rear yards but shall not be allowed in front or corner yards. Swimming pools shall be located a minimum of five feet from any side or rear lot line and a minimum of 15 feet from a corner lot line as measured from the water's edge.

(b) Enclosure.

All swimming pools shall be enclosed, (with a fence or wall with a minimum height of six (6) feet) except along that side of the pool which abuts the waterfront. The fence or wall shall be equipped with self-latching gate and shall be impenetrable for ordinary human passage. A screened cage may be installed instead of or in addition to a fence or wall, provided the screen cage meets the protection requirements described above. In addition, all screened cages shall be located a minimum of five feet from any side or rear lot line and a minimum of fifteen from any corner lot line.

Section 43A-82. Performance Standards for Industrial Manufacturing and Processing Operations.

Industrial, manufacturing and processing operations shall observe the following performance standards:

- (a) Direct illumination resulting from the operation shall not fall upon any land not covered by the application for a Zoning Compliance Permit for the Operation.
- (b) Equivalent sound levels shall not exceed the following standards:

If the receiving use is residential:

Between 7:00 A.M. and 10:00 P.M. - 60 dBA
Between 10:00 P.M. and 7:00 A.M. - 55 dBA

If the receiving use is commercial:

Between 7:00 A.M. and 10:00 P.M. - 65 dBA
Between 10:00 P.M. and 7:00 A.M. - 60 dBA

If the receiving use is industrial:

Anytime - 75 dBA

- (c) Vibration levels shall not exceed the following standards:

Maximum Peak Particle Velocity

Steady state	0.02 inches/second
Impact	0.04 inches/second

Note: The maximum particle velocity shall be the maximum displacement vector sums of three mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second. For purposes of this ordinance, steady-state vibrations are vibrations which are continuous, or vibrating in discrete impulses more frequent than sixty per minute. Discrete impulses which do not exceed sixty per minute, shall be considered impact vibrations.

- (d) If the use is within 200' of any jurisdictional wetland area, as defined in Chapter 47, the following restrictions apply.

1. No storage of underground fuel tanks is permitted.
2. No open storage of raw materials or chemicals shall be permitted within Flood Zone A, as established by the Federal Emergency Management Agency, unless the open storage area complies with building elevations set forth in Chapter 25-221, Code of Tampa.

In the case of uses in the CI and IG districts, measurements to determine compliance with (b) and (c) above shall be made at the boundaries of the zoning lot containing the use.

In the case of uses in the IH district, measurements to determine compliance with (b) and (c) above shall be made at the nearest boundary of the IH district to the use being evaluated.

Section 43A-83. Infill Development

(a) Purpose

While infill development is encouraged, to make optimal use of the public facilities, the design of the development shall be consistent with the general site planning of the surrounding neighborhood.

(b) Applicability

The provisions of this section apply to all proposed development of single family semi-detached dwellings when single family detached dwellings exist in both of the following locations:

1. At least one of the two immediately adjacent properties with the same street frontage as the infill lot; and
2. At least two of the three properties most directly opposite and on the same street as the infill lot.

(c) Design Requirements

The ground floor entrances to the dwelling units shall face the principal street, rather than the side or corner lot lines.

A minimum of one parking space shall be provided in a garage or a carport, either of which must be structurally integrated within the principal dwelling unit.

(d) Enforcement

At the time of building permit application, the applicant shall demonstrate, in a form acceptable to the Zoning Administrator, whether or not this section is applicable to the proposed development. Further, the applicant shall demonstrate on a site plan submitted with the building permit that the design requirements have been met.

Section 43A-84. Single-Family Attached Design Standards

(a) Purpose

The multifamily residential and planned development zoning districts allow for the development of single-family attached dwellings. These unit types are often constructed in areas which have developed with predominantly single-family and two-family structures. The design standards for single-family attached dwellings are intended to insure compatible development to surrounding residential neighborhoods.

(b) Development Alternatives

Single family attached dwellings may develop as:

1. Town House - Developments in which each individual townhouse unit is located on an individual deeded lot having frontage on a public or private street with all parking spaces and all green space (per the City of Tampa Landscaping, Tree Removal, and Site Clearing Ordinance) provided on the lot. Where 3 or more units/lots are proposed subdivision regulations must be met.

2. Condominium or Rental Developments - Single family attached developments may be developed as condominium or rental projects. Such developments may design units to front either public or private streets. Required parking spaces may be provided in common parking bays. Some or most of the required green space (per City of Tampa Landscaping, Tree Removal, and Site Clearing Ordinance) may be provided in areas designated as common space. Condominium developments of any size shall file a declaration of condominium with the clerk of circuit court as required by law.

(c) Development Requirements

1. Single family attached dwelling unit developments shall be designed and situated so that the primary front wall and entrance to each unit is facing dedicated public or private right-of-way. Rear walls of units shall not face street right-of-way, except when one group of attached units is on a "through lot" as defined in Section 43A-47(d).
2. When auto storage is provided in the front or corner yards, the two (2) required spaces shall be enclosed. When auto storage is provided in the rear yard, the two (2) required spaces may be open or enclosed. Refer to Section 43A-181(h) for regulations governing parking layout.
3. No fewer than three (3) dwelling units and no more than eight (8) dwelling units shall be constructed in a continuous configuration. No continuous group of dwellings shall exceed two hundred (200) feet in frontage width.

Section 43A-85. Noise Attenuation Requirements

Within the Accident Potential Zone I (APZ), as identified in the Future Land Use Map of the Tampa Comprehensive Plan, all developments of single family, multifamily and congregate residential uses, schools, and hospitals shall be designed and constructed to reduce noise levels by 25 decibels. Noise level reduction is the difference in decibels, between the noise level outside a building and the noise level inside a designated room in the building that was caused by the exterior noise. Refer to the City of Tampa Building and Construction Regulations for construction standards to achieve noise level reduction of 25 db.

Section 43A-86. Screening of Open Storage Yards.

Screening of accessory open storage yards shall meet the following standards:

(a) Outdoor storage areas shall be screened from view of any arterial or collector street as shown on the Major Street Map as follows: when an outdoor storage area abuts a collector or arterial street, the method of shielding shall consist of solid walls or solid fences at least 6 feet in height, with access from said streets only through solid gates, which shall be closed when not in use. Shielding shall run at least 100 feet back from the street property line, unless an existing permanent structure shields the storage area.

(b) When an outdoor storage area abuts a residentially zoned district, the method of shielding shall consist of wood or concrete fences at least six feet in height along the boundary of the storage areas and the entire residential district.

(c) When an outdoor storage area does not abut, but is within 200 feet of a residential district, the method of shielding shall consist of solid walls or fences at least six feet in height, so that the storage area is not visible from the residential district; with access only through solid gates, which shall be closed except when in use.

Section 43A-87. Screening of Open Display Areas.

(a) Open display areas shall be designed and developed in a manner which does not interfere with proper traffic circulation.

(b) Open display areas shall be maintained in a neat and orderly fashion and shall not take on the characteristics of a junk yard.

(c) On any interior lot line which is adjacent to a residential district, the open display area shall be buffered by a solid wall or fence at least six feet in height.

(d) In the CN and CG zoning districts, open display shall only be allowed during the establishment's hours of operation.

Section 43A-88. Off-Site Signs.

(a) General Regulations.

Unless otherwise specified, the following standards shall apply to all off-site signs:

1. Off-site signs shall be limited to two (2) signs per sign structure provided that the signs are mounted back-to-back or in a V-shaped design only.
2. Off-site signs shall have a display area of not more than four hundred (400) square feet per sign face, inclusive of all embellishments.

3. Off-site signs shall be permitted only in the following zoning districts: CG, CI, IG, IH, M-AP 1 through M-AP 4.
4. Off-site signs shall not be established at any location having principal frontage on any street within seventy-five (75) feet of any church, school, cemetery, public park, public playground, state forest, national forest, or reservation.
5. All off-site signs, except wall-mounted signs, shall have a minimum clearance of eight (8) feet between the grade at the base of the sign and the bottom of the sign face.
6. Illuminated signs, including neon signs, shall not produce more than one (1) footcandle of illumination four (4) feet from the sign, when measured from the base of such sign.
7. No off-site sign, regardless of the size of such sign, shall be located closer than one hundred fifty (150) feet from another off-site sign. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from sign structure to sign structure along the same side of the street.
8. All signs shall also meet the applicable requirements of Chapters 25 and 48, City of Tampa Code. All terms as set forth in Sections 43A-88 and 43A-89 shall be defined as stated in Chapter 25.
9. When a property for which a sign is requested is located within a Chapter 43 zoning district, the property shall be governed by the regulations for the most similar Chapter 43A zoning district, as determined by the City of Tampa.

(b) Standards for Large Off-Site Signs.

Signs which measure more than seventy-five square feet in display area but not more than four hundred (400) square feet in display area shall meet the following standards:

1. The sign shall be limited to properly zoned locations which have frontage on a principal arterial highway, federally aided primary highways, and minor arterials as defined by the City of Tampa Transportation Division.

2. The sign shall not be erected closer than one hundred (100) feet from any residential zoning district. For the purposes of determining the spacing requirement found in this subsection, distances shall be measured from the sign structure to the property line of the nearest residentially zoned property.
3. The sign shall not be erected closer than one thousand five hundred (1,500) feet from another off-site sign which is more than seventy-five (75) square feet but not more than four hundred (400) square feet in display area. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from sign structure to sign structure along the same side of the street.
4. The sign shall not exceed thirty-five (35) feet in height.
5. The sign shall be set back a minimum of fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of rights-of-way.

(c) Standards for Small Off-Site Signs.

Signs which measure no more than seventy-five (75) square feet shall meet the following standards:

1. The sign shall be limited to properly zoned locations which have frontage on principal arterials, federally aided primary highways, minor arterials or collectors as defined by the City of Tampa Transportation Division.
2. The sign shall not be erected closer than seventy-five (75) feet from a residential zoning district. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from the sign structure to the property line of the nearest residentially zoned property.
3. The sign shall not be located closer than three hundred (300) feet from another off-site sign which is not more than seventy-five (75) square feet in display area. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from sign structure to sign structure along the same side of the street.

4. The sign shall not exceed thirty-five (35) feet in height if such sign is located on a principal arterial highway, a federally aided primary highway or minor arterial highway. If the sign is located on a collector road, such sign shall not exceed eighteen (18) feet in height. If the base of a sign is located within a designated railroad right-of-way, then the sign height shall not exceed twenty-one (21) feet, regardless of whether such sign is located on a collector road.
5. The sign shall be set back a minimum of five (5) feet from the nearest right-of-way line and fifteen (15) feet from the intersection of the rights-of-way.

Section 43A-89. On-Site Signs.

(a) General Regulations.

1. On-site signs on properties in office, commercial or industrial districts which abut a residential district shall not be erected closer than ten (10) feet from any residential zoning district. For the purpose of determining the spacing requirement found in this subsection, distances shall be measured from the sign structure to the property line of the nearest residentially zoned property.
2. Illuminated signs, including neon signs, shall not produce more than one (1) foot candle of illumination four (4) feet from the sign, when measured from the base of such sign.
3. All signs shall also meet the applicable requirements of Chapters 25 and 48, City of Tampa Code. All terms as set forth in Sections 43A-88 and 43A-89 shall be defined as stated in Chapter 25.
4. When a property for which a sign is requested is located within a Chapter 43 zoning district, the property shall be governed by the regulations for the most similar Chapter 43A zoning district, as determined by the City of Tampa.

(b) Standards for On-Site Signs in Residential Districts

The following signs may be erected in residential zoning districts.

1. One (1) permanent subdivision sign may be located at each entrance to a platted subdivision provided that all of the following requirements are met:

- (A) The sign shall not create a physical or visual hazard for pedestrians or motorists entering or leaving the subdivision and shall be set back a minimum of fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way.
 - (B) An individual, firm, partnership, association, corporation or other legal entity shall be designated as the person responsible for the perpetual maintenance for the subdivision sign.
 - (C) The sign shall not exceed ten (10) feet in height.
 - (D) The sign shall not exceed forty (40) square feet in display area.
2. One (1) wall, pylon or ground sign may be located at each entrance to a multiple-family residential development or mobile home park, provided that all of the following requirements are met:
- (A) Such signs shall not exceed two (2) square feet in display area for each dwelling unit up to and including sixteen (16) units. In no event shall the sign exceed thirty-two (32) square feet of display area.
 - (B) Such signs shall not exceed ten (10) feet in height.
 - (C) Such signs shall be set back fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way.
3. Temporary on-site ground or pylon signs may be placed in residential zoning districts, provided that in no event shall the display area of such signs exceed one (1) square foot of display area for every three (3) lineal feet of frontage along the street the sign faces. Temporary on-site ground or pylon signs placed in residential zoning districts may be located five (5) feet from the right-of-way lines and fifteen (15) feet from the intersection of the rights-of-way.
4. Signs, other than temporary on-site ground or pylon signs as defined in this Chapter, are specifically prohibited in residential zoning districts.
5. Temporary signs in residential zoning districts shall not exceed fifteen (15) feet in height.

(c) Standards for On-Site Signs in Office, Commercial and Industrial Districts.

1. Regulations for Pylon, Ground and Revolving Signs

Pylon, ground and revolving signs shall be allowed in office, commercial and industrial districts provided the following specific regulations are met, in addition to the general regulations stated above.

- (A) One (1) ground or pylon sign is permitted for each single-occupancy parcel having frontage on a public street. If a single-occupancy parcel has public street frontage in excess of three hundred (300) feet, one (1) additional ground, pylon or portable sign shall be permitted for each additional three hundred (300) feet or major portion thereof, of public street frontage.
- (B) One (1) ground or pylon sign is permitted for each multiple-occupancy parcel having frontage on a public street of three hundred (300) feet or less. If a multiple-occupancy parcel has public street frontage in excess of three hundred (300) feet, one (1) additional ground, pylon or portable sign shall be permitted for each additional three hundred (300) feet, or major portion thereof, of public street frontage.
- (C) Where a parcel fronts on more than one public street, the distance requirements found in sub-section 1(B) of this section shall apply to each frontage.
- (D) The maximum allowable sign area for each ground or pylon sign shall not exceed one (1) square foot of display area for each lineal foot of frontage along the street the sign faces or three hundred (300) square feet, whichever is less. If a multiple occupancy parcel is entitled to more than one ground sign under sub-section 1(B) of this section, then all allowable ground or pylon signs may be combined into a single ground or pylon sign not to exceed four hundred fifty (450) square feet in display area.
- (E) Ground, revolving, and pylon signs shall be placed no closer than one hundred fifty (150) feet apart on the same parcel.

- (F) A revolving sign may be used only when the revolving sign replaces two (2) or more ground or pylon signs which would otherwise be permitted on the parcel. Revolving signs shall have a display area not to exceed four hundred fifty (450) square feet.
- (G) Ground and revolving signs shall maintain a minimum ground clearance of eight (8) feet measured from the grade at the base of the sign to the bottom of the sign face.
- (H) No ground, revolving, or pylon sign shall exceed thirty-five (35) feet in height if such sign is located on a principal arterial highway, federally aided primary highway or minor arterial highway; nor shall the sign exceed eighteen (18) feet in height if such sign is located on a collector street.
- (I) All ground signs shall be set back a minimum of five (5) feet from the nearest right-of-way line and fifteen (15) feet from the intersection of right-of-way lines. Pylon signs shall be set back fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way.

2. Regulations for Wall and Mansard Signs

Wall and mansard signs shall be allowed in office, commercial and industrial districts provided the following specific regulations are met, in addition to the general regulations stated above.

- (A) One (1) wall or mansard sign shall be permitted for each single occupancy parcel having frontage on a public street. Corner parcels or double frontage parcels shall be allowed one (1) sign per street frontage.
- (B) One (1) wall or mansard sign shall be permitted for each establishment in a multiple occupancy parcel. Establishments located at a corner shall be allowed one (1) wall or mansard sign for each side of the establishment which faces a public street.
- (C) The maximum allowable display area for each wall or mansard sign shall not exceed two (2) square feet per linear foot of building frontage facing a public street.

- (D) One (1) projecting sign may be substituted for each wall or mansard sign, provided that the display area of the projecting sign shall not exceed the maximum allowable display area of the wall or mansard sign which the projecting sign replaces.
- (E) Wall or mansard signs shall not project beyond the roofline or sidewalls of the establishment to which the wall or mansard sign is attached; nor shall the wall or mansard sign project more than twelve (12) inches out from the wall to which it is attached.
- (F) No projecting, wall or mansard sign shall project more than eighteen (18) inches into the public right-of-way.

3. Regulations for Projecting Signs

Projecting signs shall be allowed in office, commercial and industrial districts provided the following specific regulations are met, in addition to the general regulations stated above.

- (A) Projecting signs may be substituted for the permitted wall or mansard sign referenced above, provided that the display area square footage of the projecting sign is not greater than the maximum square footage permitted for a wall or mansard sign.
- (B) Projecting signs shall not project more than four (4) feet from the building wall to which the projecting sign is attached.
- (C) Projecting signs shall not be located above the roof line of the building nor more than eighteen (18) feet above the grade of the street, whichever is less.
- (D) The supporting hardware of a projecting sign shall not be visible from the street or sidewalk.
- (E) Projecting signs shall not be constructed in violation of the public space encroachment limitations specified in this Chapter.
- (F) Projecting signs shall not be erected closer than ten (10) feet from an interior lot line or an adjacent establishment.

- (G) Projecting signs which project over any public or private pedestrian way shall be elevated a minimum of nine (9) feet above such pedestrian way. Projecting signs which project over any public or private street shall be elevated a minimum of fifteen (15) feet above such street.
- (H) No projecting, wall or mansard sign shall project more than eighteen (18) inches into the public right-of-way.

4. Regulations for Marquee, Canopy and Awning Signs

Marquee, canopy and awning signs shall be allowed in office, commercial and industrial districts provided the following specific regulations are met, in addition to the general regulations stated above.

- (A) One (1) sign located on a marquee, canopy or awning shall be affixed flat to the surface and shall not rise in vertical dimension above the marquee, canopy or awning.
- (B) An identification sign may extend vertically below a marquee or canopy (except awnings) but shall not exceed the dimensions of one (1) foot by six (6) feet, nor exceed the width of the marquee or canopy whichever is less.
- (C) Awning signs shall not be illuminated.
- (D) Awning signs consisting of one (1) line of letters not exceeding nine (9) inches in height may be painted upon the hanging border of any awning erected in conformance with this Chapter. An identification emblem, insignia, or other feature not exceeding six (6) square feet may be placed anywhere on the awning.
- (E) Marquee, canopy, window and awning signs shall be allowed in addition to any other sign which is permitted by this regulation.

5. Regulation for Roof Signs

Roof signs shall be permitted only when the property owner can demonstrate to the Department of Housing and Development Coordination that no other sign is feasible due to the physically restrictive characteristics of the parcel.

6. Regulations for Pennants and Banners

- (A) Pennants and banners shall be limited to the CI zoning district only.
- (B) Pennants and banners shall be attached to poles designed expressly for that purpose and shall not be affixed to vehicles, buildings or utility poles.
- (C) Pennants and banners shall not be displayed at heights greater than eighteen (18) feet.
- (D) Only pennants made of mylar may be continuously displayed for a period of up to one (1) year. Such pennants and banners may be replaced on an annual basis.
- (E) Pennants displayed on a single occupancy parcel shall be of uniform dimensions throughout and shall not contain written copy.
- (F) The quantity of pennants and banners shall be limited to one (1) linear foot of pennants and banners per ten (10) square feet of parcel area covered.

(d) Standards for Temporary Signs

- 1. Construction signs where an active building and development program is underway shall be allowed on a temporary basis as follows:
 - (A) Permits for such signs shall be issued for a period of one (1) year only, subject to application for renewal and remittance of the proper fee.
 - (B) Such signs shall be removed or made permanent when the temporary permit becomes void or seventy-five (75) per cent of the development has been completed.
 - (C) Such signs shall not exceed the height, area and placement standards of this Chapter.
- 2. Signs designed and intended to advertise and promote the sale, rental or lease of lots and/or structures in any subdivision shall be permitted as follows:

6. Regulations for Pennants and Banners

- (A) Pennants and banners shall be limited to the CI zoning district only.
- (B) Pennants and banners shall be attached to poles designed expressly for that purpose and shall not be affixed to vehicles, buildings or utility poles.
- (C) Pennants and banners shall not be displayed at heights greater than eighteen (18) feet.
- (D) Only pennants made of mylar may be continuously displayed for a period of up to one (1) year. Such pennants and banners may be replaced on an annual basis.
- (E) Pennants displayed on a single occupancy parcel shall be of uniform dimensions throughout and shall not contain written copy.
- (F) The quantity of pennants and banners shall be limited to one (1) linear foot of pennants and banners per ten (10) square feet of parcel area covered.

(d) Standards for Temporary Signs

1. Construction signs where an active building and development program is underway shall be allowed on a temporary basis as follows:
 - (A) Permits for such signs shall be issued for a period of one (1) year only, subject to application for renewal and remittance of the proper fee.
 - (B) Such signs shall be removed or made permanent when the temporary permit becomes void or seventy-five (75) per cent of the development has been completed.
 - (C) Such signs shall not exceed the height, area and placement standards of this Chapter.
2. Signs designed and intended to advertise and promote the sale, rental or lease of lots and/or structures in any subdivision shall be permitted as follows:

- (A) One (1) nonilluminated sign not exceeding thirty-two (32) square feet in area shall be permitted for each entrance to a subdivision. Such signs shall be permitted only within the confines of the subdivision.
 - (B) Permits for such signs shall be issued for a period of one (1) year only subject to application for renewal and remittance of the proper fee.
 - (C) Subdivision signs shall be set back a minimum of fifteen (15) feet from the right-of-way line and thirty (30) feet from the intersection of the rights-of-way.
3. Signs announcing public or semipublic events and functions shall be permitted as follows:
- (A) One (1) nonilluminated, temporary sign on the site of a public, social, charitable, educational or religious institution where the event is to take place.
 - (B) Such sign shall not exceed twenty-four (24) square feet in area, nor more than six (6) feet in height.
 - (C) Permits for such signs shall be issued for a period of not more than thirty (30) consecutive days nor more than sixty (60) days in any one (1) year.
 - (D) Signs announcing public or semipublic events or functions shall be set back a minimum of fifteen (15) feet from the right-of-way lines and thirty (30) feet from the intersection of the rights-of-way.
4. Signs announcing new businesses shall be permitted as follows:
- (A) A new business or an existing business in a new location with no permanent signs may obtain a permit for a temporary ground, pylon or wall sign of up to thirty-two (32) square feet in area or the maximum sign area which would otherwise be permitted for a single permanent ground sign, whichever is less. The maximum height of such sign shall be thirty-five (35) feet if such sign is located on a

principal arterial highway, a federally aided primary highway or minor arterial highway, or eighteen (18) feet if such sign is located on a collector highway. Height shall be measured from the grade of the street nearest the base of the sign to the uppermost portion of the sign structure.

(B) Permits for such signs shall be issued for a period of sixty (60) days, subject to one (1) renewal period of sixty (60) days or until a permanent sign is erected, whichever comes first.

5. A permit may be granted for the erection of one (1) or more on-site banner, flag or tethered inflatable sign for a period of not more than thirty (30) consecutive days, nor more than sixty (60) days in a single year, provided that all other requirements of this Chapter are met.

6. Pennants and banners shall be permitted subject to the following regulations:

(A) Pennants and banners may be used in any commercial or industrial district and shall be limited to not more than thirty (30) consecutive days nor more than sixty (60) days in a single year.

(B) Pennants and banners used on a temporary basis may be made of plastic and may contain written copy.

Section 43A-90 through Section 43A-99. RESERVED.

ARTICLE VII

DEVELOPMENT REVIEW COMMITTEE

Section 43A-100. Intent and Purpose.

The purpose of the Development Review Committee (DRC) is to assist prospective developers, City Council and any other decision making body that may be established to regulate land use within the City of Tampa. Further, it is the intent of the DRC to provide technical assistance and guidance to achieve compliance with development standards established by the City of Tampa Code of Ordinances and to promote the goals and objectives of the Tampa Comprehensive Plan 2000.

Section 43A-101. Development Review Committee Establishment.

There is hereby established a committee to be known as the Tampa Development Review Committee (DRC).

Section 43A-102. Duties of the Committee.

The DRC shall have the responsibility of reviewing applications for land development proposals as required by the Department of Housing, and Development Coordination (HDC) and this Chapter. Land development proposals requiring DRC review shall include but not be limited to land rezoning applications, applications for approvals of Special Use Permits, Planned Developments, and other land development proposals requiring DRC review as stated in this Chapter.

Section 43A-103. Administration and Membership.

HDC shall have the responsibility of administering the DRC through procedures established by the department. The DRC shall be composed of representatives of various City departments and other agencies, including but not limited to the following: City of Tampa Department of Public Works, City of Tampa Department of Sanitary Sewers, City of Tampa Water Department, City of Tampa Legal Department, City of Tampa Sanitation Department, City of Tampa Police and Fire Departments, City of Tampa Department of Parks, Recreation and Cultural Services, Tampa Downtown Development Authority, Florida Department of Transportation, Hillsborough County School Board, Hillsborough County Health Department, designated land planning agency, Tampa Electric Company, People's Gas, General Telephone, the Federal Housing Administration, the Architectural Review Commission of the City of Tampa, and the Barrio Latino Commission of the City of Tampa.

Section 43A-104. Meetings.

The Zoning Administrator shall establish meeting places, dates and times to carry out the intent of this Chapter. All meetings of the Development Review Committee shall be open to the public.

Section 43A-105 through Section 43A-125. RESERVED.

The purpose of the Development Review Committee (DRC) is to make recommendations to the City of Tampa regarding the use of land and buildings. The DRC shall provide technical assistance and guidance to achieve compliance with development standards established by the City of Tampa Code of Ordinances and to promote the goals and objectives of the Tampa Comprehensive Plan 2000.

Section 43A-101. Development Review Committee Establishment.

There is hereby established a committee to be known as the Tampa Development Review Committee (DRC).

Section 43A-102. Duties of the Committee.

The DRC shall have the responsibility of reviewing applications for land development proposals as required by the Department of Housing and Development Coordination (DHDC) and this Chapter. Land development proposals requiring DRC review shall include but not be limited to land rezoning applications, applications for approvals of Special Use Permits, Planned Developments, and other land development proposals requiring DRC review as stated in this Chapter.

Section 43A-103. Administration and Membership.

DRC shall have the responsibility of administering the DRC through procedures established by the department. The DRC shall be composed of representatives of various City departments and other agencies, including but not limited to the following: City of Tampa Department of Public Works, City of Tampa Department of Sanitary Sewers, City of Tampa Water Department, City of Tampa Legal Department, City of Tampa Sanitation Department, City of Tampa Police and Fire Departments, City of Tampa Department of Parks, Recreation and Cultural Services, Tampa Downtown Development Authority, Florida Department of Transportation, Hillsborough County School Board, Hillsborough County Health Department, designated land planning agency, Tampa Electric Company, People's Gas, General Telephone, the Federal Housing Administration, the Architectural Review Commission of the City of Tampa, and the Barrio Latino Commission of the City of Tampa.

ARTICLE VIII

Ybor City Historic District

Section 43A-126. Intent.

The purpose of the Ybor City Historic District is to promote and preserve this historic district and its landmarks for the educational, cultural, economic, and general welfare of the public through the preservation, protection and regulation of buildings, sites, monuments, structures and other areas of historic interest or importance within the Ybor City area of the City of Tampa; to safeguard the heritage of our City by preserving and regulating this district and its landmarks which reflect elements of our cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of this district and the neighborhoods within it; to strengthen the City's economic base by the stimulation of the tourist industry; to establish, stabilize and improve property values; to foster economic development and to manage growth.

As a regulatory tool, the Ybor City Historic District will assist in the revitalization efforts directed toward Ybor City. These efforts are set out in the Ybor City Historic District Revitalization Plan of 1983. It will establish a regulatory framework within which appropriate uses of land will be encouraged. It will allow a compatible mix of residential, commercial, light industrial and public uses, which will strengthen Ybor City's local and regional identity. The character, architectural style and historic value of property will be protected from repairs and construction of inferior quality and appearance and from alterations that are incompatible with their preservation. These elements will be further enhanced by maintaining a high quality of design in infill construction and other new development in the area. The district regulations will require adherence to high standards of landscaping, control of signs and the maintenance of property in both public and private ownership, the intent of these regulations being to stabilize and strengthen the district's rehabilitation efforts, to protect the value of the buildings therein, and to preserve this irreplaceable area of historical significance for the benefit and enjoyment of future generations.

Section 43A-127. Historic District Established.

The Ybor City Historic District is hereby established as a separate use district with subdistricts therein.

- (a) Historic District Boundaries and Subdistricts Shown on Zoning Atlas.

The boundaries of the district and subdistricts shall be as shown on the official Zoning Atlas.

1. The boundaries of the Ybor City Historic District are those specified by Chapter 266, Part IV of the 1981 Florida Statutes as follows:

The rear property line on the north side of Columbus Drive on the north; the rear property line on the south side of Fourth Avenue on the south; the rear property line on the east side of Twenty-Second Street on the east; and the rear property line on the west side of Nebraska Avenue on the west.

2. Ybor City Historic District Subdistricts.

YC-1 - Central Commercial Core.

This subdistrict comprises the cultural, social, shopping and service heart of the Ybor City Historic District. The regulations are intended to preserve and enhance its touristic, cultural and economic functions by preserving its rich mixture of land uses, relatively modest intensity of development, low rise structures and distinctive architecture.

YC-2 - Residential.

This district comprises land devoted to residential development including single family and multi-family dwellings. The regulations are intended to preserve and conserve this predominantly single-family and two-family housing form, and to encourage the development of vacant tracts suitable for residential uses.

YC-3 - Hillsborough Community College.

This district comprises land devoted to and designated for development as part of the Hillsborough Community College and supporting related uses.

YC-4 - Mixed Use Redevelopment.

This district comprises mainly vacant land designated for redevelopment which will support and enhance the touristic, cultural and economic functions of the Ybor City District, providing an urban mixed use core coincident to the revitalization of the district's commercial core. In addition to residential development, mixed use developments comprising residential dwellings,

supporting personal services, and retail sale of convenience goods will be encouraged. Office development will be considered, in appropriate locations, subject to compliance with each of the following performance criteria:

- 1) Non-residential development must be designed to be compatible with existing or potential future residential uses;
- 2) Compliance with design guidelines of the Barrio Latino Commission, including the applicable criteria set forth in Section 43A-134 is required.

YC-5 - General Commercial.

This district comprises land used and designated for retail and commercial service operations primarily to serve the residents of the immediate area.

YC-6 - Community Commercial.

This district comprises land devoted to general and intensive commercial uses located on the southern fringe of the historic district and which will provide a transition to the industrial uses south of the historic district.

(b) Official Schedule of Permitted and Permissible Special Uses within the Ybor City Historic District.

Except as otherwise specifically provided in this Chapter, regulations governing the use of land, water and structures within the Ybor City Historic District shall be as shown in Table 8-1, the Schedule of Permitted and Permissible Special Uses within the Ybor City Historic District.

Use of land or structures which are not expressly listed in this schedule as Permitted Principal Uses, Permitted Accessory Uses or Permissible Special Uses are prohibited uses and shall not be established in the district.

Uses listed as Permissible Special Uses may be established in the district only after approval of an application for a Special Use Permit in accordance with the procedures and requirements in Article XI.

(c) Official Schedule of Area, Height, Bulk and Placement Regulations.

Except as otherwise specifically provided in this Code, regulations governing the minimum lot size, minimum lot width, required setbacks, maximum height and density shall be as shown in Table 8-2, the Schedule of Dimensional Regulations.

TABLE 8-1

Schedule of Permitted Uses and Permissible Special Uses

	YC-1	YC-2	YC-3	YC-4	YC-5	YC-6
<u>GROUP A</u>						
Adaptive Reuse		X		X		
Cong. Living Facilities: Facilities of 6 or fewer residents ¹		X			X	X
Group Care, Small		S2			S2	S1
Group Care, Large		S2			S2	S1
Day Care & Nursery Facility	X	S1	X	S1	X	S1
Day Care & Nursery Facility (limit to 5 Children)	X	X	X	X	X	X
Dwelling, Multiple Family	X	X		X	X	X
Dwelling, Single Family Attached	X	X		X	X	X
Dwelling, Single Family Detached		X			X	X
Dwelling, Single Family Semi-Detached		X			X	X
<u>GROUP B</u>						
Church		S2		X	X	X
Clinic	X			S1	X	X
Club	X				X	X
College	X		X			
Funeral Parlor					X	X
Home Occupation	S1	S1		S1	S1	
Hospitals & Assoc. Uses					X	X
Hotels & Motels	X				X	X
Public Cultural Facility	X		X	X	X	X
Rooming House	X			X	X	X
School		X	X	X	X	X
School, Business	X		X		X	X
School, Trade						X
School, Vocational			X		X	X
<u>GROUP C</u>						
Appliance & Equipment Repair					X	X
Bank	X		X		X	X
Bar & Lounge	X				X	X
Catering Shop	X				X	X
Cigar Factory	X				X	X
Drive-In Window					S2	

Footnote ¹Congregate living facilities of 6 or fewer residents may not locate within a 1000' radius of each other.

TABLE 8-1

Schedule of Permitted Uses and Permissible Special Uses

	YC-1	YC-2	YC-3	YC-4	YC-5	YC-6
GROUP C						
Manufacturing, Light						X
Nursing, Convalescent & Extended Care Facility					X	X
Office, Business & Prof.	X		X	S1	X	X
Parking, Off-Street:						
Principal Use	S1		S1		X	X
Accessory	S1	A	A	S1	A	A
Parking, Temporary	S1	S1	S1	S1	S1	S1
Personal Services	X		X	S1	X	X
Pharmacy	X				X	X
Place of Assembly	X				X	X
Printing, Light					X	X
Printing & Publishing						X
Public Service Facility	S2	S2	S2	S2	X	X
Public Use Facility	X	X	X	X	X	X
Radio & TV Studio			X		X	X
Recreational Facility						
Commercial					X	X
Recreational Facility						
Private	X	X	X	X	X	X
Research Activity			X			X
Restaurant	X			S1	X	X
Retail Sales, Convenience Goods	X			S1	X	X
Retail Sales, Distilled Beverages	X				X	X
Retail Sales, Gasoline					S1	S1
Retail Sales, Shopper's Goods	X				X	X
Retail Sales, Specialty Goods	X			S1	X	X
Transportation Service Facility						X
Vehicle Repair, Major						X
Vehicle Repair, Minor					S1	S1
Veterinary Office					X	X
Warehouse						X
Wholesale Trade						X
Winery	X				X	X

Legend: X = Permitted Principal Use
 S1 = Special Use, Zoning Administrator Review
 S2 = Special Use - City Council Review
 A = Permitted Accessory Use
 B = Board of Adjustment Review
 Blank = Prohibited Use

TABLE 8-2
Schedule of Dimensional Regulations

District	Lot Size		Required Yards (1.)			MAX. FAR(3)	Maximum Height(ft)
	Width (ft.)	Area (sq.ft.)	Front(ft)	Side(ft.)	Rear(ft.)		
YC-1 (Core)	20	1,900	0	0	0	2.5	45
YC-2 (Resid. Neigh.)	30	2,500 (2)	10	5	10	N/A(2)	35
YC-3	70	6,650	0	0	0	2.0	45(5)(4)
YC-4 (Mixed Use Res.)	50 17'	4,750 (3) 1,600	0	0	0	2.0	45(5)
YC-5 (General Commercial)	50 17' Rev	4,750 (2) 1,600	0	0	10	2.0	45(5)
YC-6 (Comm. Commercial)	30	2,850	0	0	0	1.5(2)	45

(1) See Section 43A-76 for Screening and Buffering Requirements.

(2) The "Max FAR" applies to all uses, except single family and multi-family dwellings. In addition to the maximum FARs set forth in this Table, floor area ratios shall not exceed those prescribed in the Tampa Comprehensive Plan. The maximum allowable density is governed by the Tampa Comprehensive Plan in conjunction with the minimum lot size of the applicable zoning district. Bonus densities established in the Comprehensive Plan may be considered subject to site plan review.

(3) The overall density of the zoning lot shall not exceed the density prescribed by the Tampa Comprehensive Plan.

(4) Antennas, as an accessory use, may exceed the maximum permitted height, up to a maximum combined building and antenna height of one hundred (100) feet, provided that for every one (1) foot of height above forty-five (45) feet all yards, as they relate to said use, shall be increased by one (1) foot.

- (5) The maximum height limit is 55 feet for structures, residential or non-residential, that meet one of the following criteria:
- a. The proposed structure is not located immediately adjacent to a contributing historic structure. Immediately adjacent is defined as "within a distance equal to or less than one minimum lot width as measured along the street frontages on the same block"; or
 - b. The proposed structure includes a portion of the building which acts as a height transition between the contributing historic structure and the proposed new structure. The transitional element shall not be less in width than 1/2 of the minimum lot width as measured along the street frontages; or
 - c. The proposed structure's site is bounded on one side by Interstate-4.

In addition to the previous criteria, the structure shall not exceed four stories or floor levels above grade.

Section 43A-128. Authority of City Council and Barrio Latino Commission.

This section is established to clearly distinguish the independent regulations of architectural review by the Barrio Latino Commission and the zoning authority of City Council and subsequent authority City Council delegates to the Zoning Administrator.

There are two separate and distinct procedures which must be accomplished prior to any development within the Ybor City Historic District:

(a) Approval of Proposed Use Prior to Development.

Prior to development, it shall be determined by the Zoning Administrator that the proposed use is a permitted or special use in the applicable sub-district. If the use is permitted in the sub-district, the developer may apply for a Certificate of Appropriateness, as outlined in this Article. If the use is a special use, all conditions for approval, including City Council approval, must be met prior to development. The applicant shall meet all requirements of Article XI, Special Use Permits.

The Zoning Administrator shall be the sole administrator of this Code as it pertains to historic district and sub-district boundaries, the schedule of permitted and permissible special uses, the schedule of area, height, bulk and placement regulations, the parking requirements, and any other items not dealing specifically with the procedure and review criteria for obtaining a Certificate of Appropriateness.

(b) Issuance of a Certificate of Appropriateness.

Prior to any development or rehabilitation, and prior to the issuance of a building permit, the Barrio Latino Commission shall review and issue or deny a Certificate of Appropriateness which approves or denies the exterior form and appearance of the development. The review of the Certificate of Appropriateness shall follow the procedures set forth in this Article. As outlined in Sections 43A-129 and 43A-131, the Commission shall be requested to review and comment on all variance and special use requests. The Board of Adjustment and City Council shall consider the Commission's comments in its decision; however, the City Council or Board of Adjustment shall make the final decision regarding the variance or special use request.

Section 43A-129. Authentic Restoration or Reconstruction.

(a) Permitted, Subject to Recommendation of Barrio Latino Commission and Approval by Board of Adjustment, Although Not Complying with Dimensional Regulations.

Where it is found by the Barrio Latino Commission that an application for a building permit covers activity constituting an authentic restoration or reconstruction, in the same location as the original location and in the original conformation of a structure of historic or architectural significance to the Ybor City Historic District, such activity may be approved by the Board of Adjustment, following a favorable recommendation of approval by the Barrio Latino Commission. The Board of Adjustment shall not have jurisdiction over the matter within the purview of the Barrio Latino Commission.

(b) Approval, Subject to Conditions.

The Board of Adjustment, in approving such authentic reconstruction or restoration, may attach reasonable and appropriate conditions to the approval, such that the public health, safety and general welfare shall be protected.

(c) Approval, Limitations On.

The Board of Adjustment shall not be authorized, in action undertaken by this Section, to approve a use of property which is not a use permitted by right or as a Special Use within the sub-district in which the property is located.

In addition to any other condition the Board of Adjustment may make regarding such authorization, any items restored, reconstructed, or maintained on, over, or within a public sidewalk, public alley area, or other such public way shall be the responsibility of the owner, his heirs and assigns. The owner's restoration, reconstruction or maintenance of any such item within such area shall constitute the owner's agreement to protect and hold the City of Tampa harmless against any and all liability, cost, damage, or expense suffered by the City of Tampa as a result

of or growing out of the restoration, reconstruction or maintenance thereof. Such items, so approved, may be lawfully restored, reconstructed, or maintained. Any such item projecting over the vehicular travel way of a street or alley shall be, at its lowest point, 15 feet above the vehicular travel way.

Section 43A-130. Alternative Parking Requirements.

(a) Number of Off-Street Parking Spaces.

Any building within the Ybor City Historic District that is erected, expanded, increased in floor area or seating capacity, or changes its use, shall meet the applicable parking requirements as set forth in Table 8-3, Table of Required Parking Spaces .

All other applicable regulations of Article X shall be met.

(b) In-Lieu Parking Payments.

Within the YC-1 and YC-3 Subdistricts, where the Barrio Latino Commission, in considering an application for a Certificate of Appropriateness, shall find that the number of off-street parking spaces required by Section 43A-130(a) for a building or structure for which a building permit is requested would render the building incongruous with the historic aspects of the District, the applicant shall comply with the off-street parking requirements of Section 43A-130(a) by one of the following methods:

1. Making payments which shall be contributed to a parking fund specifically set aside to provide parking for the Ybor City Historic District.
2. Providing on-site parking spaces.
3. Any combination of items 1 and 2 above which together will meet the requirements of Section 43A-130(a).

The amount of the payment shall be established by a resolution by City Council; no building permits shall be issued until the complete payment has been received by the City.

(c) Variance Procedure.

Variances to this section may only be granted by City Council.

TABLE 8-3

Table of Required Parking Spaces

	Spaces	Per Unit
Adaptive Reuse	-	DPW Standards
Appliance and Equipment Repair	3	1000 sq. ft. (GFA)
Bank	3	1000 sq. ft. (GFA)
Bar & Lounge	3	1000 sq. ft. (GFA)
Catering Shop	3	1000 sq. ft. (GFA)
Church	.2	seat
Cigar Factory	3	1000 sq. ft. (GFA)
Clinic	2	1000 sq. ft. (GFA)
Club	3	1000 sq. ft. (GFA)
College	.5	student
Congregate Living Facilities:		
Adult Family Home	1	dwelling unit
Group Care Facility	1	dwelling unit
Emergency Shelter	1	dwelling unit
Emerg. Shelter Home	1	dwelling unit
Foster Care Home	1	dwelling unit
Day Care & Nursery Facility	.5	Employee
plus 1		Vehicle operated by the facility
Day Care & Nursery Facility	.5	Employee
(Limited to 5 children) plus 1		Vehicle operated by the facility
Dwelling, Multiple Family	1	dwelling unit
Dwelling, Single Family	1	dwelling unit
Funeral Parlor	3	1000 sq. ft. (GFA)
Hospitals & Associated Uses	1	bed
Hotels & Motels	1	room
Light Manufacturing	1	1000 sq. ft. (GFA)
Nursing, Convalescent & Extended Care Facility	.3	bed
Office, Business and Professional	1	1000 sq. ft. (GFA)
Personal Services	5	1000 sq. ft. (GFA)
Pharmacy	3	1000 sq. ft. (GFA)
Place of Assembly	.2	seat
Printing, Light	1	1000 sq. ft. (GFA)
Printing & Publishing	1	1000 sq. ft. (GFA)
Public Cultural Facility	2	1000 sq. ft. (GFA)
Public Service Facility	1	employee
Public Use Facility	2	1000 sq. ft. (GFA)
Radio & TV Studio	1	1000 sq. ft. (GFA)

TABLE 8-3

Table of Required Parking Spaces

	Spaces	Per Unit
Recreational Facility, Commercial	3	1000 sq. ft. (GFA)
Recreational Facility, Private	3	1000 sq. ft. (GFA)
Research Activity	1	1000 sq. ft. (GFA)
Restaurant	2	1000 sq. ft. (GFA)
Retail Sales Convenience Goods	3	1000 sq. ft. (GFA)
Retail Sales Distilled Beverages	3	1000 sq. ft. (GFA)
Retail Sales Shopper's Goods	3	1000 sq. ft. (GFA)
Retail Sales Specialty Goods	3	1000 sq. ft. (GFA)
Rooming House	1	room
School	1	classroom
School, Business	.5	student
	plus 1	staff member
School, Trade	.5	student
	plus 1	staff member
School, Vocational	.5	student
	plus 1	staff member
Service Station	3	1000 sq. ft. (GFA)
Transportation Service Facility	3	1000 sq. ft. (GFA)
Vehicle Repair	3	1000 sq. ft. (GFA)
Veterinary Office	2	1000 sq. ft. (GFA)
Warehouse	1	1000 sq. ft. (GFA)
Wholesale Trade	2	1000 sq. ft. (GFA)
Winery	3	1000 sq. ft. (GFA)

Section 43A-131. Barrio Latino Commission Recommendation

All special use, rezoning and right-of-way vacating applications within the Ybor City Historic District shall be reviewed by the Barrio Latino Commission at its next regular meeting after the application has been submitted in accord with the requirements of this Chapter. The Barrio Latino Commission shall forward its comments and recommendations within 45 days of the filing of the application. The recommendations shall be presented to the City Council, the body having final decision responsibility on applications for approval of special uses.

Section 43A-132. Barrio Latino Commission.

(a) Creation.

There is hereby established the Barrio Latino Commission, hereafter referred to as the Commission, which shall serve as the Architectural Review Board for the Ybor City Historic District and shall have for its purpose the designation and preservation of such facilities in the Ybor City Historic District as it may deem appropriate.

(b) Membership.

The members shall be appointed by the Mayor, with the approval of the City Council, as follows:

1. One from the Hillsborough County Historical Commission, the Tampa Historical Society, Tampa Preservation Inc., or the Ybor City Museum Society;
2. One from the Greater Tampa Chamber of Commerce;
3. Two from the Ybor City Chamber of Commerce;
4. One from the Tampa appointees to the Historic Tampa/Hillsborough County Preservation Board of Trustees; and
5. Three who are registered architects, at least in the State of Florida, who reside in the City of Tampa and who have demonstrated an active interest in the purposes of this part through training or experience in architectural history.
6. One who shall be a resident of the Ybor City Historic District.

(c) Tenure.

Members of the Commission shall serve overlapping terms of 2 years. Initially, 3 members shall be appointed for 3-year terms. Thereafter, all appointments shall be for a term of 2 years. A member may not be reappointed for a third consecutive term, but shall be eligible for reappointment after one calendar year has elapsed from the date of the termination of his or her term.

(d) Meetings.

The commission shall establish a meeting time, and shall meet at least quarterly and more often as it shall determine and require. All meetings of the Commission shall be open to the public and reasonable notice of the time and place thereof shall be given in accord with state law.

(e) Attendance at Meetings.

Any member of the Commission who misses more than three consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his or her status as a member of the Commission and shall be replaced or reappointed by the Mayor, with the approval of the City Council. Absence due to sickness, death or other emergencies of like nature shall be recognized as approved absences and shall not effect the member's status on the Commission except that, in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

(f) Rules of Procedure.

The commission shall adopt and publish Rules of Procedure for the conduct of its business.

(g) Annual Report, Required.

An annual report shall be prepared and submitted to the Mayor and City Council by March 25th of each year. Such report shall include a comprehensive and detailed review of the activities, problems and actions of the Commission, as well as any budget requests and recommendations.

(h) Meeting Minutes.

The Commission shall keep permanent minutes of all its meetings. The minutes shall record attendance of its members, its resolutions, findings, recommendations and actions.

The minutes of the Commission shall be a public record.

(i) Commission Powers.

1. General Responsibilities of the Commission.

The Barrio Latino Commission shall have for its purpose the control of the erection, alteration, addition, repair, removal, or demolition of any new or existing buildings and structures which erection, alteration, addition, repair, removal, or demolition in the opinion of said Commission will injuriously affect the quaint and distinctive character of the Ybor City Historic District.

2. Specific Authority and Powers.

The Commission is authorized and empowered to undertake such actions as reasonably necessary to the discharge and conduct of its duties and responsibilities as outlined in this Chapter and of Chapter 266.408 of the General Statutes of the State of Florida, including but not limited to the following:

- (A) To approve or disapprove plans for buildings to be erected, rehabilitated or razed which are located or are to be located within the Ybor City Historic District. This authority is subject to procedures established by the City Council.
- (B) To regulate reasonable land use to the extent necessary to preserve the historical integrity and ancient appearance within the District, including but not limited to the authority to make recommendations to the appropriate zoning authorities to deny or grant variances from this Chapter.
- (C) To consider and grant or deny applications for Certificates of Appropriateness in accordance with Section 43A-133 of this Chapter covering the erection, rehabilitation, addition, repair, removal, or demolition of any new or existing buildings or structures, signs and any such facilities or appurtenances thereto.
- (D) To develop specific design guidelines for the rehabilitation, construction, demolition, relocation and removal of buildings and structures within the District.

(E) To establish guidelines under which a subcommittee of the Commission may provide a preliminary review of development projects to provide guidance to the applicant on projects whose size, complexity, or other factors, warrant this review.

In all cases, the Certificate of Appropriateness shall only be issued by the Commission.

(F) To give advice to property owners concerning the treatment of the historical and visual characteristics of their properties located within the District, such as facade improvements, signs, color schemes, gardens and landscape features, and minor decorative elements.

(G) To propose to the City Council changes to this or any related Chapter and to propose new ordinances or laws relating to the Historic District or relating to the total program for the development of the historical resources of Ybor City and its environs.

(H) To cooperate with other City and County boards or commissions or with agencies of the City, County or State or other governmental units; to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.

(I) To publish information about, or otherwise inform the owners of property within the District of, any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.

(J) To undertake programs of information, research, or analysis relating to any matters under its purview.

(K) To report violations of this Chapter to the administrative official charged with enforcing this chapter.

(L) To assist in obtaining the services of private consultants to aid in carrying out programs of research or analysis.

(M) To accept funds granted to the Commission from private or non-profit organizations.

- (N) To contract, with the approval of the City Council, for services or funds from the State of Florida and agencies or departments of the United States government.
- (O) To initiate and participate in negotiations with owners and other parties in an effort to find means of preserving buildings scheduled for demolition.
- (P) To establish guidelines under which the Administrator of the Commission may approve minor development projects on behalf of the Commission. No application shall be denied without first being considered by the Commission.
- (Q) To conduct public hearings on applications for Certificates of Appropriateness under procedures established by the City Council, where the Rules of Procedure of the Commission call for such a hearing.
- (R) To administer on behalf of the City of Tampa any property or full or partial interest in real property, including easements, that the City of Tampa may have, acquire or accept as a gift or otherwise, upon authorization and approval by the City Council.
- (S) To organize itself and conduct its business in conjunction with procedures prescribed herein for conducting hearings, the submission of plans, and the granting of permits.
- (T) To exercise such other powers and perform such other duties as are required elsewhere by this Chapter, the Tampa City Code, and the Florida Statutes.

Section 43A-133. Certificate of Appropriateness.

(a) Required.

No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of sign shall be erected, rehabilitated, restored, moved or demolished within the Ybor City Historic District until an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission or its designated agent. The City of Tampa shall require such a Certificate to be issued by the Commission prior to

(E) To establish guidelines under which a subcommittee of the Commission may provide a preliminary review of development projects to provide guidance to the applicant on projects whose size, complexity, or other factors, warrant this review.

In all cases, the Certificate of Appropriateness shall only be issued by the Commission.

(F) To give advice to property owners concerning the treatment of the historical and visual characteristics of their properties located within the District, such as facade improvements, signs, color schemes, gardens and landscape features, and minor decorative elements.

(G) To propose to the City Council changes to this or any related Chapter and to propose new ordinances or laws relating to the Historic District or relating to the total program for the development of the historical resources of Ybor City and its environs.

(H) To cooperate with other City and County boards or commissions or with agencies of the City, County or State or other governmental units; to offer or request assistance, aid, guidance, or advice concerning matters under its purview or of mutual interest.

(I) To publish information about, or otherwise inform the owners of property within the District of, any matters pertinent to its duties, organization, procedures, responsibilities, functions or requirements.

(J) To undertake programs of information, research, or analysis relating to any matters under its purview.

(K) To report violations of this Chapter to the administrative official charged with enforcing this chapter.

(L) To assist in obtaining the services of private consultants to aid in carrying out programs of research or analysis.

(M) To accept funds granted to the Commission from private or non-profit organizations.

- (N) To contract, with the approval of the City Council, for services or funds from the State of Florida and agencies or departments of the United States government.
- (O) To initiate and participate in negotiations with owners and other parties in an effort to find means of preserving buildings scheduled for demolition.
- (P) To establish guidelines under which the Administrator of the Commission may approve minor development projects on behalf of the Commission. No application shall be denied without first being considered by the Commission.
- (Q) To conduct public hearings on applications for Certificates of Appropriateness under procedures established by the City Council, where the Rules of Procedure of the Commission call for such a hearing.
- (R) To administer on behalf of the City of Tampa any property or full or partial interest in real property, including easements, that the City of Tampa may have, acquire or accept as a gift or otherwise, upon authorization and approval by the City Council.
- (S) To organize itself and conduct its business in conjunction with procedures prescribed herein for conducting hearings, the submission of plans, and the granting of permits.
- (T) To exercise such other powers and perform such other duties as are required elsewhere by this Chapter, the Tampa City Code, and the Florida Statutes.

Section 43A-133. Certificate of Appropriateness.

(a) Required.

No exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features) nor above-ground utility structure nor any type of sign shall be erected, rehabilitated, restored, moved or demolished within the Ybor City Historic District until an application for a Certificate of Appropriateness as to exterior features has been submitted to and approved by the Commission or its designated agent. The City of Tampa shall require such a Certificate to be issued by the Commission prior to

the issuance of a building permit granted for the purposes of constructing, rehabilitating, moving or demolishing structures, which Certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Chapter. A Certificate of Appropriateness shall be required whether or not a building permit is required. Any building permit or such other permit not issued in conformity with this section shall be invalid.

The City of Tampa and all public utility companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the City of Tampa or public utility companies.

(b) Application Submitted to Administrator of the Commission.

An application for a Certificate of Appropriateness shall be obtained from and, when completed, filed with the Administrator of the Commission. Applications for Certificate of Appropriateness shall be considered by the Commission at its next regular meeting, provided they have been filed, complete in form and content, at least seven (7) calendar days before the regularly scheduled meeting of the Commission; otherwise, consideration shall be deferred until the following meeting.

(c) Contents of Application.

The Commission shall set out in its Rules of Procedure the data required to determine the nature of the application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted.

Nothing shall prevent the applicant from filing with the application, additional relevant information bearing on the application.

(d) Notification of Commission.

Upon receipt of a complete application, the Administrator of the Commission shall notify the Commission of its filing at least four (4) calendar days before its regularly scheduled meeting.

(e) Notification of Affected Property Owners.

Prior to issuance or denial of a Certificate of Appropriateness, the Commission shall take such action as may reasonably be required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

(f) Public Hearing.

In cases where the Commission deems it necessary, the Commission may hold a public hearing concerning the application.

(g) Commission Action on Application.

The Commission shall take action on the application and, in doing so, shall apply the Review Criteria contained in Section 43A-134 of this Article.

The Commission's action on the application shall be approval, approval with modifications, or disapproval.

Prior to final action on an application, the Commission, using the guidelines in Section 43A-134, shall make findings of fact indicating the extent to which the application is or is not congruous with the historic aspects of the District.

(h) Reasons for Commission's Actions to Appear in Minutes.

The Commission shall cause to be entered into the minutes of its meeting the reasons for its actions, whether it be approval, approval with modifications, or denial.

(i) Time Limits.

If the Commission fails to take final action upon any application within sixty days after the complete application is submitted to the Secretary of the Commission, the application shall be deemed to be approved.

(j) Submission of New Application.

If the Commission determines that a Certificate of Appropriateness should not be issued, a new application affecting the same property may be submitted only if substantial change is made in plans for the proposed construction, reconstruction, alteration, rehabilitation or moving.

(k) Notice of Action.

The Commission shall cause notice of its decision to be mailed, by certified mail, to the applicant within ten calendar days of its action.

Section 43A-134. Review Criteria.

(a) Intent.

It is the intention of these regulations to insure, insofar as possible, that buildings or structures in the District shall be in harmony with other buildings or structures located therein. However, it is not the intention of these regulations to require

the reconstruction or restoration of individual or original buildings or prohibit the demolition or removal of some or to impose architectural styles from particular historic periods. In considering new construction, the Commission shall encourage contemporary design which is harmonious with the character of the District.

In granting a Certificate of Appropriateness, the Commission shall take into account the historic or architectural significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure as well as the effect of such change or additions upon other structures in the vicinity.

(b) Exterior Form and Appearance.

The following criteria shall be considered, when relevant, by the Commission in reviewing applications for a Certificate of Appropriateness.

1. Lot coverage, defined as the percentage of lot area covered by primary structures.
2. Setback, defined as the distance from the lot lines to the building(s).
3. Building height.
4. Spacing of buildings, defined as the distance between adjacent buildings.
5. Exterior building materials.
6. Proportion, shape, positioning, location, pattern and sizes of any elements of fenestration.
7. Surface textures.
8. Roof shapes, forms and materials.
9. Use of local or regional architectural traditions.
10. General form and proportions of buildings and structures, and relationship of any additions to the main structure.
11. Expression of architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
12. Orientation of the building to the street.

13. Scale, determined by the size of the units of construction and architectural details in relation to the size of man and also by the relationship of the building mass to adjoining open space and nearby buildings and structures.
14. Proportion of width to height of the total building facade.
15. Effect of trees and other landscape elements.
16. Appurtenant fixtures and other features, such as lighting.
17. Structural condition and soundness.
18. Walls - physical ingredients, such as brick, stone or wood walls, wrought iron fences, evergreen landscape masses, building facades, or combination of these.
19. Color.
20. Ground cover or paving.
21. Maintenance of pedestrian scale and orientation as well as provision for safe pedestrian movement.

These criteria are to be supplemented by the publication of a Design Manual for the Ybor City Historic District which shall be made available to property owners within the District.

The manual is only one set of standards available for guidance to the property owner and it only governs exterior construction rehabilitation. The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (revised 1983) should be made available to those property owners wishing to take advantage of the historic preservation incentives in the Economic Recovery Tax Act of 1981.

Section 43A-135. Interior Arrangement Not Considered.

The Commission shall not consider interior arrangement of any structure.

Section 43A-136. Review of Application by Commission.

As part of its review procedure, the Commission may view the premises and seek the advice of the Florida Department of State or such other expert advice as it may deem necessary under the circumstances.

Section 43A-137. Certain Changes Not Prohibited.

Nothing in this Article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the District which does not involve a substantial change in design, material, or outer appearance thereof, nor to prevent the construction, reconstruction, alteration, rehabilitation, or demolition of any such feature which the Building Inspector or similar official shall certify in writing to the Commission is required by the public safety because of an unsafe or dangerous condition.

Section 43A-138. Appeal of Decision.

An appeal may be taken to the City Council from the Commission's action in granting or denying any certificate, which appeals (i) may be taken by an aggrieved party, (ii) shall be taken within times prescribed by the Commission by general rule, and (iii) shall be in the nature of certiorari. Any appeal by an aggrieved party from the City Council's decision shall be heard by the Circuit Court of Hillsborough County, as provided by law.

Section 43A-139. Applications for Certificates Involving Proposed Demolition of Structures Within District.

(a) Proposed Demolitions.

When an applicant wishes to demolish a contributing building, structure or feature in the historic district, the applicant shall have the responsibility of proving that the demolition is necessary, and he shall present substantial evidence on the need for the demolition. The applicant shall explore alternatives to demolition. The applicant shall discuss whether he can retain the building or the structure on the site. The applicant shall discuss whether the relocation of the building or structure on the site to another site is appropriate and feasible. The applicant shall present to the B.L.C. substantial evidence on his ability to accomplish proposed development and/or construction within a reasonable period of time, if his application is approved. The B.L.C. may assist the applicant in determining whether an alternative to demolition can be found.

Prior to applying for permission to demolish, the applicant may request a determination from the B.L.C. on whether the structure is contributing or non-contributing. In reviewing such requests the Commission shall determine the documentation requirements for the application with consideration given to the specific circumstances of each individual case. The Commission may add to or delete from the thirteen items of documentation referred to in this section. The B.L.C. may delegate the review of demolition requests for non-contributing structures to the Administrator.

The B.L.C. shall have the responsibility of determining whether the building or structure contributes to the district and whether the building or structure continues to have its significance. On all demolition applications, the B.L.C. shall study the question of economic hardship for the applicant and shall determine whether the property in the historic district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income producing building, the B.L.C. shall also determine whether the applicant can obtain a reasonable return from his existing building. Failure on the part of the applicant to prove economic hardship or the lack of a reasonable return shall be grounds for denial of demolition.

Upon receipt of an application for the demolition of any structure within the boundaries of the Ybor City Historic District, the Administrator shall determine whether the structure is contributing or non-contributing. Contributing status of structures shall be determined based upon the most recent cultural resources survey of the Ybor City Historic District using the criteria of the National Register of Historic Places. This information shall be presented to the B.L.C for its consideration of the application. An application involving a structure designated as contributing to the historic or architectural significance of the District and so displayed on a map approved by the Commission may be denied.

In reviewing applications for the demolition of contributing buildings or structures the Commission shall be guided in its decision by the following information, to be provided by the applicant.

1. Estimate of the cost of the proposed demolition or removal and an estimate of any additional cost that would be incurred to comply with recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
3. Estimated market value of the property both in its current condition, and after completion of the proposed demolition or removal.
4. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

5. Amount paid for the property, the date of purchase, and the party from who purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 6. If the property is income-producing, the annual gross income from the property for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
 7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
 8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
 9. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
 10. Assessed value of the property according to the two most recent assessments.
 11. Real estate taxes for the previous two years.
 12. Form of ownership or operation of the property whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method.
 13. Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.
- (b) Proposed Demolitions Involving Threat to Public Health and Safety.

Regardless of the building's status as a contributing or non-contributing structure as provided in section 43A-139(a) above, where the City of Tampa Department of Housing and Development Coordination shall certify in writing that the structure is an imminent threat to the public health and safety, a Certificate of Appropriateness shall not be required. However, the Department of Housing and Development Coordination shall forthwith furnish a copy of its certification to the Commission.

(c) Proposed Demolitions Involving Designated Structures.

An application involving a structure designated by the Commission as contributing to the historic or architectural significance of the District and so displayed on a map approved by the Commission may be denied.

Designated structures shall be limited to (1) those entered on the National Register of Historic Places, (2) contributing and contributing/alterd buildings located within the National Register District, and (3) those structures determined by the Commission as being of special architectural and historic significance to the integrity of the District. Such determinations shall be based upon a cultural resources survey of the Ybor City Historic District using the criteria of the National Register of Historic Places.

In reviewing applications in this class of cases, the Commission shall be guided in its decision by the following information, to be provided by the applicant:

1. Estimate of the cost of the proposed demolition or removal and an estimate of any additional cost that would be incurred to comply with recommendations of the Commission for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
3. Estimated market value of the property both in its current condition, and after completion of the proposed demolition or removal.
4. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

6. If the property is income-producing, the annual gross income from the property for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
9. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
10. Assessed value of the property according to the two most recent assessments.
11. Real estate taxes for the previous two years.
12. Form of ownership or operation of the property, whether sole proprietorship, for-profit or non-for-profit corporation, limited partnership, joint venture, or other method.
13. Any other information, including the income tax bracket of the owner, applicant, or principal investors in the property considered necessary by the Commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Section 43A-140. Termination of Certain Uses.

Adult uses, temporary help centers and blood donor centers are uses not permitted or permissible within the District. All adult uses, temporary help centers and blood donor centers legally established on the effective date of this Article shall be terminated within three years of such date and the premises used for uses permitted or permissible within the District.

Section 43A-141. Compliance.

Compliance with the terms of the Certificate of Appropriateness shall be enforced by the Zoning Administrator. Failure to comply with a Certificate of Appropriateness shall be a violation of this Chapter 43-A. The discontinuance of work or the lack of progress toward achieving compliance with a Certificate of Appropriateness for a period of six months shall be considered as a failure to comply with a Certificate of Appropriateness.

Section 43A-142 through Section 43A-150. RESERVED.

ARTICLE IX

Historic Preservation

Section 43A-151. Intent and Declaration of Public Policy.

The purpose of this article is to preserve, promote and improve the historic landmarks and districts of the City of Tampa for the educational, cultural, economic and general welfare of the public; to protect and review changes to these landmarks and districts which have a distinctive character or a special historic, architectural, aesthetic or cultural value to this City, state and nation; to safeguard the heritage of this City by preserving and regulating its historic buildings, historic sites, archaeological sites, monuments, structures, neighborhoods and areas which reflect elements of the City's cultural, social, economic, political and architectural history; to preserve and enhance the environmental quality and safety of these landmarks and districts; to strengthen the City's economic base and to stimulate the tourist industry; to establish, stabilize and improve property values; to foster economic development and to manage growth.

The City Council finds that the City of Tampa has played an important role in the development of Florida and that this history is shown today through archaeological sites and through buildings and areas representing the activities as a port, an industrial center, and a resort and through sites, buildings and neighborhoods representing the persons who live and work or have lived and worked in Tampa during its first one hundred and fifty years. The Council finds that the distinctive and significant character of Tampa can only be maintained by protecting and enhancing its historic, architectural, aesthetic and cultural heritage and by preventing unnecessary injury or destruction of its landmarks and historic districts which are community assets. The Council finds that the Federal and Florida governments have passed laws to protect and preserve landmarks and historic districts.

The City Council finds that this Article benefits all the residents of Tampa and all the owners of property and declares as a matter of public policy that the preservation, protection and use of landmarks and historic districts are a public necessity because of their character and their value as visible reminders of the history and heritage of this City, state and nation. The Council declares as a matter of public policy that this Article is required in the interest of the health, prosperity, safety, welfare and economic well-being of the people. The designation and preservation of landmarks and landmark sites wherever located and of buildings and structures within any historic district or districts and the control of the erection, alteration, addition, repair, removal, or demolition of new or existing buildings or structures, signs and any such facilities or appurtenances thereto

to insure perpetuation of its or their historic character is hereby designated to be a public purpose.

As a regulatory tool, this Article will protect the character, architectural style and historic value of designated property from alterations that are incompatible with their preservation and from repairs and construction of inferior quality and appearance. These elements will be further enhanced by maintaining a high quality of design in infill construction and other new development in historic districts. One of the purposes of this Article is to provide the tools to encourage appropriate new development and appropriate growth in historic districts. In considering new construction, the Architectural Review Commission shall encourage design which is harmonious with the character of the designated historic districts and landmarks. The landmark and district regulations will require adherence to high standards of landscaping, control of signs and the maintenance of property in both public and private ownership. The intent of these regulations is to stabilize and strengthen designated landmarks and districts, and to preserve these irreplaceable properties of historical significance for the benefit and enjoyment of future generations.

Section 43A-152. Architectural Review Commission of the City of Tampa.

(a) Creation.

There is hereby established the Architectural Review Commission of the City of Tampa. The A.R.C. shall consist of nine members appointed by the Mayor and approved by the City Council. The members shall have a demonstrated special interest (such as active membership in a preservation group), professional experience or knowledge in historic preservation, architecture, history, architectural history, planning, archeology or other preservation-related disciplines.

In appointing members, the Mayor shall include five members with the following professional qualifications: two architects, one architectural historian or archaeologist, one planner or landscape architect and one person in real estate or contracting. At least one of these five (5) members shall be a property owner or resident of one of the National Register of Historic Places districts (not including the Ybor City Historic District) or multiple property listing. The Mayor shall appoint four additional members who shall be representative of each of the four City quadrants and shall, to the maximum extent possible, be property owners or residents of the neighborhoods surveyed by the Historic Tampa/Hillsborough County Preservation Board. One of the nine members appointed to the A.R.C. shall

also be a member of the Historic Tampa/Hillsborough County Preservation Board of Trustees.

When the A.R.C. reviews an issue that is normally evaluated by a professional member and that field is not represented on the A.R.C., the A.R.C. may seek expert advice before rendering its decision. Members of the A.R.C. shall serve without compensation, but they shall be reimbursed for expenses incurred in the performance of their duties in accordance with the rules adopted by the A.R.C..

(b) Membership.

The terms of office of the members shall be three years, except the terms of two members of the original A.R.C. shall expire after two years and the terms of two other members of the original A.R.C. shall expire after four years. No person shall serve more than two consecutive terms on the A.R.C.. Vacancies shall be filled within sixty (60) days after the end of a term. A member shall serve until the appointment and qualification of his successor. When a vacancy occurs during a term of office, it shall be filled within sixty (60) days, and the person selected shall be appointed for the unexpired portion of the term.

(c) Officers.

The A.R.C. shall each year elect members to serve as chairman and vice chairman. The chairman shall preside at meetings of the A.R.C. and shall have the right to vote. The chairman shall be the spokesman for the A.R.C. in presenting its policy to the public. In the absence or disability of the chairman, the vice chairman shall perform the duties of the chairman unless the chairman has selected another member to act on his behalf and to perform the duties of the chairman. At the chairman's request, the Administrator of the A.R.C. may represent the A.R.C. to the public or before governmental bodies.

(d) Staff.

The City may contract with the Historic Tampa/Hillsborough County Preservation Board of Trustees for assistance in the performance of the duties of the A.R.C., and this work shall be performed by the persons on the staff of the Board who have experience or training in historic preservation or a closely related field. There shall be an administrator who shall have the responsibility to implement the duties of the A.R.C..

(e) Meetings.

The A.R.C. shall meet at least once a month at a regularly scheduled time with advance notice given and an agenda available prior to the meeting. The Chairman may cancel a regularly scheduled meeting if there is no business or quorum to conduct the meeting. Additional meetings may be called by the Chairman or upon the request of five members of the A.R.C.. All meetings of the A.R.C. shall be open to the public. Applicants shall be given notice of the A.R.C.'s meetings and its decision on their application.

(f) Attendance at Meetings.

Any member of the A.R.C. who misses more than three consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his status as a member of the A.R.C. and shall be replaced. Absences due to sickness or an emergency shall be recognized as approved absences and shall not affect the member's status on the A.R.C. except that, in the event of a long illness or other such cause for prolonged absence, the member shall be replaced.

(g) Rules of Procedure.

The A.R.C. shall adopt and make public rules for the transaction of its business. A quorum shall consist of a majority of the A.R.C.. A majority of the total membership of A.R.C. shall be required for decisions involving recommendations on the designation of landmarks, landmark sites and historic districts. A majority of those ARC members present shall be required for approval or denial of applications for Certificates of Appropriateness.

(h) Minutes and Annual Report.

The A.R.C. shall prepare and keep on file, available for public inspection, minutes of its meetings and a written annual report to the Mayor and the City Council of its activities, cases, decisions, qualifications of members and other work. The minutes shall include the reasons for the decisions of the A.R.C..

(i) Conflict of Interest.

No member of the A.R.C. shall vote on any matter that may affect the property, income or business interests of that member. Any member who abstains from voting due to a conflict of interest shall not be considered as part of the total membership for that vote.

Section 43A-153. Powers and Duties of the A.R.C..

(a) General Responsibilities of the A.R.C..

The A.R.C. shall have the following responsibilities as authorized and empowered by the provisions of this chapter and by Chapter 266.4071, Florida Statutes, 1987: (1) The identification of buildings and areas that it will recommend for designation as landmarks, landmark sites and historic districts, (2) The control of alterations, demolitions, relocations or new construction involving designated landmarks, landmark sites or historic districts which alterations, demolitions, relocations or new construction will affect the landmark, landmark site or historic district, and (3) The review and recommendation of all nominations to the National Register of Historic Places following the initiation of the nomination by the Historic Tampa/Hillsborough County Preservation Board of Trustees.

The A.R.C. shall not have jurisdiction over any property within the Ybor City Historic District or any property that may be added to that District. The A.R.C. shall work with the Barrio Latino Commission on issues of joint concern.

(b) Specific Powers and Duties.

In addition to the powers and duties stated elsewhere, the A.R.C. shall take action necessary and appropriate to accomplish the purposes of this Article. These actions may include, but are not limited to:

1. Developing an annual work program including its survey and research activities, possible recommendations for designations, the development of design guidelines and its training and education programs, and appropriate staffing levels,
2. Working with the Historic Tampa/Hillsborough County Preservation Board of Trustees so that the City of Tampa has a continuing survey and a current inventory of historic buildings and areas and archaeological sites that are compatible with the Florida Master Site File and are regularly provided to the State Historic Preservation Officer for incorporation in the Florida Master Site File,
3. Working with the Historic Tampa/Hillsborough County Preservation Board of Trustees so that the City of Tampa has a plan for the preservation of the property in the survey and inventory,

4. Working with the Historic Tampa/Hillsborough County Board of Trustees on its recommendations for the designation of historic districts and individual landmarks and landmark sites and preparing recommendations on these proposed designations after public hearings,
5. Granting or denying applications for Certificates of Appropriateness and regulating alterations visible to the public, alterations of archaeological sites, demolitions, relocations, and new construction involving designated property,
6. Establishing subcommittees of the A.R.C. to handle the preliminary review of applications for a Certificate of Appropriateness and to perform other assignments,
7. Adopting design guidelines for alterations, demolitions, relocations and new construction involving designated historic districts and landmarks and landmark sites,
8. Establishing citizens advisory committees within potential districts to advise the A.R.C. on district boundaries, design guidelines and to make recommendations to the Administrator on those certain Certificate of Appropriateness whose determination has been delegated to the Administrator as routine alterations, and other similar matters. Upon request by the persons within a potential district, the A.R.C. may appoint the members of the citizens advisory committee. The A.R.C. shall seek qualified applicants who have demonstrated an interest in preservation of that potential district.
9. Working with and advising the Federal, State and County governments and other departments or commissions of City government,
10. Reviewing the provisions of the Zoning Code and other City ordinances and regulations in order to recommend amendments that will promote the preservation of landmarks, landmark sites and historic districts,
11. Preparing or giving testimony on plans that will affect the preservation of landmarks, landmark sites and historic districts including preparing reports on Special Use applications, on the removal of Grand Trees, on variances before the Board of Adjustment, on variances before the Sign Variance

Board and on right-of-way vacating petitions and any other matters of interest,

12. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation,
13. Initiating plans for the preservation and rehabilitation of individual historic buildings,
14. Undertaking educational and research programs including the collection of historical records and photographs, the preparation of publications and the placing of historical markers,
15. Receiving funds from public and private sources to be used for the preservation of designated property or for educational or research purposes and making use of these funds in accordance with Federal, State and City regulations, and
16. Exercising such other powers and performing such other duties as are required elsewhere by this chapter, the Tampa City Code, and the Florida Statutes.

(c) Nominations to the National Register of Historic Places.

As part of the duties under the Certified Local Government program, the A.R.C. shall receive from the Historic Tampa/Hillsborough County Preservation Board of Trustees all nominations of local property to the National Register of Historic Places following the regulations of the State Historic Preservation Office. The A.R.C. shall give notice to the owner of the property at least thirty (30) days but not more than seventy-five days (75) prior to the A.R.C. meeting at which the nomination will be considered. The A.R.C. shall also ask the Mayor and the Chairman of the Board of County Commissioners for their written opinion as to whether or not each property should be nominated to the National Register, and these recommendations shall be given to the A.R.C. within thirty (30) days.

The A.R.C. shall obtain comments from the public that shall be included in its report making its recommendation. When the A.R.C. considers a National Register nomination that would normally be evaluated by a professional in a specific discipline and that discipline is not represented on the A.R.C., the A.R.C. shall seek professional expertise in this area before rendering a decision. Within thirty (30) days after its

meeting the A.R.C. shall forward to the State Historic Preservation Officer its action on the nomination and the recommendations of the local officials. Appropriate local officials, the owner and the applicant shall be notified of the A.R.C. action.

The State Historic Preservation Officer will take further steps on the nomination in accordance with Federal and State regulations. If either the A.R.C. or the local officials or both support the nomination, the State Historic Preservation Officer will schedule the nomination for consideration by the Florida Review Board for the National Register at its next regular meeting. If both the A.R.C. and the local officials recommend that a property not be nominated to the National Register, the State Historic Preservation Officer will take no further action on the nomination unless an appeal is filed with the State Historic Preservation Officer.

(d) Other Responsibilities.

The Certified Local Government program is a federal program established through an amendment to the National Historic Preservation Act, extending some aspects of federal and state responsibilities for historic preservation to qualified local governments. In the development of the Certified Local Government program, the City Council may ask the A.R.C. to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

Section 43A-154. Designation of City Landmarks and Landmark Sites and Historic Districts.

(a) Starting the Designation Process.

In its annual work program, the A.R.C. shall include a list of buildings, sites and areas which it is studying and which merit consideration for designation. Any resident of Tampa, any owner of property in Tampa, or any organization in Tampa may request the A.R.C. to study a building, a site or any area and to add it to the A.R.C.'s list of possible designations. The A.R.C. shall from time to time discuss its list with the Historic Tampa/Hillsborough County Preservation Board of Trustees and shall ask the Board to make recommendations on the designation of landmarks, landmark sites and historic districts; the A.R.C. shall ask the Board whether there is appropriate staff to administer new designations of districts and landmarks.

meeting the A.R.C. shall forward to the State Historic Preservation Officer its action on the nomination and the recommendations of the local officials. Appropriate local officials, the owner and the applicant shall be notified of the A.R.C. action.

The State Historic Preservation Officer will take further steps on the nomination in accordance with Federal and State regulations. If either the A.R.C. or the local officials or both support the nomination, the State Historic Preservation Officer will schedule the nomination for consideration by the Florida Review Board for the National Register at its next regular meeting. If both the A.R.C. and the local officials recommend that a property not be nominated to the National Register, the State Historic Preservation Officer will take no further action on the nomination unless an appeal is filed with the State Historic Preservation Officer.

(d) Other Responsibilities.

The Certified Local Government program is a federal program established through an amendment to the National Historic Preservation Act, extending some aspects of federal and state responsibilities for historic preservation to qualified local governments. In the development of the Certified Local Government program, the City Council may ask the A.R.C. to perform other responsibilities that may be delegated to the City under the National Historic Preservation Act.

Section 43A-154. Designation of City Landmarks and Landmark Sites and Historic Districts.

(a) Starting the Designation Process.

In its annual work program, the A.R.C. shall include a list of buildings, sites and areas which it is studying and which merit consideration for designation. Any resident of Tampa, any owner of property in Tampa, or any organization in Tampa may request the A.R.C. to study a building, a site or any area and to add it to the A.R.C.'s list of possible designations. The A.R.C. shall from time to time discuss its list with the Historic Tampa/Hillsborough County Preservation Board of Trustees and shall ask the Board to make recommendations on the designation of landmarks, landmark sites and historic districts; the A.R.C. shall ask the Board whether there is appropriate staff to administer new designations of districts and landmarks.

(b) Public Hearing by the ARC.

The ARC shall hold a public hearing on the proposed designation of a landmark and landmark site or a historic district within ninety (90) days after the recommendation of the Historic Tampa/Hillsborough County Preservation Board of Trustees. Prior to announcing the public hearing the ARC shall clearly establish the boundaries for the proposed historic district or landmark and landmark site. Notice of the hearing on a proposed historic district shall be given pursuant to the requirements for an area rezoning contained in the zoning code.

Notice of the hearing on a proposed landmark and landmark site shall be given by certified mail to the owner(s) of the landmark and by U.S. Mail to all surrounding property owners within 150 feet in all directions of the landmark site, excluding streets. The notice shall be sent a minimum of fifteen (15) days prior to the public hearing. In addition, a sign shall be posted on the property in a conspicuous place for a minimum of fifteen (15) days prior to the public hearing. The applicant shall prepare an affidavit showing the property owners that were noticed, and the date and address to which each notice was mailed. The affidavit shall be filed with the Secretary of the Architectural Review Commission for its public hearing and with the City Clerk for City Council's public hearing; each affidavit shall be filed no less than five (5) days prior to the public hearing. Should the notice requirements of this section not be met, the public hearing notice shall be deemed inadequate and no action shall be taken until proper notice is accomplished.

(c) Recommendations and Report to the City Council.

The A.R.C. shall within thirty (30) days after the closing of the public hearing forward to the City Council the recommendation of the Historic Tampa/Hillsborough County Preservation Board of Trustees. The A.R.C. shall also forward its recommendation to the City Council on whether or not to make the designation within thirty (30) days after the closing of the public hearing. The A.R.C. shall prepare a written report, with findings of fact, to accompany its recommendation. The report shall review the testimony at the public hearing, survey information and other material the A.R.C. has assembled and shall explain how the property under consideration meets one or more of the criteria contained in Section 43A-154 (j). The recommendation of the A.R.C. may suggest reducing the size of a proposed historic district, but additional properties may not be

added to the proposed historic district unless a further public hearing with notice is held under this section.

(d) Report by the Planning Commission.

The A.R.C. shall forward to the Hillsborough County City-County Planning Commission the recommendation of the Historic Tampa/Hillsborough County Board of Trustees. The Planning Commission shall within thirty (30) days report to the City Council giving information on the relationship between the proposed designation and the adopted Tampa Comprehensive Plan 2000.

(e) Public Hearing by the City Council.

The City Council shall hold a public hearing on the proposed designation of a landmark and landmark site or a historic district within sixty (60) days after the receipt of the recommendation of the Historic Tampa/Hillsborough County Preservation Board of Trustees and the recommendation and the report of the ARC. Notice of the hearing on a proposed historic district shall be given pursuant to the requirement for an area rezoning contained in the zoning code.

Notice of the hearing on a proposed landmark and landmark site shall be given by certified mail to the owner(s) of the landmark and by U.S. Mail to all surrounding property owners within 150 feet in all directions of the landmark site, excluding streets. The notice shall be sent a minimum of fifteen (15) days prior to the public hearing. In addition, a sign shall be posted on the property in a conspicuous place for a minimum of fifteen (15) days prior to the public hearing. The applicant shall prepare an affidavit showing the property owners that were noticed, and the date and address to which each notice was mailed. The affidavit shall be filed with the Secretary of the Architectural Review Commission for its public hearing and with the City Clerk for City Council's public hearing; each affidavit shall be filed no less than five (5) days prior to the public hearing. Should the notice requirements of this section not be met, the public hearing notice shall be deemed inadequate and no action shall be taken until proper notice is accomplished.

(f) Decision by the City Council.

The City Council shall approve, modify or disapprove the proposed designation within thirty (30) days after its public hearing. The City Council may reduce the size of a proposed historic district, and it may add additional properties to the proposed historic district provided it holds a further public hearing with notice on the

additional properties and receives a recommendation from the Historic Tampa/Hillsborough County Preservation Board of Trustees and a recommendation and a report from the A.R.C. If a designation is made, the Official Zoning Atlas shall be amended to contain the designation. The A.R.C. shall notify each applicant and property owner of the decision and shall arrange that each designation of a property as a landmark and landmark site or as a part of a historic district be recorded in the official record books of Hillsborough County. The A.R.C. shall also give notice of the designation to the government offices in the City and County which shall retain them for future reference.

(g) Effect of Designation.

After designation by the City Council, a landmark and landmark site and a historic district shall be subject to the procedures and regulations contained in this Article and to the procedures, regulations and design guidelines of the A.R.C. These procedures, regulations and design guidelines shall be in addition to the provisions of other articles of the Zoning Code and other regulations of the City of Tampa which shall remain in full force and effect. In any situation where there is a conflict between two regulations, the more restrictive one shall apply.

(h) Appeal of Decision to Designate.

Any appeal by the applicant or the owner from the City Council's decision to make a designation shall be in the nature of certiorari, shall be made within thirty (30) days after the oral decision of the City Council and shall be heard by the Circuit Court of Hillsborough County, as provided by law.

(i) Amendments or Rescissions.

The designation of any landmark and landmark site or historic district may be amended or rescinded through the same procedure utilized for the original designation.

(j) Criteria to Qualify as a Landmark or a Historic District.

In the application of these criteria, the landmark or historic district shall have achieved significance within the time period established by the criteria of the National Register of Historic Places. A landmark or historic district shall qualify for designation when it meets one or more of the following criteria:

1. Its character as a geographically definable area possessing a significant concentration of buildings that are well designed and other structures, sites and objects all of which are united by past events or by a plan or physical development;
2. Its character as an established and geographically definable neighborhood united by culture, architectural styles or physical development;
3. Its value as a reminder of the cultural or archaeological heritage of the City, state or nation;
4. Its value as a site of a significant local, state or national event;
5. Its identification with a person or persons who significantly contributed to the development of the City, state or nation;
6. Its identification as the work of an architect, designer, or builder whose work has influenced the development of the City, state or nation;
7. Its value as a building that is recognized for the quality of its architecture and that retains sufficient features showing its architectural significance; or
8. Its value as a building with distinguishing characteristics of an architectural style that are significant for the study of a period, method of construction, or use of indigenous materials.

(k) Landmark Site.

Each designation of a building, structure, object or a piece of land as a landmark shall be accompanied by the designation of a landmark site. A landmark site is the location and the grounds, the premises or the setting for the landmark, and it shall be identified through its block and lot number. A landmark site shall only be designated in conjunction with the designation of a landmark.

(l) Applications to A.R.C..

A person or organization requesting the A.R.C. to study a building, a site or an area shall include historical and architectural information that will help the A.R.C. in making its recommendation on a proposed designation. In its rules the A.R.C. may prescribe the material to be included in an application.

Section 43A-155. Review of Work on Landmarks, Landmark Sites, and Property in Historic Districts.

(a) Work Requiring a Certificate of Appropriateness.

A Certificate of Appropriateness from the A.R.C. shall be required before a person may undertake the following work affecting a landmark, a landmark site, or a property in a historic district:

1. An exterior alteration that is visible to the public.
2. An alteration of an archaeological site;
3. Relocation;
4. New construction; and
5. Demolition.
6. Landscaping on single family or two family dwellings shall not require a Certificate of Appropriateness. On all other development and redevelopment of properties which includes the installation of or changes to a parking lot, the landscaping shall require a Certificate of Appropriateness.
7. All trackage (including ties, ballast, drainage structures, signals, switches, communications lines, tie plates, rail anchors, spikes, fasteners, or other rail materials) within a landmark site shall not require a Certificate of Appropriateness.

(b) Application Made to the A.R.C..

When a person wishes to undertake an exterior alteration visible to the public, an alteration of an archaeological site, new construction, relocation or demolition affecting a landmark, a landmark site or a property in a historic district, that person shall apply directly to the A.R.C. for a Certificate of Appropriateness. A Certificate of Appropriateness must be obtained even when a building permit is not required for the proposed work. The Department of Housing and Development Coordination shall refer to the A.R.C. any person applying to get a permit for work that will also require a Certificate of Appropriateness.

(c) Contents of an Application.

The applicant shall provide, where applicable, scale drawings of the proposed work, photographs of the existing building, structure or site and adjacent properties and information about the building materials to be used. In its rules the A.R.C. may prescribe additional material to be included in an application. An application for a Certificate of Appropriateness shall not be considered complete until all required data have been submitted. Before an applicant prepares his application, he may bring a tentative proposal to the A.R.C. for its comments. When an application involves new construction, the applicant shall present his conceptual plans for review and comment before the preparation of construction drawings of his project.

(d) Action on an Application.

The A.R.C. shall hold a public hearing on each application for a Certificate of Appropriateness at its next regular meeting when a complete application has been filed at least seven (7) calendar days before the meeting. The A.R.C. shall make a decision on each application within forty-five (45) days after the receipt of a completed application provided that the A.R.C. may extend the time for decision an additional thirty (30) days when the application is for relocation, new construction, or demolition. Upon mutual consent between the A.R.C. and the applicant, the decision on relocation, new construction or demolition may be extended for an additional thirty (30) days.

The A.R.C. shall approve or disapprove each application for a Certificate of Appropriateness, and it shall give its reasons for its decision using the criteria contained in this section and in its design guidelines. The A.R.C. may suggest modifications to an application and may then approve a Certificate of Appropriateness providing for revisions in the plans submitted. If the A.R.C. fails to decide on an application within the specified time period, the application shall be deemed approved.

Applicants shall be given notice of the public hearings and meetings relating to their application and shall be informed of the A.R.C.'s decision. Notice of the hearing shall be given by conspicuous posting on the property at least seven (7) calendar days before the meeting at which the application will be heard. The applicant shall have the responsibility for posting the notice prepared by the A.R.C., and he shall submit proof that the notice was posted. If the sign is not posted within the time requirements, the public hearing notice will be deemed inadequate and no action shall be taken until proper notice is accomplished.

(e) Appeal of the Decision on a Certificate of Appropriateness.

An appeal may be taken to the City Council within thirty (30) days by the applicant from the A.R.C.'s oral decision in granting or denying any certificate. A decision by the City Council to reverse or modify a decision of the A.R.C. shall require the affirmative votes of a majority of the total membership of the City Council; however, in the case of a demolition request, a majority plus one of the total membership of the City Council is required. Any appeal by the applicant from the City Council's decision shall be in the nature of certiorari, shall be made within thirty (30) days after the oral decision of the City Council, and shall be heard by the Circuit Court of Hillsborough County, as provided by law.

(f) Routine Alterations.

The A.R.C. shall prepare a list of routine alterations that may receive immediate approval from its Administrator without a public hearing when an applicant complies with the design guidelines of the A.R.C..

Applications concerning construction for handicapped access shall receive immediate review by the Administrator in the most timely fashion possible. Where application does not involve major renovation of the building or new construction, the review of construction for handicapped access shall be completed by the Administrator in a maximum of two working days.

(g) Submission of a New Application.

If the A.R.C. determines that a Certificate of Appropriateness should not be issued for a proposed alteration, relocation or new construction, a new application affecting the same property may be submitted during the twelve (12) months after the disapproval only if a substantial change is made in the plans for the proposed work.

(h) Approach Taken by the A.R.C. in Reviewing an Application.

In making a decision on an application, the A.R.C. shall be aware of the importance of finding a way to meet the current needs of the applicant. The A.R.C. shall also recognize the importance of approving plans that will be reasonable for the applicant to carry out.

(i) Review Criteria.

In making a decision on an application, the A.R.C. shall use the design guidelines it has adopted. The A.R.C. shall consider: (1) The effect of the proposed work on the property upon which such work is to be done; and (2) The relationship between such work and other buildings, structures or objects on the landmark site or other property in the historic district. In evaluating the effect and the relationship, the A.R.C. shall consider historical and architectural significance, architectural style, design, arrangement, texture, materials and color. The A.R.C. shall not have review authority over alterations to the interiors of a building or structure, but it shall study such plans as they relate to the exterior. The A.R.C. shall not have review authority over paint colors used on the exterior of designated buildings. The A.R.C. may advise owners on appropriate paint colors and it shall prepare and distribute a list of paint colors appropriate for different types of buildings. The A.R.C.'s decisions shall be in writing with findings of fact and reasons for its decision.

The design guidelines for work involving landmarks and historic districts in the City of Tampa shall include the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. The A.R.C. shall notify the property owners in a new district of its intent to adopt design guidelines for that district and shall request comments from the owners and other interested persons. The A.R.C. shall hold at least one public hearing to hear comments on the proposed design guidelines and shall prepare the guidelines at the time the district is recommended for designation. The A.R.C. shall annually review the design guidelines for each district in a public hearing with notice given to the property owners in that district. The A.R.C. may use, where appropriate, its historic district guidelines in preparing guidelines that it adopts for work involving individual landmarks.

The review of work involving landmarks and historic districts supplements existing City of Tampa ordinances and codes including, but not limited to, the regulation of landscaping, tree planting, site clearing, parking, fences, and signs. Decisions by the A.R.C. shall be coordinated with actions by other City offices. The Parks Department shall request the recommendation of the A.R.C. when an application is made for the removal of a Grand Tree in a historic district or on a landmark site. The Sign Variance Board shall request the recommendation

of the A.R.C. when an application is made for a variance in the Sign Regulations within a historic district or on a landmark site. The Board of Adjustment shall request the recommendation from the A.R.C. when a variance or administrative appeal application is made in a historic district or a Landmark site.

Through the use of guidelines by the A.R.C., a successful rehabilitation might involve repair or replacement of original building details or the introduction of new elements that are not original, but with careful selection and planning, the rehabilitation could relate properly to the original components of a building and the surrounding neighborhood. It is important to maintain existing Grand Trees and landscaping in a rehabilitation within a historic district or on a landmark site.

Design guidelines for new construction and additions focus attention on those special visual and spatial qualities that a historic district and landmark and landmark site are established to protect. Since architectural styles and details vary within a district, the guidelines emphasize the relationship among buildings in the immediate setting.

(j) Additional Criteria on New Construction.

When the applicant wishes to undertake new construction within a historic district or on a landmark site, the A.R.C. shall consider the compatibility of the new construction with the existing character of the district or the landmark, but the A.R.C. shall not dictate the architectural style of the new construction. Compatible design shall mean architectural design and construction that will fit harmoniously into the district or the landmark site. New construction shall be compatible in scale, materials and quality of construction with adjacent buildings and structures that have been designated.

The A.R.C. shall include the following points in its consideration of an application for new construction: (1) Scale: Height and Width, (2) Setback, (3) Orientation and site coverage, (4) Alignment, rhythm and spacing of buildings, (5) Form and detail: Link between old and new, (6) Maintaining materials within the district or on the landmark site, (7) Maintaining quality within the district or on the landmark site, (8) Facade proportions and window patterns, (9) Entrances and porch projections, (10) Roof forms, (11) Horizontal, vertical or non-directional emphasis. These considerations shall be in addition to the points contained in Section 43A-155(i).

(k) Additional Criteria on Relocation Applications.

When the applicant wishes to move a landmark, a building or structure from a landmark site, or a building or structure from a historic district or wishes to move a building or structure to a landmark site or to a property in a historic district, the A.R.C. shall consider: (1) The contribution the building or structure makes to its present setting; (2) whether there are definite plans for the site to be vacated; (3) whether the building or structure can be moved without significant damage to its physical integrity; and (4) the compatibility of the building or structure to its proposed site and adjacent properties. These considerations shall be in addition to the points contained in Section 43A-155(i).

(l) Applications Required from the City and Public Utility and Transportation Companies.

The City of Tampa and all public utility and transportation companies shall be required to obtain a Certificate of Appropriateness prior to initiating any changes in the character of street paving, sidewalks, trees, utility installations, lighting, walls, fences, structures and buildings on property, easements, or streets owned or franchised by the City of Tampa or public utility or transportation companies.

(m) Requirement for Other Permits and Approvals.

The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of Tampa. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work. The A.R.C. does not have any control over uses permitted within any designated historic property, and so the A.R.C. does not approve proposed uses. The Zoning Administrator shall be the sole administrator of this Code as it pertains to landmark and historic district boundaries, the requirements for permitted or permissible special uses, the schedule of area, height, bulk and placement regulations, the parking requirements and any other item not dealing specifically with the procedure and review criteria for obtaining a Certificate of Appropriateness.

(n) Applicants Seeking Federal Rehabilitation Tax Incentives: Resolution Conflicts.

For an applicant who has applied for a Certificate of Appropriateness and for Federal Rehabilitation Tax Incentives under Section 48(g) and related sections of the Internal Revenue Code, including successor provisions of the code, the terms of approval given by the National Park Service, as administrator of the tax incentives, shall prevail should there be a conflict regarding a specific aspect of the plans submitted to each of these two agencies.

Section 43A-156. Review of Applications to Demolish.

When an applicant wishes to demolish a landmark, a building or structure on a landmark site, or a building or structure in a historic district, the applicant shall have the responsibility of proving that the demolition is necessary, and he shall present substantial evidence on the need for the demolition. The A.R.C. shall have the responsibility of determining whether the building or structure contributes to the district or landmark and whether the building or structure continues to have its landmark significance. The applicant shall explore alternatives to demolition in the Zoning Code, such as the provisions on Planned Development Districts. The applicant shall discuss whether he can retain the landmark, the building or the structure on the site. The applicant shall discuss whether the relocation of the landmark, the building or the structure is appropriate and feasible. The applicant shall present to the A.R.C. substantial evidence on his ability to build the new construction within a reasonable period of time, if his application is approved. The A.R.C. may assist the applicant in determining whether an alternative to demolition can be found. The A.R.C. may ask interested individuals and organizations for assistance in seeking an alternative to demolition. The Administrator shall prepare a written report for the A.R.C. evaluating the demolition request.

Prior to applying for permission to demolish, the applicant may request a determination from the A.R.C. on whether the structure is contributing or non-contributing. During or after its public hearing, the A.R.C. may decide that a building or structure in a historic district or on a landmark site may be demolished because it does not contribute to the historic district or to the landmark. Such a decision by the A.R.C. shall be based on its evaluation of the architectural and historical importance of the building or structure. The A.R.C. may delegate the review of demolition requests for non-contributing structures to the Administrator, under the conditions and procedures described in the Rules of Procedures.

On all other demolition applications, the A.R.C. shall study the question of economic hardship for the applicant and shall determine whether the landmark or the property in the historic

district can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the A.R.C. shall also determine whether the applicant can obtain a reasonable return from his existing building. These determinations shall be in addition to the points contained in Section 43A-155(i). If economic hardship or the lack of a reasonable return is not proved, the A.R.C. shall deny the demolition application unless the A.R.C. finds grounds to grant the demolition application under the points contained in Section 43A-155(i).

In reviewing applications in this class of cases, the A.R.C. shall study the following information, to be provided by the applicant. The A.R.C. may also make its own study of these points in order to obtain additional information for its decision. The Administrator shall determine whether an application is complete based on these points and the rules adopted by the A.R.C.

- (a) Estimate of the cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with recommendations of the A.R.C. for changes necessary for the issuance of a Certificate of Appropriateness.
- (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation.
- (c) Estimated market value of the property both in its current condition, and after completion of the proposed demolition or removal to be presented through an appraisal by a qualified professional expert.
- (d) An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
- (e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
- (f) If the property is income-producing, the annual gross income from the property for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

- (g) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
- (h) All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
- (i) Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
- (j) Assessed value of the property according to the two most recent assessments.
- (k) Real estate taxes for the previous two years.
- (l) Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other method.
- (m) Any other information which would assist the A.R.C. in making a determination as to whether the property does yield or may yield a reasonable return to the owners, e.g., pro-forma financial analysis.

Section 43A-157. Compliance with the Certificates of Appropriateness.

(a) Inspections and Approvals by the A.R.C..

Work performed pursuant to a Certificate of Appropriateness shall be started within twelve (12) months after the issuance of the certificate, and the work shall conform to the provisions of the certificate. The Administrator of the A.R.C. may inspect the work during and after construction in order to assure compliance. Failure to comply with a Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness shall be a violation of this chapter, Chapter 43-A, and shall be processed accordingly. Approval of the Administrator of the A.R.C. shall be required before the Department of Housing and Development Coordination issues a Certificate of Occupancy or before the final inspection is approved.

(b) Stop Work Orders during Construction.

In the event work is being performed without the required Certificate of Appropriateness, the A.R.C. shall ask that a Stop Work Order be issued. In the event work is being performed which is not in accordance

with its Certificate of Appropriateness, the A.R.C. shall also ask that a Stop Work Order be issued. In addition to other penalties and remedies, the City shall issue a Stop Work Order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The City may apply for an injunction to enforce its Stop Work Order.

Section 43A-158. Emergency Actions to Protect Buildings While Their Designation Is Considered.

(a) Review by the City Council of The Threat.

The Chairman or the Administrator of the A.R.C. may request the City Council to take emergency action to review a threat to:

1. a building, structure or site of architectural, historical, or archaeological significance which has not yet been designated as a landmark but appears to be eligible for designation;
2. a contributing structure in a historic district which is pending for listing on or is listed on the National Register of Historic Places, but which is not yet designated under the provisions of this Chapter.

The Chairman or Administrator shall submit written information to the City Council supporting its statement that irreparable harm will be done to the building, structure or site, if a demolition permit is allowed to occur. The Chairman or Administrator shall also submit to the City Council all currently available information regarding the building's eligibility for designation. The City Council shall notify the A.R.C., the applicant for the permit and the owner of the property in writing of its intent to hold a public hearing on the request. All construction activity using building permits or the processing of permit applications relating to the property shall be held in abeyance until City Council action is taken on the threatened property. Within fourteen (14) days of City Council's receipt of the request for emergency action, the City Council shall meet to consider the request. Receipt by City Council shall be deemed to occur only when City Council is in session. *within 45 days of receipt of application to dem old bldg*

(b) Public Hearing and Findings of Fact.

At the public hearing the A.R.C. shall report to the City Council on the architectural, historical and archaeological significance of the threatened property,

evaluating the property under Section 43A-154(j) Criteria to Qualify as a Landmark or a Historic District. The City Council shall also hear testimony from the owner, the applicant and all other interested parties.

At the close of the testimony, the City Council shall determine whether all of the following findings of fact have been established:

1. There is a real and present danger to the threatened property as evidenced by the owner's or applicants' demolition proposal.
2. Based upon the best available data, the threatened property appears to be eligible for designation as a landmark under the criteria of Section 43A-154(j). The fact that the property has not yet been nominated or included on the National Register of Historic Places shall not in itself be grounds for approval of a demolition.
3. The applicant and the owner are not denied all use of the property during the consideration of its designation as a landmark.

(c) Decision by the City Council.

If in the judgment of the City Council, all of the findings of fact have not been established, the City Council shall approve the demolition of the property. If in the judgment of the City Council, all of the findings of fact have been established, the City Council shall initiate the designation of the threatened property as a landmark under the procedures of this article.

Upon the initiation by City Council of the designation process, the City Council may delay the demolition until a decision has been reached on the designation of the property as a landmark. However, the demolition shall not be delayed longer than ninety (90) days, unless unusual unforeseen circumstances exist which prevent the completion of the designation process in compliance with the public notice requirements. In this situation the City Council may extend the delay of the demolition for an additional forty-five (45) days.

When an emergency designation is initiated by the City Council under this section, the A.R.C. and City Council shall make every effort to complete the designation process in the most timely fashion. In every other respect, the designation shall follow the same procedures as described in Section 43A-154.

(d) Submission of New Evidence by the Applicant or Owner.

During the designation process the applicant or the owner may come to the A.R.C. and present new evidence to support his need to demolish the building or structure immediately. The Administrator of the A.R.C. shall evaluate the new evidence within a reasonable period of time. The A.R.C. shall then submit its recommendation and the new evidence to the City Council. The City Council shall approve or disapprove the application request using the findings contained in this section.

Section 43A-159. Maintenance and Repair of Landmarks, Landmark Sites and Property in Historic Districts.

(a) Prevention of Demolition by Neglect.

The owner and the tenant of a landmark, a landmark site, or a property in a historic district shall keep in good repair: (1) all of the exterior portions of such buildings or structures; and (2) all interior portions thereof which, if not so maintained, may cause such buildings or structures to deteriorate or to become damaged or otherwise to fall into a state of disrepair. The purpose of this section is to prevent a person from forcing the demolition of his building or structure by neglecting it and permitting damage to it by weather or vandalism. No provision in this chapter shall be interpreted to require an owner or tenant to undertake an alteration or to restore his building or structure to its original appearance.

(b) Ways to Improve the Condition of the Property.

The A.R.C. shall request a meeting with the owner and the tenant when his landmark or his building in a historic district is in poor repair, and the A.R.C. shall discuss with them ways to improve the condition of the property. After this step the A.R.C. may request the Department of Housing and Development Coordination to take action to require correction of defects in any building or structure designated under this chapter so that such building or structure shall be preserved in accordance with the purposes of this chapter.

(c) Ordinary Maintenance and Repairs.

Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a building or structure or the replacement of elements of a building or structure with pieces identical in

appearance and provided that the work does not change the building's or the structure's exterior appearance which is visible to the public.

(d) Emergency Conditions.

In any case where the Department of Housing and Development Coordination determines that there are emergency conditions dangerous to life, health or property affecting a landmark, a landmark site, or a property in a historic district, the Department may order the remedying of these conditions without the approval of the A.R.C.. The Department shall promptly notify the Administrator of the A.R.C. of the action being taken. When the emergency conditions do not require demolition, the Department shall make every effort to carry out the intent of this chapter and to use the design guidelines of the A.R.C., when remedying the emergency conditions.

(e) Other Laws and Regulations.

The provisions of this section shall be in addition to all other provisions of the State of Florida and the City of Tampa laws and regulations requiring that buildings and structures be kept in good repair.

Section 43A-160 through Section 43A-170.

RESERVED.

ARTICLE X

OFF-STREET PARKING AND LOADING

Section 43A-171. Intent.

It is the intent of these regulations to encourage the appropriate location of off-street parking and off-street loading to provide the needed levels of service to Tampa, to avoid undue congestion on the streets, to protect the capacity of the street system to move traffic, to avoid unnecessary conflicts between vehicles and pedestrians, to encourage the use of mass transportation, to preserve and enhance the designated pedestrian activity areas within the City and to facilitate the access from streets to off-street parking lots and structures.

Section 43A-172. Off-Street Parking Required.

In all districts, in connection with every industrial, commercial, office, residential or any other use, there shall be provided, at the time any new building is erected, any use of a building or land is enlarged or increased in intensity or any other use or change of use established, off-street parking spaces for automobiles in accordance with requirements herein.

However, if the required number of functional spaces can be met by an existing parking area, the improvements described in Section 43A-181(d) shall not be required.

Section 43A-173. Compliance with Regulations.

No off-street parking or off-street loading space, now existing or hereafter provided, which meets all or part of the requirements of this Chapter for such space, shall be reduced or eliminated by private action, except where approved alternative off-street parking or off-street loading space meeting such requirements is provided, unless no longer required by these regulations.

The requirements for off-street parking space and off-street loading space applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located, so long as the structure is in existence and its use requiring parking or loading or both, facilities continues.

Section 43A-174. Joint Use of Facilities.

Nothing in this Chapter shall be construed to prevent the joint use of off-street parking or off-street loading space for

two or more buildings or uses, if the total of such spaces when used together shall not be less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this Chapter. Joint Use of Facilities may also be approved if the Zoning Administrator determines that the periods of usage of such buildings or uses will not be simultaneous.

An agreement for such joint use, in the form of a reciprocal easement acceptable to the City of Tampa Legal Department shall be filed with the Zoning Administrator and recorded with the Clerk of the Circuit Court for Hillsborough County, Florida.

Section 43A-175. Visibility at Intersections.

No structure or portion of any structure shall be placed or erected, no motor vehicle, trailer or equipment shall be allowed to park, stand, stop or be stored, and no vegetation shall be maintained, planted or allowed to grow in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street, between heights of two and one-half feet and eight feet, as measured from the pavement edge of the adjacent roadway across triangles described as follows:

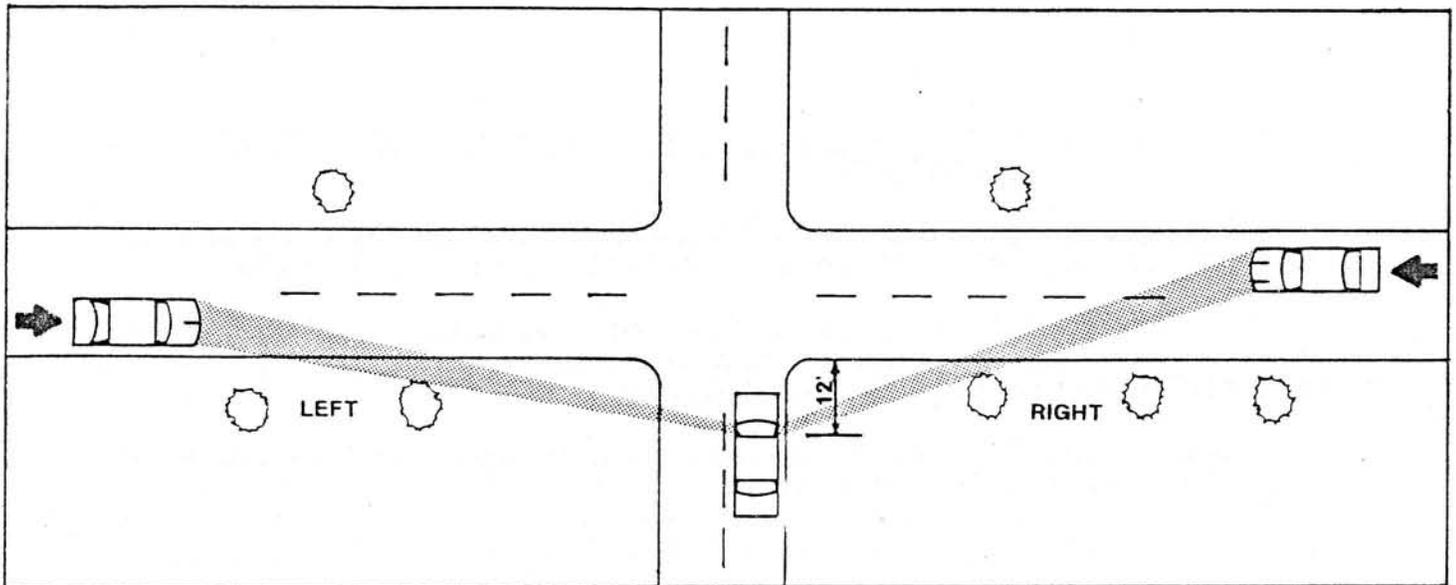
(a) At street intersections and at intersections of vehicular driveways with collector and arterial streets, beginning at the point where the pavement edges of streets and/or driveways meet at the corner, or in the case of rounded intersection corners, the point at which they would meet without such rounding; then proceed according to the following diagram and table:

(b) At intersections of alleys, beginning at the point of intersection as above: The requirements described in (a) above apply.

(c) On either side of intersections of vehicular driveways, exits or entrances, with a local street or alley, beginning at a point ten feet behind the property line at the edge of the drive; then ten feet along the property line away from the drive; and thence along a straight line to the point beginning.

VISIBILITY AT INTERSECTIONS AND REQUIRED SITE DISTANCES

DIAGRAM 10-1



SIGHT DISTANCES (ft.)	Including Left-turn Storage Lanes or Width of Pavement, in Feet)							
	2 Lanes or 24' Width		3 Lanes or 36' Width		4 Lanes or 48' Width		5 Lanes or 60' Width	
Posted Speed Limit Of Major Street (MPH)	Left	Right	Left	Right	Left	Right	Left	Right
30 (or Less)	220	250	230	270	250	300	260	320
35	260	290	270	310	290	350	300	370
40	290	330	310	360	330	390	340	420
45	330	370	350	400	370	440	380	480
50 (or More)	370	410	390	490	410	490	430	530

NOTE: All of the above figures rounded to two places.

For the site distance along a one-way street, the "left" side dimensions in the above table should always be used, because the approach lanes will be "nearside" as well as "farside".

Section 43A-176. Methods of Providing Required Parking and Loading.

All required parking shall be located on the same zoning lot as the principal use(s) it serves, except as provided below.

In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this Article may be provided as follows:

Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the Zoning Administrator that the following requirements have been met:

(a) The use being served by the off-site parking shall be a permitted principal use, as established in Article IV, in the zoning districts within which the zoning lot containing such parking is located;

(b) The off-site parking spaces shall be located within three hundred feet walking distance of a public entrance to the structure or land area containing the use for which such spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the use being served;

(c) The continued availability of off-site parking spaces, necessary to meet the requirements of this article, shall be ensured by an appropriate reciprocal easement satisfactory to the City of Tampa Legal Department and recorded with the Clerk of the Circuit Court of Hillsborough County, Florida; and

(d) For purposes of determining applicable minimum and maximum land use intensities, the land area devoted to off-site parking shall be added to the land area of the zoning lot containing the use being served by such parking and shall be subtracted from the land area of the zoning lot containing the off-site parking.

Section 43A-177. Number of Off-Street Parking Spaces.

The number of off-street parking spaces shall be as set forth below.

Provided however, the number of required off-street parking spaces for property in the Central Business District shall be as set forth in Article XVIII, Section 43A-316.

TABLE 10-1

Table of Required Parking Spaces

<u>USE</u>	<u>SPACES</u>	<u>PER UNIT</u>
1. COMMERCIAL/RETAIL USES:		
(a) Adult Uses	0.3 plus 3.3	seat 1000 sq.ft. (GFA)
(b) Appliance & Equip. Repair	5.0	1000 sq.ft. (GFA)
(c) Bank		
(1) Walk-in	4.0	1000 sq.ft. (GFA)
(2) Drive-in	plus queuing spaces	DPW Standards
(d) Bar, Lounge, Bottle Clubs	10.0	1000 sq.ft. (GFA)
(e) Blood Donor Center	minimum 2.0 plus 1.0	employee
(f) Carwash	0.8	employee
(g) Catering Shop	1.0 plus 0.5 plus 2.0	employee delivery vehicle 1000 sq.ft. (GFA)
(h) Dry Cleaning Plant	1.0 plus 0.5	employee on largest shift vehicle operated by the business
(i) Home Occupation	2.0	dwelling unit
(j) Kennel	1.0 plus 0.1	employee each animal holding area
(k) Marina	2.0	slip or berth
(l) Marina Sales and Repair	1.0 plus 2.0	employee 1000 sq.ft. (GFA)
(m) Personal Services	8.0	1000 sq.ft. (GFA)
(n) Pharmacy	3.0	1000 sq.ft. (GFA)

<u>USE</u>	<u>SPACES</u>	<u>PER UNIT</u>
(o) Printing	1.0	employee on largest shift
(p) Radio/TV Studio	1.0	employee on largest shift
(q) Recreation-Commercial & Private	5.0	1000 sq.ft. (GFA)
(r) Retail		
Department Store (free-Standing)	3.0	1000 sq.ft. (GFA)
Furniture	1.0	1000 sq.ft. (GFA)
Grocery	4.0	1000 sq.ft. (GFA)
Regional Mall	5.5	1000 sq.ft. (GFA)
Specialty Shops	1.1	1000 sq.ft. (GFA)
All Other Retail	4.0	1000 sq.ft. (GFA)
Ⓢ		
(s) Restaurant		
(1) Walk-in	0.3	seat
(2) Drive-in	plus queing spaces	DPW Standards
(t) Service Stations	5.0	1000 sq.ft. (GFA)
(u) Temporary Help Agency	minimum 2.0 plus 1.0	employee
(v) Theatre	0.3	seat
(w) Vehicle Repair	2.0 plus 1.0	repair bay employee
(x) Vehicle Sales & Leasing	2.0	1000 sq.ft. (GFA)
2. INDUSTRIAL/WAREHOUSE USES:		
(a) Junkyard/Land Fill	1.0	employee
(b) Maintenance or Storage Facility	1.0	employee of the largest shift
(c) Manufacturing, Light & Heavy	0.6	employee of the largest shift
(d) Radio/TV Transmitter Site, Utility Transmission Site	1.0	employee of the largest shift
(e) Research Activity	1.4	employee

<u>USE</u>	<u>SPACES</u>	<u>PER UNIT</u>
(f) Transportation Service Facility	7.0 plus 0.45	1000 sq. ft. of waiting area employee
(g) Warehouse & Wholesale Trade	0.6	employee on largest shift
(h) Warehouse, mini	1.0 plus 1.0	employee on largest shift each 20 storage units
(i) Vermin Control	2.0 plus 0.33	1,000 sq. ft. (GFA) employee on largest shift
3. INTERMENT USES:		
(a) Cemetery	1.0	employee
(b) Funeral Parlor or Crematorium	0.25 plus 0.33	seat of chapel capacity employee
4. MEDICAL USES:		
(a) Clinic	7.0	1000 sq.ft. (GFA)
(b) Hospitals and Associated Uses	1.2	Bed
(c) Nursing, Convalescent and Extended Care Facilities	0.35	bed
5. OFFICE USES:		
(a) Business and Professional	3.3	1000 sq.ft. (GFA)
(b) Medical, Dental, Eye, Veterinary, and other health related uses	5.0	1000 sq.ft. (GFA)
6. PUBLIC OR NON-PROFIT USES:		
(a) Airports, Heliports, Helistops		
(1) Local	1.0 plus 1.0 plus 1.0	aircraft tiedown aircraft storage aircraft maintenance area

<u>USE</u>	<u>SPACES</u>	<u>PER UNIT</u>
(2) International	as determined by site specific study	
(b) Churches	0.3	seat
(c) Club	3.3	1000 sq.ft. (GFA)
(d) Place of Assembly	0.3	seat
(e) Public Cultural Facility	2.0	1000 sq.ft. (GFA)
(f) Public Service Facility	1.0	employee
(g) Public Use Facility	3.3	1000 sq.ft. (GFA)
(h) Temporary Special Events		DPW Standards
7. RESIDENTIAL USES:		
(a) Bed & Breakfast	1.25	Lodging Unit
(b) Congregate Living Facility (All except Large Group Care Facility)	2.0	Dwelling Unit
(c) Fraternity, Sorority	3.0	1000 sq.ft. (GFA)
(d) Hotels, Motels, and Rooming Houses	1.0 plus 0.5	room employee
(e) Large Group Care Facility	1.0 plus 0.17	employee on largest shift Tenant
(f) Multiple Family Dwelling	1.0 1.5 2.0	efficiency 1-2 bedrooms 3 or more bedrms
(g) Professional Residential Facility:		
(1) Recovery Home	1.0	employee of the largest shift
(2) Residential Treatment Facility	1.0 plus 1.0	employee of the largest shift each vehicle operated by the facility

<u>USE</u>	<u>SPACES</u>	<u>PER UNIT</u>
(3) Life Care Treatment Facility	1.0 plus 0.17	employee of the largest shift tenant
(h) Single/Two Family Dwelling, and Private Pleasure Craft Used as a Residence	2.0	dwelling unit
8. SCHOOL USES:		
(a) Colleges	0.5	student
(b) Day Care and Nursery Facilities	1.0 plus 1.0 plus parking and/or loading	employee each vehicle operated by the facility DPW Standards
(c) Elementary/Jr. High School	1.6	classroom
(d) Senior High, Business, Trade, or Vocational School	0.5 plus 1.0	student staff member

Section 43A-178. Determination for Unlisted Uses.

The Zoning Administrator, after consultation with the Department of Public Works, shall make a determination, in the cases of uses not listed in the Table of Required Parking Spaces, of the minimum required off-street parking spaces. In reaching the determination, the Zoning Administrator and the Department of Public Works, shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed use and studies of the parking requirements of such uses in other jurisdictions.

Section 43A-179. Calculation of Parking Requirements Related to Number of Seats.

Where parking requirements relate to number of seats and seating is in the form of undivided pews, benches, or the like, twenty lineal inches shall be construed to be equal to one seat.

Where parking requirements relate to movable seating in auditoriums and other assembly rooms, ten square feet of net floor area shall be construed to be equal to one seat, except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.

Section 43A-180. Reduction of Required Parking Spaces.

Where the parking requirements of a specific use or development can be shown to require fewer parking spaces than the requirements of this ordinance, the City of Tampa Department of Public Works may authorize a reduced number of parking spaces. The applicant must demonstrate the reduced parking demand for the development to the Department by submitting the appropriate traffic data as required by the Department. The Department of Public Works shall either approve or deny the request for reduction in parking spaces, based on their review of the submitted traffic data and the professional guidelines for traffic generation. If the Department of Public Works denies the request for a reduction in parking spaces, the applicant may appeal the decision to the Board of Adjustment.

*Proposed
Reviewed by
a Professional
Traffic Engineer or
Approved by City
Traffic Engineer*

Section 43A-181. Off-Street Parking Space Standards.

TABLE 10-2

(a) Regular Car Off-Street Parking Layout

DIMENSION (In Feet)	ON DIAGRAM	0°	45°	60°	75°	90°
Stall width perpendicular to stall length of line	A	9.0	9.0	9.0	9.0	9.0
Stall length of line	B	24.0	27.0	23.2	20.4	18.0
Stall depth to wall	C	9.0	19.1	20.0	19.7	18.0
Aisle width between stall lines	D	12.0	11.0	18.0	22.0	26.0
Module width wall to wall	E	30.0	49.2	58.2	61.4	62.0
Bumper overhang ¹ (optional)	F	2.0	2.0	2.0	2.0	2.0
Back-up Width	G	----	----	----	----	7.0
Cross-aisle one-way	H	10.0 (min.) and 15.0 (max.)				
Cross-aisle two-way	H	20.0 (min.) and 30.0 (max.)				

NOTE 1. Bumper overhang not permitted over landscaping or sidewalk area.

(b) Compact car off-street parking requirements and stall layout.

1. Compact car parking may be provided for only those land uses which are allowed in the following zoning districts:

Office District (general office uses only)

Industrial Districts

Mixed Use (including commercial, retail, residential, etc., but excluding free-standing solely commercial or solely retail developments)

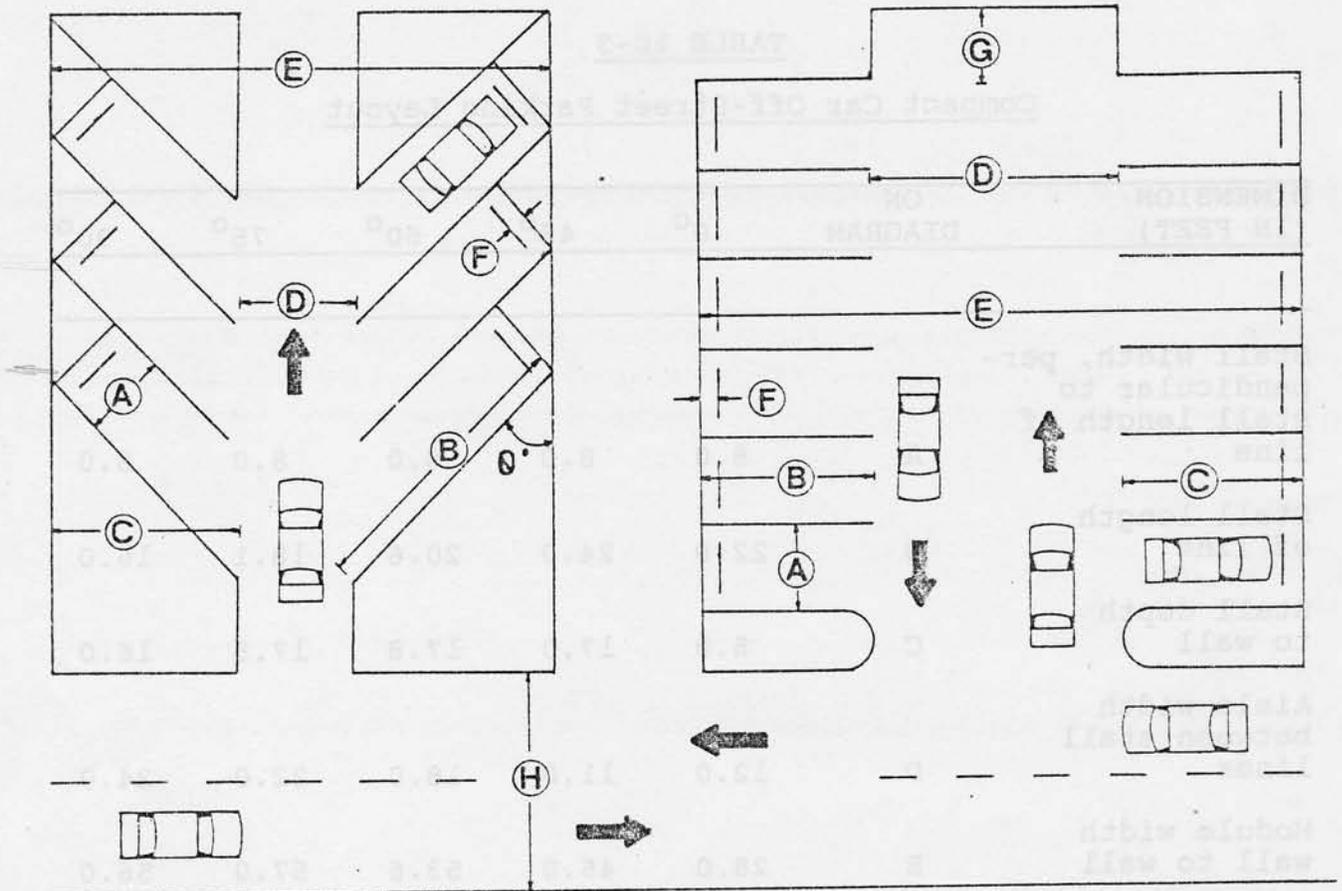
2. Compact car parking may be provided only for parking areas that have ten or more spaces.
3. Compact car parking may be allowed for up to forty percent (40%) of the required spaces, upon request to the Zoning Administrator, who shall, in making his determination, consult with the Department of Public Works. Compact car parking may be provided for up to one hundred percent (100%) of the spaces in excess of the required number of spaces.
4. For 90° compact parking, the minimum stall width shall be eight feet (8') and the minimum stall length shall be sixteen feet (16'). There need be no provision for bumper overhang for compact parking.
5. Compact parking spaces shall be clustered in groups and located within easy access of an entrance so as to be desirable and fully utilized.
6. Compact parking spaces must be designated as being for the exclusive of compact cars through the use of signage or marking.
7. The overall design must be reviewed and approved by the Zoning Administrator, who shall in reaching his decision, consult with the Department of Public Works.
8. The parking layout dimensions (in feet) for eight-foot compact parking stalls at various angles is shown below in Table 10-3.
9. The off-street parking stall layout for compact cars is also controlled by Diagram 10-2.

TABLE 10-3

Compact Car Off-Street Parking Layout

DIMENSION (IN FEET)	ON DIAGRAM	0°	45°	60°	75°	90°
Stall width, perpendicular to stall length of line	A	8.0	8.0	8.0	8.0	8.0
Stall length of line	B	22.0	24.0	20.6	18.1	16.0
Stall depth to wall	C	8.0	17.0	17.8	17.5	16.0
Aisle width between stall lines	D	12.0	11.0	18.0	22.0	24.0
Module width wall to wall	E	28.0	45.0	53.6	57.0	56.0
Bumper overhang (optional)	F	----	----	----	----	----
Back-up width	G	----	----	----	----	6.0
Cross-aisle one-way	H	10.0 (min.) and 15.0 (max.)				
Cross-aisle two-way	H	20.0 (min.) and 30.0 (max.)				

OFF-STREET PARKING STALL LAYOUT DIAGRAM 10-2



LEGEND

- (A) Stall width, perpendicular to stall length of line.
- (B) Stall length of line.
- (C) Stall depth to wall.
- (D) Aisle width between stall lines.
- (E) Module width wall to wall.
- (F) Bumper overhang (optional).
- (G) Back-up width.
- (H) Cross-aisle one-way.
- (H) Cross-aisle two-way.

Ref State Statute - Prop change
FS-316.1955 + FS 316.1956

(c) Parking for the handicapped shall be provided in accordance with the provisions of the Building Code and shall be included in the minimum number of parking spaces required by this Article.

(d) Except for single family detached, semi-detached, and two family dwellings, every off-street parking area shall be surfaced with asphaltic or portland cement binder pavement or an equivalent improvement so as to provide a durable and dustless surface. In making a determination as to the suitability of an equivalent improvement, the Zoning Administrator shall find that such improvement:

1. Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it;
2. Provides a surface which will accept permanent delineation of parking spaces, aisles, accessways and maneuvering areas;
3. Provides a surface that will not contribute to erosion or sedimentation, either on-site or off-site, and
4. Provides a surface that meets the design standards of the City of Tampa Department of Public Works.

(e) All off-street parking lots shall be graded and drained so as to dispose of all surface water accumulated within the area, in accordance with the City of Tampa Code and the design standards of the City Department of Public Works.

(f) Lighting, if provided, shall be directed away from public streets and residential areas and shall not be a hazard or distraction to motorists traveling on a street.

(g) Sales, dead storage, repair, dismantling and service of motor vehicles shall not be permitted on off-street parking spaces.

(h) All off-street parking spaces, including all areas for maneuvering, shall be located solely on private property, and shall not utilize public property or public rights of way, except for single family detached, semi-detached and attached uses.

Single family detached, semi-detached and attached uses may utilize public rights-of-ways for maneuvering provided that all of the following conditions are met:

1. The proposed use is a permitted or special use.
2. The parking spaces are located entirely on the zoning lot.
3. For single family attached uses, the available traffic data must show that the traffic count on the street providing access is less than or equal to 1500 vehicles per day. The traffic data shall be verified and approved by the Department of Public Works.

(i) All off-street parking areas shall be designed to provide safe and convenient circulation, in accordance with commonly accepted traffic engineering practices and subject to the review and approval of the Director, Department of Public Works, or his designee.

(j) Non-residential parking lots and garages shall be designed to minimize impact to residential neighborhoods. Ingress and egress to non-residential parking lots/garages shall be limited to arterial or collector streets, unless waived by the Traffic Engineer or his or her designee when one or all of the following conditions are met:

1. The local street primarily services commercial traffic.
2. The Department of Public Works prohibits access to the arterial or collector street for safety reasons.
3. Frontage is limited to a local street.

If the local street is adjacent to a residential neighborhood, the drive-way must be designed to channel traffic away from the residential neighborhood. This drive-way may not exceed the minimum distance from an intersection as required by the Department of Public Works. An applicant may appeal the decision of the Traffic Engineer to the Board of Adjustment.

Section 43A-182. Off-Street Loading Space, Required.

Every use requiring the receipt or distribution by vehicles of materials and merchandise shall have one or more loading berths or other space for standing, loading, on the same or adjoining premises. Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served. Also, a required loading space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet off-street parking requirements, or in conducting the use.

The requirements in the following table shall apply only to new structures or additions to structures, and shall not be considered to make any existing structure non-conforming for lack of such off-street loading:

TABLE 10-4

Off-Street Loading Requirements

<u>Land Use Classification</u>	<u>Space Requirements</u>
Office, hotels and residential uses.	One loading berth for 100,000 square feet of area, up to a maximum of 5 berths.
Industrial and commercial loading uses as follows:	Minimum number of berths required:
Under - 8,000 square feet	None
8,000 - 25,000 square feet	2 berths
25,000 - 50,000 square feet	3 berths
50,000 - 100,000 square feet	4 berths
100,000 - Over square feet	5 berths

For any land use which is not categorized in the above table, the Department of Public Works, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

Section 43A-183. Off-Street Loading Space Standards.

All off-street loading spaces shall meet the following standards:

(a) Off-street loading spaces shall be located and arranged so that a semi-trailer truck (WB 50 class) shall be able to gain access to and use such spaces by means of one continuous parking maneuver.

(b) Loading space shall meet the minimum setbacks established for structures.

(c) All loading space and maneuvering space shall be surfaced with an all-weather material which shall be maintained in a safe, sanitary, and neat condition.

(d) No loading space shall be located so that a vehicle using such space intrudes on or hinders the use of travel lanes, walkways, public or private streets, or adjacent properties.

(e) Each required off-street loading space shall have a minimum width of twelve feet (12'), a minimum vertical clearance of sixteen feet (16') above finished grade of the space. The length shall be a minimum of thirty feet (30') for local delivery and sixty feet (60') for tractor trailers. A maximum of two-thirds of the required loading spaces can be used for local deliveries.

Section 43A-184 through Section 43A-190. RESERVED.

One loading berth for
100,000 square feet of
area, up to a maximum of
2 berths.

Minimum number of
berths required:

None
1 berth
2 berths
3 berths
4 berths
5 berths

Under - 8,000 square feet
8,000 - 18,000 square feet
18,000 - 28,000 square feet
28,000 - 100,000 square feet
100,000 - Over square feet

For any land use which is not categorized in the above table, the Department of Public Works, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

Section 43A-187. Off-Street Loading Space Standards.

All off-street loading spaces shall meet the following standards:

(a) Off-street loading spaces shall be located and arranged so that a semi-trailer truck (WB 55 class) shall be able to gain access to and use such spaces by means of one continuous parking maneuver.

(b) Loading space shall meet the minimum setbacks established for structures.

(c) All loading space and maneuvering space shall be surfaced with an all-weather material which shall be maintained in a safe, sanitary, and neat condition.

(d) No loading space shall be located so that a vehicle using such space intrudes on or hinders the use of travel lanes, sidewalks, public or private streets, or adjacent properties.

ARTICLE XI

Special Use Permits

Section 43A-191. Intent.

Special Use Permit procedures and requirements as set out herein are intended to apply in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations, and to assure consideration of the particular circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest generally, and of adjacent properties, the neighborhood, and the City as a whole.

In establishing this Special Use Permit system, the intent is to increase efficiency and reduce time required for processing applications by relating administrative responsibilities and procedural requirements to the degree of complexity and potential impact of the matters being considered.

A Special Use Permit is a grant of authority under the terms of this Code to the applicant for the use of property in the manner set out in the grant of a Special Use Permit. Uses or occupancies requiring Special Use Permits, and the type of Special Use Permit required in each instance, are set out in the Official Schedule of District Regulations.

Section 43A-192. Classes of Special Use Permits; Agent or Body Responsible for Each General Procedure.

Two classes of Special Use Permits are hereby established:

Those dealing with uses, occupancies, and activities of a temporary nature or likely to have small but potentially adverse impacts on adjacent and nearby properties and those with substantial effects on neighborhoods or the City.

Classes of special permits, the agent or body responsible for each, and general provisions are as follows:

- (a) S-1 Special Use Permits; Administered by Zoning Administrator; No Formal Public Notice or Hearing.

It is intended that S-1 Permits be required in relation to certain temporary uses and occupancies or where specified uses or characteristics of use could have adverse effects on adjacent properties unless special requirements are met.

1. Administration by Zoning Administrator.

The Zoning Administrator shall be responsible for the administration, processing, review and determination on applications for S-1 Special Use Permits. Recommendations from other departments or agencies may be requested by the Zoning Administrator, where necessary to establish conditions or to establish compliance with the conditions.

2. If the application is in conformity with the terms, requirements and purposes of this chapter, or if specified conditions and safeguards, if attached, would result in such conformity, the Zoning Administrator shall grant the Special Use Permit, with the necessary safeguards and conditions. If the application is not in conformity with the terms, requirements and purposes of this chapter, or if the applicant will not comply with the special conditions, the application shall be denied.

3. No Formal Public Notice or Hearing.

Formal public notice and public hearing are not required and shall not be held in connection with S-1 Special Permits.

4. Appeal of Determination of Zoning Administrator.

Persons aggrieved by a decision of the Zoning Administrator may appeal that decision directly to City Council. The matter will be heard by Council in the same manner as S-2 Special Use Permits below.

(b) S-2 Special Use Permits, Procedures for Submission and Consideration of Decision by City Council.

It is intended that S-2 Special Use Permits be required where specified uses or occupancies involve matters deemed to be of City-wide or Area-wide importance. The City Council shall be solely responsible for decisions on all applications for S-2 Special Use Permits.

1. Application Submitted to Zoning Administrator.

An application for approval of S-2 Special Uses shall be filed with the Zoning Administrator, who shall, before accepting any application, ensure that it contains all required information, as specified elsewhere in this chapter.

2. Zoning Administrator Prepares Analysis and Recommendation.

The Zoning Administrator shall cause an analysis to be made of the application and, based on that analysis, prepare a recommendation for consideration by City Council.

3. Public Hearing Required; Notice Specified.

Prior to consideration of the application for approval of a Special Use, a public hearing thereon shall be held by City Council.

Applicants for approval of special uses, the City Clerk, and the Zoning Administrator shall, for special use public hearings, meet the same requirements as are established for public notice for parcel rezonings (See Article XVI herein).

4. Action on the Application.

After completion of the public hearing, the City Council shall take action on the application. This action shall be one of the following:

- (a) Approval;
- (b) Approval with conditions attached;
- (c) Denial.

In every case, the action of the City Council shall include a summary of the evidence supporting the action taken by it on the application.

5. Action Subsequent to City Council Action.

The Zoning Administrator shall cause notice of the disposition of the application to be sent by certified mail to the applicant and a copy of the decision to be filed in the office of the Zoning Administrator.

The Zoning Administrator, in the case of approval or approval with conditions, shall issue the necessary permit in accord with Council's actions.

(c) Contents of Application for Approval of Special Use.

The application for approval of a Special Use shall be submitted on forms provided by the Zoning Administrator. Such forms shall be prepared so that, when completed, a full and accurate description of the proposed use, including its location, appearance, and operational characteristics shall be disclosed. Additionally, the forms shall, when completed by the applicant, disclose the name(s) and address(es) of the owner(s) of the property involved, the name(s) and address(es) of the applicant, if different from the owner(s) and all relevant information needed to show compliance with the general and specific standards governing the Special Use which is the subject of the application.

(d) Time Requirements.

1. S-1 Special Use Permit - Within six months of the issuance of the S-1 Special Use Permit the permitted use must be in place. Failure to meet the time limitation shall result in the cancellation of the permit. However, the applicant may apply for a new Special Use Permit.
2. S-2 Special Use Permit - The Special Use shall be in place within one year, unless a different time period is established by City Council. Failure to meet the time limitation as established shall result in cancellation of the permit, unless upon application to the City Council and on due cause shown, the Council shall extend the time limitation originally set. Application for each extension shall be filed not less than thirty (30) days prior to the date of expiration. The application for extension of time shall require formal public notices, public hearing, and payment of the fee. It shall be considered by the City Council only in open meeting and as part of a previously prepared agenda. If denied, the Council shall state written reasons for the denial.

No original limitations shall be for more than two years nor less than sixty (60) days. No extension shall be granted for more than one year, and only one extension may be granted for any specific S-2 Special Use Permit.

Section 43A-193. Minor Changes to be Approved by Zoning Administrator; Modifications Require Action by City Council.

The Zoning Administrator is authorized to approve minor changes in the approved plans of Special Uses, as long as they are in harmony with action by City Council, but shall not have the power to approve changes that constitute a modification of the approval. A modification shall require approval of the City Council and shall be handled as a new application. *At no time shall a special use site plan be reviewed for waivers by the Board of Adjustment. All requests for variances must be included as part of the Special Use review and council action.*

The Zoning Administrator shall use the following criteria in determining whether a proposed action is a minor change or a modification:

(a) Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in number of dwelling or lodging units, or an increase in outside land area devoted to sales, displays, or demonstrations.

(b) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved shall constitute a modification. In no case shall the number of spaces be reduced below the minimum required by this chapter.

(c) Structural alterations significantly affecting the basic size, form, style, ornamentation and the like of the building as shown on the approved plan shall be considered a modification.

(d) Any reduction in the amount of open space resulting in a decrease of more than five percent or any change in location of open space, recreation facilities or landscape screens shall constitute a modification. In no case shall the amount of open space be reduced below the minimum required by this chapter.

(e) A change in use shall constitute a modification.

(f) Substantial changes in pedestrian or vehicular access or circulation shall constitute a modification.

(g) Any change in a condition required by the City Council or Zoning Administrator as part of the special use approval.

Proposed change
The Zoning Administrator shall, before making a determination as to whether a proposed action is a minor change or a modification, consult with the City Legal Department where necessary, and any other applicable departments, and shall review the record of the proceedings or the original application for approval of the Special Use Permit.

Add reduction in minimum setbacks, increase height

Section 43A-194. General Standards.

(a) The following general standards shall be met by all applicants for Special Use Permits:

1. The use will promote the public health, safety and general welfare, if located where proposed and developed and operated according to the plan as submitted;
2. The use, which is listed as a Special Use in the district in which it is proposed to be located, complies with all required regulations and standards, including the provisions of Article VI and VII of the this Code, unless greater or different regulations are contained in the individual standards for that Special Use;
3. That the use is compatible with contiguous and surrounding property or that the use is a public necessity;
4. That the use is in conformity with the Tampa Comprehensive Plan 2000.
5. That the use will not establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like, to support the application for approval of a Special Use Permit. The Zoning Administrator, or the City Council, shall include findings concerning standards contained herein. Such findings shall be based upon evidence contained in the record of its proceedings.

(b) As appropriate to the nature of the Special Use Permit involved and the particular circumstances of the case, the following considerations and standards shall apply generally, in addition to any other standards and requirements set forth concerning the class or kind of permit being considered. The City Council and Zoning Administrator charged with decisions concerning Special Use Permits shall make or cause to be made, findings and determinations concerning such of the following matters as are applicable in the case, shall reflect such considerations and standards in their decisions as to issuance of permits, with or without conditions and safeguards, or denial of applications.

1. Ingress and Egress

Due consideration shall be given to adequacy of ingress and egress to the property and structure and uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.

2. Off-Street Parking and Loading

Due consideration shall be given to off-street parking and loading facilities as related to adjacent streets, with particular reference to automotive and pedestrian safety and convenience, internal traffic flow and control, arrangement in relation to access in case of fire or other emergency, and screening and landscaping.

3. Refuse and Service Areas

Due consideration shall be given to the location, scale, design, and screening of refuse and service areas; to the manner in which refuse is to be stored; to the manner of refuse collection, deliveries, shipments, or other service activities, in relation to the location and nature of uses on adjoining properties; and the location and character of adjoining public ways.

4. Lighting

Due consideration shall be given to the number, size, character, location, and orientation of proposed lighting for premises, with particular reference to traffic safety, glare, and compatibility and harmony with adjoining and nearby property and the character of the area.

5. Utilities

Due consideration shall be given to utilities required, with particular reference to availability and capacity of systems, location of connections, and potentially adverse appearance on other adjoining and nearby property and the character of the area.

6. Drainage

Due consideration shall be given to provision for drainage, with particular reference to effect on adjoining and nearby properties and on general drainage systems in the area.

7. Control of Potentially Adverse Effects Generally

In addition to consideration of detailed elements indicated above, as appropriate to the particular class or kind of Special Use Permit and the circumstances of the particular case, due consideration shall be given to potentially adverse effects generally on adjoining and nearby properties, the area, the neighborhood, or the City, of the use or occupancy as proposed, or its location, construction, design, character, scale of manner of operation. Where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed open space or alteration of use of such space, or such other measures as are required to assure that such potential adverse effects will be compatible and harmonious with other development in the area.

Section 43A-195. Conditions and Safeguards.

The agent, agency, or body of the City designated by this Code as having responsibility for issuance or denial of each of the classes of Special Use Permits set out in this Article shall have authority to attach to the grant of any such Special Use Permit such conditions and safeguards as may be necessary for the purposes of this Code in the particular case.

Such conditions and safeguards, if attached to grant of Special Use Permit, shall be based upon and consistent with considerations and standards applicable to the class or kind of Special Use Permit involved as set out in this chapter. The requirement for any such conditions or safeguards shall be supported by stated reasons therefore, based upon such considerations and standards, and no such condition or safeguard shall establish special limitations or requirements beyond those reasonably necessary for the accomplishment of the purpose for which attached.

(a) Failure to comply with conditions and safeguards, when attached to grant of Special Use Permit, shall be deemed a violation of this Code.

(b) The conditions and safeguards shall run with the land and shall be binding on the original applicant as well as all successors, assigns and heirs.

Section 43A-196. Lapse of Special Uses.

If the Special Use ceases operation for 180 consecutive days, the permit shall expire.

Section 43A-197. Regulations Governing Individual Special Uses.

The following specific standards for individual Special Uses shall be applied by the City Council or Zoning Administrator, as appropriate, in deciding applications for approval, in addition to the general standards listed above in this Article:

Adaptive Reuse.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The structure is included or recommended for inclusion in the National Register of Historic Places by the Historic Tampa/Hillsborough County Preservation Board.

(b) All proposed exterior alterations and modifications shall be in accord with the U. S. Secretary of the Interior's Guidelines for the Rehabilitation of Historic Structures, current edition. This determination shall be made by the Zoning Administrator with the advice of the Director of the Historic Tampa/Hillsborough County Preservation Board.

(c) The Business and Professional Office use of the property shall be subordinate and accessory to the Residential use of the property. This means by way of illustration, but not limitation, that the amount of useable floor area devoted to residential use must exceed the amount of useable floor area devoted to nonresidential use.

(d) The external appearance of residential properties shall not be changed substantially, and external evidence of the use of the property for business and professional services shall be limited to one non-illuminated sign of not more than two square feet in area.

(e) The screening and buffering requirements of this chapter shall be observed.

Adult Uses.

The following specific standards shall be used in deciding an application for approval of this use:

(a) Location

1. No adult use shall be located within 500 feet of any residential or institutional district.
2. No adult use shall be located within 1,000 feet of any other Adult Use.
3. Distance shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.

(b) All windows, doors, openings, entries, etc. for all Adult Uses shall be located, covered, screened, or otherwise treated so that views of the interior of the establishment are not possible from any public or semi-public areas, street or way.

(c) Waivers - The City Council of the City of Tampa may waive the locational provisions for the Adult Uses upon a finding that all the following requirements have been met:

1. That the proposed use will not be contrary to the public interest, nor contrary to the Tampa Comprehensive Plan 2000.
2. That the proposed use will not be unreasonably injurious to nearby parties.
3. That the spirit, purpose and intent of this section will be observed despite a waiver of a portion of the distance requirement.
4. That the proposed use will not enlarge or encourage the development of a "skid row" or "slum" area.
5. That a waiver would not be contrary to any program of neighborhood conservation and community development, nor will it interfere with any program of Urban Renewal or City-County or Neighborhood Comprehensive Development Plans.

Bed & Breakfast.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The building and parking area shall be located and maintained in a manner compatible with the general character of the surrounding neighborhood.

(b) The use must be operated by the manager who lives on the premises. The total number of available lodging units for rent shall not exceed 3 units at any one time.

Blood Donor Center.

The following specific standards shall be used in deciding an application of approval of this use:

(a) The Blood Donor Center shall not be located within 500 feet of any area in the City of Tampa zoned residentially or institutionally.

(b) The Blood Donor Center shall not be located within 1,000 feet of any other such Blood Donor Center, or Temporary Help Agency.

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

Cemeteries.

The following specific standards shall be used in deciding an application for approval of this use:

(a) All requirements of the Florida Statutes regarding the interment of human dead have been met.

(b) A minimum size of 85,000 square feet is provided.

(c) The site shall have direct access from a collector or arterial street as shown on the Major Street Map.

(d) There shall be adequate space within the site for parking and maneuvering of funeral corteges.

(e) No interment shall take place within 30 feet of any zoning lot line.

Churches.

The following specific standards shall be used in deciding an application for approval of this use:

(a) All required yards shall be 40 feet, except that front yards may meet the requirement in the district in which it is located.

(b) Minimum lot size of 20,000 square feet shall be provided.

(c) The site shall have direct access to an arterial or a collector street as shown on the Major Street Map.

(d) A church may be constructed in excess of the height limitations of the zoning district in which it is located provided the applicant can demonstrate that the height of the church does not adversely affect adjoining and nearby properties. In determining whether height has an adverse effect, the relationship of church to surrounding neighborhood, including yards, distance from streets and distance from existing residential dwellings and other structures shall be considered. Other special conditions may also be established to insure the compatibility of the height of the church with the surrounding residential neighborhood.

Clinic.

In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of this use:

(a) The use shall be clearly incidental and accessory to the principal use of the structure.

(b) Offices shall be permitted only in structures of three floors or more and shall be located only on the ground floor.

Congregate Living Facilities.

The following specific standards shall be used in deciding an application for approval of this use:

(a) No such use shall be established within 1,200 feet of another such use, or of a Professional Residential Facility.

(b) No external evidence of such use distinguishing it from a normal dwelling shall be visible from adjacent property, public or private.

(c) The requirements and standards of the Florida Department of Health and Rehabilitative Services will be met.

(d) Facilities located in RS-150, RS-100, RS-75, RS-60, RS-50, RM-12, RM-16 and RO shall be limited to a maximum of eight persons, in addition to the care giver.

(e) The number of allowable beds will be calculated using the following formula for a Group Care Facility, Small and Large:

$$\text{Acreage of site} \times \text{Density allowed by Land Use Plan category} \times 2.1 = \text{Allowable Beds}$$

A facility which functions as a condominium/cooperative or as apartments must clearly state on the site plan that the allowed number of beds is same number of total occupants. Note that "change of use" to a multi-family development will require compliance with density limits established by the Land Use Plan by dwelling unit count.

(f) A congregate living facility that involves the renovation or rehabilitation of a historic structure is eligible to utilize the bonus density amounts allowed by the Tampa Comprehensive Plan in determining the number of permissible beds.

(g) In the Ybor Districts, placement of the parking area and its screening will be designed to minimize the visual impact on surrounding uses. The Barrio Latino Commission shall review and approve the site plan including the parking arrangement and its screening to insure compatibility with the characteristic of the surrounding neighborhood.

Day Care and Nursery Facilities (1 to 5 children).

The following specific standards shall be used in deciding an application for approval of this use:

(a) The operator or owner, or both, shall reside at such facility.

(b) A fenced outdoor playing area shall be provided in the rear or side yard.

Day Care and Nursery Facilities (6 or more children).

The following specific standards shall be used in deciding an application for approval of this use:

(a) Adequate off-street pickup and delivery space shall be available, approved by the Department of Public Works.

Drive-In, Window.

The following specific standards shall be used in deciding applications for approval of this use:

(a) The site shall have direct access to an arterial or collector street as shown on the Major Street Map.

(b) Adequate space shall exist within the lot for vehicles to queue prior to using the drive-in window.

(c) Both the queuing lane and the the drive-in window shall be at least 50 feet from any residentially zoned property.

(d) In addition to Items a-c above, in the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of this use:

1. Drive-in windows shall only be considered within the area surrounding the existing interstate highway interchange (I-4 at 21st/22nd Streets). The "AREA SURROUNDING THE EXISTING INTERSTATE HIGHWAY INTERCHANGE" shall be defined as those properties with frontage on the connector roadways (21st/22nd Streets), and which are wholly located within the area bounded on the north by the southern right-of-way edge of the alley between 14th and 15th Avenues and parallel to the right-of-way of East 14th Avenue, and bounded on the south by the northern right-of-way edge of 12th Avenue and parallel to the right-of-way of East 13th Avenue, as those reference rights-of-way exist this date.
2. Drive-in windows shall not in any case be allowed on a historic building.
3. On at least one street fronting the drive-in facility the maximum setback for the principal building or structural portion of that building that includes a drive-in window should also be the minimum setback so as to minimize the effect of driveway and parking lots; however, in no case should that setback be greater than eight feet. A structural portion of the building is herein defined as a three-dimensional structure that is physically attached or visually related to the principal building.
4. Each drive-in window and queuing land shall be visually screened from adjacent streets through placement of the building on the site and through the use of buffer walls and other buffering devices.
5. The drive-in facility shall be limited to a maximum of one queuing land with one cash window and one food service window.
6. Facilities with a drive-in window shall be sited to facilitate pedestrian traffic from within the historic district as well as vehicular traffic. Sidewalks on the site shall provide pedestrian access to the facility and connect to adjacent sidewalks and walkways leading toward the center of the district.

7. Each drive-in facility in an existing interchange shall use landscaping and other design features in such a way as to link Gateways with the cultural, historical and architectural heart of the district, and to visually lead the visitor into the district per the Ybor City Design Guidelines for gateway sites.
8. For any restaurant which is constructed with a drive-in window, there shall be a minimum floor area of 2500 square feet and there shall be seating constructed as part of the restaurant.
9. All drive-in windows which are characteristically automotive dependent uses shall minimize their intrusion into the historic district by the requirement that the zoning lot must have frontage on the adjacent roadways parallel to the interstate (13th Avenue or 14th Avenue).

Dwelling, Single-Family Detached.

The following specific standards shall be used in deciding applications for approval of this use:

- (a) The proposed use must be located adjacent to residentially zoned property on at least two boundaries of the zoning lot.

Dwelling, Multiple Family and Dwelling, Single-Family Attached.

The following specific standards shall be used in deciding an application for approval of this use:

- (a) The site shall have direct access to an arterial or collector street as shown on the Major Street Map.

- (b) When located in the Institutional & Commercial Districts, the site shall meet the dimensional regulations (Table 4-2) of the RM-24 zoning district and shall be consistent with the Tampa Comprehensive Plan 2000.

Eighty Percent Lot Development.

The following specific standards shall be used in deciding an application for approval of this use:

- (a) Where two or more nonconforming lots of record in single ownership and with continuous frontage are of sufficient width and area to provide at least 80% of the width and area required for three lots or less, it may be used or divided to provide no more than three lots, each with at least 80% of the width and area required in the district in which they are located. The

provisions of this specific standard shall not be waived except that the City Council may consider development in which the lots do not have 80% of the lot width but have 100% or more of the lot area required by the applicable zoning district.

(b) The development shall be consistent with the existing pattern of development and character of the neighborhood in which it is located.

(c) There shall be adequate infrastructure available to serve the development.

(d) The development regulations for any existing single family homes which are included in the development shall be met. The development regulations include but are not limited to parking, stormwater retention, setbacks, and accessory structure regulations.

(e) Upon approval of the development, the project shall commence construction within 6 months of the date of approval.

(f) Any development which proposes demolition of a property which has been included on the Florida Master Site File or is designated a local landmark shall require the review and recommendation by the Architectural Review Commission, which shall include in its review an analysis of the reasonable beneficial use of the property with and without the existence of the historic structure(s).

Heliport, Helistop.

The following specific standards shall be used in deciding an application for approval of this use:

(a) A heliport or helistop shall only be located on the roof of a building which is a minimum of 60 feet in height.

(b) The heliport or helistop shall be evaluated for its noise impact and potential hazard to the surrounding residential areas and shall mitigate that impact through site design, hours of operation and other applicable techniques.

Home Occupation.

The following specific standards shall be used in deciding an application for approval of this use:

(a) A home occupation shall include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, beauty and barber shops (one chair operations only), dog grooming (provided no overnight keeping of animals), repair of small household appliances, private tutoring and instruction (limited to five pupils at any one time), and professional services.

(b) No person shall be employed other than members of the immediate family residing on the premises.

(c) The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to its use for residential purposes. Not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; and no outside display, storage, or use of land is permitted.

(d) There shall be no change in the outside appearance of the building or premises as a result of such occupation, with the exception of a nameplate, which shall be attached to the principal structure, shall not be illuminated and whose maximum size shall not exceed two (2) inches by twelve (12) inches.

(e) No home occupation shall be conducted in any accessory building.

(f) No mechanical equipment shall be used for storage on the premises, except such that is normally used for purely domestic or household purposes, nor shall it create noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or causes fluctuations in line voltage.

(g) No commodity shall be sold on the premises nor displayed or warehoused on the premises for sale elsewhere.

(h) No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood.

(i) A home occupation shall not be interpreted to include activities such as but not restricted to auto repair and tune-up, clinics, welding shops, animal hospital, or kennels.

(j) The use can qualify for all local, state and federal licenses, certificates and permits.

Junkyard

The following specific standards shall be used in deciding applications for approval of this use:

(a) No junkyard shall be located within Flood Zone A, as established by the Federal Emergency Management Agency.

(b) All federal, state, and local environmental regulations must be met.

(c) A conceptual site plan must be submitted showing compliance with local development regulations.

Landfill

The following specific standards shall be used in deciding applications for approval of this use:

(a) No landfill shall be located within Flood Zone A, as established by the Federal Emergency Management Agency.

(b) All federal, state, and local environmental regulations must be met.

(c) A conceptual site plan must be submitted showing compliance with local development regulations.

Nursing, Convalescent and Extended Care Facilities.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The site shall have direct access to an arterial or collector street as shown on the Major Street Map.

(b) The standards and requirements of the Florida Department of Health and Rehabilitative Services shall have been met.

(c) In the RM-24 and RM-35 districts, no such use shall be established within 1,200 feet of another such use or a congregate living facility or a professional residential facility.

Office, Business and Professional and Office, Medical.

In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of this use.

(a) Non-residential development must be designed to be compatible with existing and potential future residential uses.

(b) Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in Section 43A-134 is required.

Parking, Off-Street, Commercial.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The property to be used for commercial parking must be immediately adjacent to and not separated by a street right-of-way from the commercial use it will serve.

(b) The commercial use which is served by the parking must be located in an office or commercial district and must be a conforming use in that district.

Landfill

The following specific standards shall be used in deciding applications for approval of this use:

(a) No landfill shall be located within Flood Zone A, as established by the Federal Emergency Management Agency.

(b) All federal, state, and local environmental regulations must be met.

(c) A conceptual site plan must be submitted showing compliance with local development regulations.

Nursing, Convalescent and Extended Care Facilities.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The site shall have direct access to an arterial or collector street as shown on the Major Street Map.

(b) The standards and requirements of the Florida Department of Health and Rehabilitative Services shall have been met.

(c) In the RM-24 and RM-35 districts, no such use shall be established within 1,200 feet of another such use or a congregate living facility or a professional residential facility.

Office, Business and Professional and Office, Medical.

In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of this use.

(a) Non-residential development must be designed to be compatible with existing and potential future residential uses.

(b) Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in Section 43A-134 is required.

Parking, Off-Street, Commercial.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The property to be used for commercial parking must be immediately adjacent to and not separated by a street right-of-way from the commercial use it will serve.

(b) The commercial use which is served by the parking must be located in an office or commercial district and must be a conforming use in that district.

(c) The size of the property to be used for parking shall be based on the size of the commercial or office use it serves, and the impact of its intrusion into the surrounding residential area. However, in no case shall the parking area extend more than 100 feet from the edge of commercial or office zoning lot.

(d) The commercial parking shall only be used for parking of operative vehicles used by the employees, customers and clients of the commercial and office use. The following items shall not be permitted in the commercial parking:

- storage of inoperative vehicles
- open storage
- trucks or vans or other vehicles in excess of 2000 pounds
- open display of vehicles available for sale or lease

(e) The commercial parking shall be screened from all adjacent residential uses in accordance with the requirements of Section 43A-76, Buffering and Screening.

Parking, Off-Street, Principal and Accessory Use.

The following specific standards shall be used in deciding an application for approval of this use:

(a) All accessory parking structures shall meet the requirements of Section 43A-72.

(b) The following standards shall be required in construction of all principal parking structure or surface lot:

1. Location of access drives must be approved by the Department of Public Works.
2. Surface lots must be improved to Department of Public Works Standards according to Section 43A-181(d), with respect to paving and drainage.
3. Landscaping must be provided in accordance with the City of Tampa Landscaping and Tree Planting Ordinance.

(c) In the Ybor City Historic District, the following specific standards shall be used in deciding an application for approval of these uses:

1. No portion of an off-street parking area shall be located within fifty (50) feet of the right-of-way of 7th Avenue between Nick Nuccio Parkway and the eastern boundary of Ybor City Historic District. Such off-street parking may only be constructed in conjunction with a building that conceals it from pedestrian and vehicular traffic on 7th Avenue.
2. Access from 7th Avenue to any off-street parking area is prohibited between Nick Nuccio Parkway and the eastern boundary of Ybor City Historic District.
3. All off-street parking areas within the Ybor City Historic District shall use effective site design techniques which minimize the visual impact of the parking area from the street. In addition, the offstreet parking area shall meet the design guidelines for Ybor City.
4. Items (b)1-3, above shall be met.

Parking, Temporary.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The term of approval for such use shall not exceed the construction period of the structure served by the temporary parking lot.

(b) Lighting, if installed, shall be so arranged that the direct illumination shall not fall outside the limits of the site covered by the application.

(c) Vehicular pedestrian access, stormwater management, dust control, and interior circulation shall be in accordance with the standards and policies of the Department Public Works.

(d) Performance Bond or other security acceptable to the Legal Department of the City of Tampa and sufficient to insure the removal of the parking lot and the restoration and securing of the lot subsequent to its use as a temporary parking lot shall be posted to the benefit of the City of Tampa.

(e) When located adjacent to or abutting land which is being used for residential purposes, notwithstanding the zoning district classification, there shall be a solid wood fence not less than six feet in height and no more than eight feet in height designed to provide appropriate screening from the surrounding properties in order to lessen the parking lot's impact.

Personal Services.

The following specific standards shall be used in deciding an application for approval of this use:

(a) In the Ybor City Historic District.

1. Non-residential development must be designed to be compatible with existing and potential future residential uses.
2. Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in Section 43A-134 is required.

(b) In the M-AP 1, M-AP 2, M-AP 3 and M-AP 4 Districts, personal services shall be limited to 5,000 square feet of gross floor area per zoning lot.

Private Pleasure Craft.

The following specific standards shall be used in deciding an application for approval of this use:

(a) Occupancy of private pleasure craft as living quarters shall be permissible as a special exception as a principal use only in connection with vacant lots.

(b) For such occupancy for living quarters required off-street parking shall be provided on the zoning lot.

(c) Regulations of the City, State or Federal Governments regarding sewage disposal, availability of potable water, security against menaces due to storm surge, tides, currents and hurricane menace shall be met.

Professional Residential Facility.

The following specific standards shall be used in deciding an application for approval of this use:

(a) No such use shall be established within 1,200 feet of another such use or a Congregate Living Facility. Distance shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.

(b) No external evidence of such use distinguishing it from a normal residential structure shall be visible from adjacent property, public or private.

(c) The requirements and standards of the Florida Department of Health and Rehabilitative Services have been met.

Public Service Facility.

The following specific standard shall be used in deciding the applications for approval of this use:

(a) The uses allowed shall be restricted to pumping stations, lift stations, telephone exchanges, transformer step-down stations, and similar uses required to serve the needs of the immediate residential and office districts. Water and sewage treatment plants, energy generation plants, freight and marshaling yards, terminals and similar uses shall not be permitted in office and residential districts.

(b) All uses shall be effectively screened from adjacent residential and office districts.

(c) Whenever possible, such installations shall be so constructed so as to have the exterior appearance of adjacent residential and office structures.

Radio/TV Transmitter Site.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The Radio/TV Transmitter Site shall be located, constructed and maintained such that it produces minimal adverse effects on the environment and public health, safety and welfare.

(b) The applicant shall demonstrate that the site will meet the minimum standards, as established by the City of Tampa, addressing each of the following issues:

Size of site in relation to the proposed facility; construction and safety standards of the towers and other equipment, including the method of restricting access for public safety; and any other provisions which are deemed necessary to protect the environment and public health, safety and welfare.

(c) The site shall have the appropriate area, bulk and placement dimensions, access restriction and buffering which protect the public health, safety and welfare and preserves the privacy of adjacent residential uses. In addition, the tower shall be so constructed to be as visually unobstructive as possible, including such provisions as height, design and selected building materials, spacing of towers and the prohibition against the illumination of towers.

(d) In the review of the transmitter site, the proposed and alternative locations shall be evaluated against the Tampa Comprehensive Plan 2000, existing zoning districts and land uses, and approved developments of regional impact.

(e) Joint use of facilities by different modes within the communication industry is strongly encouraged, to mitigate the impact of the site on the environment and surrounding areas.

Recreational Facility, Private.

The following specific standards shall be used in deciding applications for approval of this use:

(a) Where membership is not limited to residents of adjacent residential areas, the site shall have primary access to an arterial or collector street as shown on the Major Street Map.

(b) The building shall be constructed and maintained to be compatible with the general character of the surrounding neighborhood.

(c) No parking or loading areas or mechanical equipment shall be located within 25 feet of any adjoining property which is in a residential district.

Restaurants.

In the Ybor City Historic District, the following specific standards shall be used in deciding applications for approval of this use.

(a) The use shall be clearly incidental and accessory to the principal use of the building.

(b) Restaurants shall be located only in structures of three floors or more.

1. Non-residential development must be designed to be compatible with existing and potential future residential uses.
2. Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in Section 43A-134 is required.

Retail Sales, Convenience Goods.

(a) In the Ybor City Historic District.

1. Non-residential development must be designed to be compatible with existing and potential future residential uses.
2. Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in Section 43A-134 is required.

(b) In the M-AP 1, M-AP 2, M-AP 3 and M-AP 4 Districts, the retail sales of convenience goods shall be limited to 5,000 square feet of gross floor area per zoning lot.

Retail Sales, Gasoline.

The following special standards shall be used in deciding an application for approval of this use:

(a) A minimum gross land of 10,000 square feet shall be provided; if rental of trucks, trailers, etc. is proposed as an accessory use, the minimum gross land area shall be increased by 10,000 square feet.

(b) The zoning lot shall front on an arterial or collector street as shown on the Major Street Map, and have direct access thereto.

(c) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.

(d) In the Ybor City Historic District, no retail sales of gasoline establishments shall be located within 800 feet of another such establishment. Distance shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.

Retail Sales, Specialty Goods.

(a) Non-residential development must be designed to be compatible with existing and potential future residential uses.

(b) Compliance with design guidelines developed and recommended by the Barrio Latino Commission, including the applicable criteria set forth in Section 43A-134 is required.

Rooming House.

The following specific standards shall be used in deciding applications for this use:

(a) The lot shall have direct access to an arterial or collector street as shown on the Major Street Map.

(b) Such a use shall not be established within 500 feet of another such use.

Schools.

The following specific standards shall be used in deciding applications for approval of this use:

(a) The site shall have direct access to an arterial or collector street as shown on the Major Street Map.

(b) The site shall meet performance standards and other requirements of the State of Florida.

(c) The location, arrangement and lighting of play fields and playgrounds will be such as to avoid interference with the use of adjacent residential property.

Temporary Help Agencies.

The following specific standards shall be used in deciding an application for this use:

(a) The agency shall not be within 500 feet of any area in the City of Tampa zoned residentially or institutionally.

(b) The agency shall not be within 1,000 feet of any other such agency, or a blood donor center.

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

Temporary Special Events.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The parking and access layout shall be approved by the Department of Public Works. In addition, the use shall be in a location which shall not create hazardous vehicular or pedestrian traffic conditions.

(b) Adequate utility, drainage, refuse and sanitation facilities, emergency services, and other similar services shall be provided.

(c) The Zoning Administrator shall approve the duration of the use, which shall be as short as practicable. When the time period has expired, all temporary structures and facilities shall be removed and the site returned to its original condition.

Utility Transmission Site.

The following specific standards shall be used in deciding an application for approval of this use:

(a) The Utility Transmission Site and transmission corridor shall be located, constructed and maintained such that they produce minimal adverse effects on the environment and public health, safety and welfare. The transmission site and/or corridor shall meet or exceed the minimum standards established under the rule-making authority of the State of Florida Department of Environmental Regulations.

In the event that the Department does not establish minimum standards, the City shall develop standards which must be met by the transmission site and/or corridor prior to construction. The minimum standards shall establish requirements based on the best available data, addressing each of the following issues:

1. Width of right-of-way in relation to the voltage strength of the site or utility line.
2. Permissible strengths of electric fields, magnetic fields, and induced current levels and the location such strength is to be measured.
3. Construction and safety standards of the towers and other equipment, including the method of restricting access for public safety.
4. Any other provisions which are deemed necessary to protect the environment and public health, safety and welfare.

(b) In the review of the transmission site and/or corridor, the proposed and alternative locations shall be evaluated against the Tampa Comprehensive Plan 2000, existing zoning districts and land uses, and approved developments of regional impact.

(c) Joint use of facilities by different modes within the communication industry is strongly encouraged, to mitigate the impact of the site on the environment and surrounding areas.

(d) The site shall have the appropriate area, bulk and placement dimensions, access restrictions and buffering which protect the public health, safety and welfare and preserve the privacy of adjacent residential uses. In addition, the tower shall be so constructed to be as visually unobtrusive as possible, including such provisions as height, design and selected building materials, spacing of towers and the prohibition against the illumination of towers.

Vehicle Repair, Minor.

The following specific standards shall be used in deciding an application for this use:

- (a) A minimum gross land area of 20,000 square feet shall be provided; if rental of trucks, trailers, etc. is proposed as an accessory use, the minimum gross land area shall be increased by 10,000 square feet.
- (b) The zoning lot shall front on an arterial or collector street as shown on the Major Street Map, and have direct access thereto.
- (c) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
- (d) In the Ybor City Historic District, no service station shall be located within 800 feet of another service station. Distance shall be measured from property line to property line along the shortest distance between property lines without regard to the route of normal travel.

Section 43A-198 through Section 43A-205. RESERVED.

ARTICLE XII

NONCONFORMITIES

Section 43A-206. Classification.

Nonconformities shall be classified as:

- (a) Lots;
- (b) Uses of land without structures or minor structures only;
- (c) Uses of major structures and premises;
- (d) Structures;
- (e) Characteristics of use;

To be considered a nonconformity, it must have been in compliance with the zoning requirements which were lawful when it was established, but would be prohibited, regulated, or restricted by the enactment of this Chapter or subsequent amendments thereto. A nonconformity shall be established by one of the following methods:

1. The nonconformity must have been legal nonconforming under former zoning code Chapter 43 and continue to be designated nonconforming under the provisions of this Chapter or subsequent amendments hereto; or
2. The nonconformity must have been legal conforming under former zoning code Chapter 43 and made nonconforming by the provisions of this Chapter or subsequent amendments hereto.

A nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this Chapter.

Section 43A-207. Intent Concerning Nonconformities Generally.

It is the intent of this Chapter to require the cessation of certain nonconformities and to permit others to continue until they are removed or cease, but not to encourage their survival.

It is further the intent of this Chapter that nonconformity shall not be used as grounds for addition of other prohibited uses or structures, nor the enlarging by means of extension or expansion, except as specifically provided by this Chapter.

Section 43A-208. Intent Concerning Nonconforming Uses.

It is the intent of this Chapter that nonconforming uses shall be considered to be incompatible with the permitted uses within the several districts. Such nonconforming uses shall not be enlarged or extended in any respect.

Section 43A-209. Special Uses Not to be Considered Nonconforming.

Any existing use which would require a Special Use approval under the terms of this Chapter shall be deemed a conforming use. However, enlargement, replacement or modification of such a use shall require a Special Use approval as though it were a new use.

Section 43A-210. 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 nonconforming lot of record 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 Residential Nonconforming Lots in Same Ownership and with Continuous Frontage.

1. Combination Required Where Nonconformity was created at Enactment or Amendment of this Chapter.

Where more than one residential nonconforming lot of record in single ownership and with continuous frontage exist, they shall be combined and considered a single zoning lot and a Zoning Compliance Permit authorizing their use shall only be issued when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full setback requirements shall apply to all of the newly created lots.

2. Combination Not Required Where Nonconformity Created by Public Taking or Court Order.

Where the nonconforming lots were created by public taking action or as a result of a court order, combination of the lots shall not be required.

(c) Use of Non-Residential Non-Conforming Lots.

A separate non-conforming lot of record which is not in continuous ownership with other lots in the same ownership in Institutional, Commercial, Industrial and other districts which are non-conforming 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 lot may be used provided that all other provisions of this Chapter, except the requirements for minimum lot size and minimum lot width are met.

Where more than one nonconforming lot of record exist in single ownership with continuous frontage, the lots shall be considered a single zoning lot.

(d) Nonconforming Lots Due to Governmental Acquisition.

If a nonconforming lot is created by a governmental acquisition, required yards shall be measured from the property line location prior to acquisition.

Section 43A-211. Nonconforming Uses of Land Without Structures or with Minor Structures.

Nonconforming uses of land not involving any permanent structures with a replacement cost in excess of \$2,000 or a combination of permanent structures with a replacement cost not exceeding \$5,000, as determined by the Zoning Administrator, shall cease within two years of the adoption of this Chapter, or any amendment which shall cause such uses to assume nonconforming status.

Prior to termination, the following limitations shall apply:

(a) There shall be no enlargement, increase in intensity or alterations to the use, its permanent structure or both.

(b) If the use ceases for more than 90 days, subsequent use of the premises shall conform to the district regulations.

(c) No such use shall be relocated or moved to any portion of the lot other than that occupied at the time that nonconforming status was created.

(d) No such land shall be subdivided nor any structure added, except for purposes in a manner conforming to district regulations. Subdivision, however, which does not increase the degree of nonconformity, shall be permitted.

Section 43A-212. Nonconforming Uses of Major Structures, or Structures and Premises in Combination.

Nonconforming use of structures with a value higher than Section 43A-211 above, or such structures and premises in combination, shall be considered a major structure and may be continued, provided:

(a) Such uses may not be enlarged, extended, altered or replaced, except for a change to a use permitted in the district in which located, except as provided in (b) below.

(b) A nonconforming use may be extended through portions of a building manifestly arranged or intended for such use, but not otherwise, and shall not extend to occupy land outside such building or any additional building not used for such nonconforming use at the time that nonconforming status was established.

(c) If a nonconforming use ceases for more than 180 consecutive days in any one year period, subsequent use shall conform to the regulations of the district in which located.

(d) When a building or structure devoted to a nonconforming use is damaged to the extent of sixty percent or more of its current assessed taxable value, such building, if restored, shall thereafter be devoted to conforming uses.

Section 43A-213. RESERVED.

Section 43A-214. Nonconforming Structures, Other than Signs.

A structure which is nonconforming, due to noncompliance with the dimensional requirements of the Official Schedule of District Regulations of this Chapter and which is used for a use permitted in the district in which it is located may remain, provided:

(a) That any structural change to the structure shall not increase the degree of nonconformity. Structural changes which decrease or do not affect the degree of nonconformity shall be permitted.

(b) A nonconforming structure, or a portion thereof, if destroyed to the extent of 75% or more of its current assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located.

Section 43A-215. Nonconforming Characteristics of Use.

Nonconforming characteristics of use, which may include, by way of illustration but not limitation, inadequate parking and loading facilities, inappropriate landscaping, lighting, emissions, etc., may continue to operate, but shall not be expanded, altered, changed or relocated in such a manner to increase the degree of nonconformity.

Section 43A-216. RESERVED.

Section 43A-217. Nonconforming Structures Unsafe for Reasons Other than Lack of Maintenance.

Nonconforming structures or portions thereof, which are declared unsafe, but not because of lack of maintenance, by the Zoning Administrator or other competent authority may be repaired and restored, except as provided in Section 43A-214.

Section 43A-218. Nonconforming Temporary Help Agencies & Blood Donor Centers.

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 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 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.

Section 43A-219. Nonconforming Adult Bookstores, Adult Theaters, or Cabarets.

(a) Nonconforming.

Adult bookstores, adult theaters, or special cabarets which have been established at their existing locations prior to the effective date of Ordinance No. 8068-A (October 1, 1982), and which are not in conformity to the requirements of this section, may continue to operate until October 1, 1987. Thereafter, unless

ARTICLE XIII

SITE PLAN ZONING DISTRICTS

Section 43A-226. PD Planned Development District.

(a) Purpose: The purpose of the Planned Development District (PD) is to allow the development of land uses which are in conformance with the adopted future land use element of the Tampa Comprehensive Plan 2000 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 Planned Development District (PD) 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 PD guidelines or standards.

(c) Conflicts: Approvals under the provisions of this ordinance shall not release the applicant from meeting other applicable provisions of this Code, unless specific waivers are obtained from the department or entity having authority to grant such waivers.

(d) Uses permitted: A Planned Development 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 Planned Development District. Said uses shall be established only at such locations and in such density as set forth on said approved general site development plan.

The density allowed in a Planned Development District shall be consistent with the Tampa Comprehensive Plan 2000 and shall not exceed the allowable density in the assigned land use plan category of the property. The floor area ratio (FAR) allowed in a Planned Development District shall be consistent with the Tampa Comprehensive Plan 2000 and shall not exceed the allowable FAR in

the most intensive non-site plan zoning district allowed in the assigned land use plan category of the property. (Refer to the Zoning District/Land Use Designation Matrix of the Tampa Comprehensive Plan 2000.)

(e) General standards:

1. Area requirements. There is no minimum lot size requirement for each individual structure proposed within the PD 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 multi-family 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. Such open space shall be an integral element of the PD 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 zones.
4. Off-street parking requirements. Off-street parking shall be provided in accordance with the provisions of this Chapter.
5. Unified control. All land included for purposes of development within a Planned Development District 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 (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.

Section 43A-227.

PD(A) Planned Development District
Alternative Review Process

(a) Purpose. The purpose of this Alternative Review Process is to provide conceptual approval for Planned Development 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 Planned Development District Alternative Review Process is available to developments which are in excess of 100 acres or have a projected build-out of five (5) years or greater. All requirements of Section 43A-226 PD 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 Sections 43A-226(e) and 43A-228(a), except 43A-228(a) 2(B) 6 and 7. In addition, the Site Plan shall reflect performance standards for all phases. The minimum performance 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 (1)-(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 PD 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 in 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 PD 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 Sections 43A-226 (e) and 43A-228(a).

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) 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.

43A-228. Site Plan Zoning District Review Procedures

(a) The following procedures shall apply to all site plan controlled zoning districts, specifically, Planned Development (PD), Tampa Quality Development (TQD) and Central Business District - 2 (CBD-2):

1. Prehearing Conference. Prior to public hearing for the Site Plan Zoning District, the prospective petitioner shall be required to schedule a prehearing conference with the Department of Housing and Development Coordination, 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 site plan zoning district 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 anticipate 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 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 and Development Coordination, 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.

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 Service 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 through streets and any other streets as requested by the City of Tampa.

(H) 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;

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 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.

The density of land use to be allocated to the part of the site to be developed.

General location, arrangement, size and height, in square 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 meter and bounds description of said phase.

The use, number of acres, density of use, collector roads and roads of any higher classification, of all future phases.

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.)

All existing and proposed means of vehicular to and from the site, including roads on site.

A transportation analysis shall be prepared by a professional traffic engineer. The analysis shall include the total trip generation by the project and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates or other approved source shall be used as the basis for trip generation calculations.

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 Site Plan 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 Site Plan Zoning District. The Chairman of the City Council and City Clerk shall date and endorse the appropriate plan, and the plan shall be 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 Site Plan Zoning District, or the residents of the surrounding areas.

Further, where such Site Plan Zoning District, 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 improvements to public facilities of whatever type which should be made to relieve the burden caused those surrounding areas.

(b) Construction After Rezoning:

Construction on property zoned Site Plan Zoning District may only take place consistent with the General Site Development Plan approved at the time of rezoning. 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 5% or 200 dwelling units, whichever, is less.
2. An increase in the floor area proposed for non-residential uses of more than 5% or 10,000 square feet, whichever is less.
3. A decrease of 5% or more of the acreage set aside for open space/recreation in any phase.

4. An increase of more than 5% in total ground area covered by non-residential buildings within the development.
5. An increase of more than one story in the number of floors of non-residential 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, or an increase of 10% in total external traffic generation based on the previously submitted traffic generation figures.
7. Reduction in approved setbacks to perimeter property lines or a reduction in the separation of residential structures which results in a lesser separation than is required by Section 43A-49.
8. Reduction of the approved number or dimension of parking spaces, unless approved by the Department of Public Works.
9. Change in location of the parking area that negatively impacts a surrounding residential neighborhood.
10. Material change in the approved method of buffering that negatively affects abutting residential property.

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.

If no substantial construction activity has commenced on a site plan controlled zoning district property within 5 years of the date of adoption of the rezoning ordinance, then the property shall be subject to all development regulations in effect at the time of submission of an application for commercial site plan review, building permit review or any other development permit review.

Section 43A-229 through Section 43A-253. RESERVED.

Section 43A-254. Tampa Quality Development (TQD) District.

(a) Intent

1. Application for the rezoning to TQD is at the property owner's option.
2. The TQD district is intended for limited and specialized use, where the City has determined a mixed use project has unique characteristics, is of exceptional quality, is compatible with surrounding neighborhoods, substantial public benefit to the community, provides resources which reduce the need for public funds for low and moderate income persons and support Central Business District (CBD) uses but does not compete with them.
3. A TQD project must meet all applicable state regulations; and other applicable local regulations unless expressly provided otherwise in the TQD parcel rezoning ordinance.

(b) Location.

1. A petition for TQD may be made for property in those areas surrounding the Central Business District in the general vicinity of Palm Avenue - Fourth Avenue - Nebraska Avenue - Ybor Channel - Crosstown Expressway - Boulevard; and legally described as follows:

That part of

Sections 13, 24 and 25, Township 29 South, Range 18 East AND Sections 18, 19, 30 and 31, Township 29 South, Range 19 East, all being in Hillsborough County, Florida, lying within the following described boundaries:

Beginning at the intersection of the Centerline of the South Crosstown Expressway (S.R. 618) and the Centerline of South Boulevard, said intersection lying in said Section 24, Township 29 South, Range 19 East; run thence Northerly along said Centerline of South Boulevard, across the Street Right of Way of John F. Kennedy Boulevard (S.R. 60) to and along the Centerline of North Boulevard; run thence Northerly along said Centerline of North Boulevard across the Right of Way of Interstate Highway 275 (S.R. 400); continue thence Northerly along said Centerline across the Hillsborough River to its intersection with the Westerly projection of the Centerline of Palm Avenue; thence Easterly along said Centerline of Palm Avenue across the Right of Way of Interstate Highway 4 (S.R. 400); continue thence Easterly along said Centerline and the Easterly projection thereof to its intersection with the Centerline of Nebraska Avenue (S.R. 45); thence Southerly along said Centerline of Nebraska Avenue (S.R.

45) to its intersection with the Westerly projection of the Centerline of 4th Avenue; thence Easterly along said projection and Centerline to its intersection with the Centerline of 16th Street; thence Southerly along said Centerline and its Southerly projection across the Street Right of Way of Frank Adamo Drive (S.R.45 & S.R. 60) to its intersection with the Centerline of the South Crosstown Expressway Eastern Extension (S.R. 618); thence Westerly along said Centerline to its intersection with the Northerly projection of Ybor Channel; thence Southerly along said projection, Centerline and its Southerly projection to its intersection with the Northerly projection of the Centerline of Sparkman Channel; thence Southerly along said projection, Centerline and its Southerly projection to its intersection with the Centerline of Seddon Channel; thence Northerly along said Centerline and its Northerly projection to its intersection with the Westerly projection of the Centerline of Garrison Channel, said Centerline of Garrison Channel also being the Southerly boundary of the Central Business District (CBD); thence Easterly along the Southerly boundary of said CBD to its intersection with the Southerly projection of the Westerly boundary of the Seaboard Coastline Railroad Right of Way, said Westerly boundary also being the Easterly boundary of said CBD;

thence Northerly along said Southerly projection, Westerly boundary, and its Northerly projection to its intersection with the Northerly boundary of Platt Street; thence Easterly along said Northerly boundary to its intersection with the Westerly boundary of Meridian Avenue, said Westerly boundary of Meridian Avenue also being the Easterly boundary of said CBD; thence Northerly along the Easterly boundary of said CBD to its intersection with the Centerline of Twiggs Street; thence Northwesterly to the intersection of, the Westerly boundary of Nebraska Avenue (S.R.45) and the Southerly boundary of Central Park Village Housing Project; thence Westerly and Northerly along the Southerly and Westerly boundaries of said Central Park Village Housing Project to its intersection with the Centerline of Scott Street, said Centerline of Scott Street also being the Northerly boundary of said CBD; thence Westerly along said Northerly boundary of CBD to its intersection with the Centerline of the Hillsborough River, said Centerline also being the Westerly boundary of said CBD; thence Southerly along said Westerly boundary of CBD, to its intersection with the Centerline of the South Crosstown Expressway (S.R. 618); thence Westerly along said Centerline of South Crosstown Expressway to its intersection with the Centerline of South Boulevard, said intersection being the Point of Beginning.

2. The TQD is appropriate in those areas where infrastructure capacity is available for higher intensity development. The TQD district is appropriate for this location because, in terms of transportation, it is better served than any other part of the City. It is at the center of the transportation system and is served by two interstate highways, the Crosstown Expressway. It is oriented to existing and future mass transit corridors and has numerous pedestrian links to the Central Business District.

3. The TQD district will serve as a transition zone between the CBD and nearby neighborhoods. It will establish conscious boundaries and limits for development which in turn will provide for adjacent neighborhoods.

(c) Application Requirements; Size; Permitted Uses

1. In order to provide large setbacks from the Hillsborough River and other water bodies and setbacks and buffers from affected residential neighborhoods, the site must be at least three (3) contiguous acres in size with single ownership and control. This minimum acreage is necessary for projects to include residential uses which require more open space and areas for other amenities.

2. The project must be of a size that is at least 80% of the DRI basic threshold and undergo Florida Statutes Chapter 380 review.

3. The proposed project shall be a mixed use project such that at least two or more uses listed below, are included, and said uses shall interrelate. Said uses shall clearly further the intent of this district as described in Section A, above; shall support and not compete with CBD uses; and shall not negatively affect the surrounding neighborhood.

Permitted Uses:

Hotel
Day Care
Banks
Residential
Office
Retail

Merchandise Mart
Other related and accessory uses may be permitted at the discretion of the City.

4. Said uses shall be located in a single structure, or a combination of structures linked by shared infrastructure, shared parking and access, and a design which clearly maximizes the inter-relationship of uses.
5. Historic Resources - any existing structures that are identified by the Historic Tampa/Hillsborough County Preservation Board, the Architectural Review Commission, or the Barrio Latino Commission, as being of architectural, historic archaeological significance shall be preserved, either on-site, or moved and restored to another appropriate site.

2. TQD Point Criteria

POINTS RESOURCE

0-30 A. Housing

1. Contribute a fee in-lieu to the Housing Assistance Fund, at a point rate to be calculated as follows:

1 point =

$$[\$17.00 \text{ (Price of land per sq. ft.)} \times \text{(site square footage)} \\ \times .5 \text{ (split benefit to developer \& public)}] \div 100, \text{ or}$$

2. Construct on-site low or moderate income housing units at a point rate per unit to be calculated as follows:

$$\frac{\$30,000 \text{ (cost of low moderate income housing unit)}}{[\$17.00 \text{ (Price of land per sq. ft.)} \times \text{(site square footage)} \\ \times .5 \text{ (split benefit to developer \& public)}] \div 100, \text{ or}$$

3. Construct on-site market rate housing units at a point rate per unit to be calculated as follows:

$$\left[\frac{\$30,000 \text{ (cost of low moderate income housing unit)}}{[\$17.00 \text{ (Price of land per sq. ft.)} \times \text{(site square footage)} \\ \times .5 \text{ (split benefit to developer \& public)}] \div 100} \right] \times .75$$

0-30 B. Minority Employment and Business Development

1. Require 15% of number of businesses to be minority-owned and operated, and
2. Require 15% minority employment in non-office uses, and
3. Temporary - Require 25% minority contractors, subcontractors and employees (follow MBE guidelines) for construction of project;

OR

4. Require or provide other equally significant minority participation, programs, or benefits in lieu of B.1, 2. and 3. above.

0-15 C. Mass Transit

1. Provide mass transit or a monetary contribution (to be calculated using the following formula) to provide sufficient service to significantly reduce the parking/traffic volume to the site:

1 point =
[$\$17.00$ (Price of land per sq. ft.) x (site square footage)
x .5 (split benefit to developer & public)] ÷ 100

0-10 D. Day Care

1. Provide a full service day care facility on site or within the immediately adjacent two block area of a size sufficient to serve the demand from project employees and the surrounding neighborhood as based on employment and population projections. The exact size of the facility and time period during which the facility must be provided shall be stated in the Developer's Agreement. The day care facility must be in addition to any such facilities already in operation.

0-5 E. Pedestrian/Streetscape improvements

1. Provide exceptionally high quality pedestrian environment on-site in excess of the required CBD riverwalk and streetscape regulations, * or
 2. Provide high quality off-site extension or pedestrian linkage of streetscape improvements to promote pedestrian circulation to adjacent areas, or
 3. Provide exceptional treatment of public access to the river in excess of the required CBD riverwalk regulations, * or
 4. Provide public observation decks above 400 ' MSL.
- * Two points shall be awarded for compliance with CBD Riverwalk regulations and two points shall be awarded for compliance with CBD streetscape regulations.

0-5 F. Water and Natural Resources

1. Provide exceptional treatment and preservation of natural resources, scenic views, historic and archaeological resources, or
2. Provide state-of-the-art energy conservation techniques which are in excess of legal requirements.

0-5 G. Open Spaces

1. Provide open space which will be constructed and maintained by the developer, and
2. Provide exceptionally high quality open space of sufficient size to adequately serve the intensity of the project, or
3. Provide open space which is designed in terms of aesthetics, materials and architectural interests to showcase the design standards, or
4. Provide open space activities on a continuing basis, or
5. Provide an exceptional exhibit of landscape areas such as sculpture gardens.

0-5 H. Public Space

1. Provide improved off-site public space or significant enhancement or maintenance of existing public space(s), or
2. Provide a monetary contribution at the point rate set forth in subsection A.1. hereof, to the City of Tampa for use in constructing, improving or maintaining public spaces.

0-10 I. Cultural Support

1. Provide exceptional treatment of public art at a cost greater than 1% of the building value, not to exceed a maximum contribution of \$200,000, or commission of world-renowned artist, or
2. Provide for significant support of other cultural programs or facilities, or

3. Provide a monetary contribution at the point rate set forth in subsection A.1. hereof, to any Bay Area cultural organization or entity for use and support of cultural programs or facilities

0-25 J. Provide other innovative state-of-the-art amenities or linkages with clear value and benefit to the public.

140 TOTAL POSSIBLE POINTS

(h) "Allowable Bonuses"

Application:

Maximum 100% Bonus Requires 100 Points Bonus

Minimum 25% Bonus Requires 25 Points³

1. Bonuses are awarded on a sliding scale. Amount of bonus (percent over base density or intensity) is directly related to number of points earned i.e., 50 points earned permits 50% over base FAR or du/acre.
2. Base density/intensity is based upon assigned Land Use Plan Classification of the Site.
3. Projects must earn at least 25 points to utilize TQD bonuses. If only 25 points are earned, 18 points must be from MBE or Housing.
4. For projects earning more than 25 points, at least 24 points must be earned from MBE or Housing criteria.
5. Extra points are provided for criteria not specified. Bonus is limited to 100% increase.

ARTICLE XIV

BOARD OF ADJUSTMENT

Section 43A-255. Board of Adjustment, Establishment of

(a) A Board of Adjustment is hereby established. It shall consist of seven (7) members all of whom shall be residents of the City of Tampa.

(b) Four members shall be appointed by the Mayor with the approval of a majority of the City Council and three members shall be appointed by City Council. The next three appointments to be made subsequent to the effective date of this Ordinance shall be made by City Council so that the composition of the Board shall thence consist of four Mayoral appointees and three Council appointees; thereafter Mayoral and Council appointments shall be made whenever the terms of their respective appointees expire, and in accord with the regulations set forth herein.

All members shall be appointed for terms of four years, and until their respective successors have been appointed and qualified; provided that the terms of the original members may be staggered so that all terms may not expire simultaneously.

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 City Council, if the vacating member was appointed by the Mayor; and shall be made by City Council if the vacating member was appointed by City Council.

(c) A member may be reappointed for a second consecutive term, but after two consecutive terms a member shall not be eligible for reappointment until one calendar year has elapsed from date of termination of the second term.

(d) Members shall be compensated, as determined by the City Council, and shall be reimbursed for direct expenses incurred in connection with the discharge of their duties.

A member may be removed for cause by the Mayor with the approval of a majority of the City Council upon written charges and after a public hearing.

A member of the Board of Adjustment absent from four meetings in twelve (12) months shall automatically be removed from the Board.

Section 43A-256. Powers of Board.

The Board of Adjustment shall have the following powers except as otherwise provided in this chapter:

(a) Hear and decide appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator in the performance of his duties except as otherwise provided in this chapter. Nothing in this Article shall be construed to authorize the Board of Adjustment to permit a use in a district where that use is neither a permitted use nor a special use.

(b) Hear and decide variance requests for yards, fences and buffers required in this Chapter.

(c) Hear and decide variance requests for height of structures in the following residential districts: RS-150, RS-100, RS-75, RS-60, RS-50, RM-12, RM-16, RM-18, and YC-2.

(d) Pass upon, decide or determine such other matters as may be required by this Chapter.

Section 43A-257. Board of Adjustment Administration.

(a) The Board shall adopt rules of procedures and regulations for the conduct of its affairs.

(b) All meetings of the Board shall be open to the public.

(c) The Board shall keep a record of its meetings, including the vote of each member on every question, a complete summary of the evidence submitted to it, documents submitted to it and all official actions.

The Board shall cause a tape recording to be made of all proceedings before the Board. The tape shall be maintained by the secretary of the Board.

(d) Notice of public hearing of cases before the Board of Adjustment shall be given by the posting of a sign on the property of a size not less than 18 inches by 24 inches, upon which shall be the following:

"Public Notice - Hearing before Board of Adjustment, City of Tampa, City Council Chambers, City Hall (insert date and time of hearing) involving this property."

The petitioner shall post such sign in a conspicuous place on or near the front of the property or in the right-of-way in front of the land involved.

In addition, the petitioner shall mail by certified mail, at least fifteen 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, 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 one hundred fifty feet in every direction of the subject property (excluding streets and street rights-of-way).

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. 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 the Zoning Administrator not less than five (5) days prior to the date of the public hearing.

(e) The person acting as Chairman of the Board is authorized to administer oaths to any witnesses in any matter coming before the Board and to compel the attendance of witnesses and the production of evidence by the issuance of all forms of subpoena.

(f) The City Attorney or a designated Assistant City Attorney shall be present at all Board meetings.

(g) Applications for variances and appeals for review of decisions of the Zoning Administrator shall be filed with the Zoning Administrator, as agent for the Board. Applications and appeals shall be submitted on forms provided by the Zoning Administrator.

(h) It shall be the responsibility of the Zoning Administrator to notify the applicant or appellant of the disposition which the Board made of the matter. This notice shall be made by certified mail.

(i) It shall be the responsibility of the Zoning Administrator to issue permits in accord with the Board's Action on an appeal or application, if a permit is authorized by the Board action.

(j) The Zoning Administrator shall see to the faithful execution of all portions of the Board's actions, including the enforcement of all conditions which may have been attached to the granting of a variance.

(k) The Board of Adjustment shall request the recommendation of the ARC when an application is made for a variance or administrative appeal within a Historic district or on a landmark site. The Board of Adjustment shall take into consideration all testimony prepared or given by the Architectural Review Commission when reviewing a variance or administrative appeal which is located on a site designated as a landmark, landmark site or historic district. The Board of Adjustment shall also request the recommendation of the Barrio Latino Commission when an application is made for a variance or administrative appeal within the Ybor City Historic District.

Section 43A-258. Quorum and Vote Required.

(a) A quorum of the Board, necessary to conduct any business of the Board, shall consist of four members.

(b) The concurring vote of four members of the Board present for the hearing shall be necessary in order:

1. To reverse any order, requirement, decision or determination of the Zoning Administrator, or
2. To decide in favor of the applicant any matter upon which it is required to pass by this ordinance, or
3. To approve an application for a variance.

(c) A simple majority vote of those present shall be necessary to conduct routine business of the Board and to deny applications and appeals.

Section 43A-259. Application of the Variance Power.

(a) A variance may only be allowed by the Board of Adjustment in cases involving practical difficulties or unnecessary hardships when substantial evidence in the official record of the hearing supports all the following findings:

1. That the alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located.
2. That the alleged hardships and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provision of this Chapter and include substantially more than mere inconvenience and inability to attain a higher financial return.

3. That the variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance.
4. That the variance is in harmony with and serves the general intent and purpose of this Chapter and the adopted Tampa Comprehensive Plan.
5. That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this Chapter and the individual hardships that will be suffered by a failure of the Board to grant a variance.

(b) The Board may impose reasonable conditions upon the granting of any variance to insure that the public health, safety, and general welfare shall be protected and substantial justice done. Violation of such conditions shall be a violation of this Chapter.

The Board may impose a time limit of six months, during which the variance must be utilized. Extensions to this time limit may also be approved by the Board, provided the applicant requests an extension prior to the expiration of the time limit.

Section 43A-260. Application of Interpretation Power.

An appeal from an order, requirement, decision or determination of the Zoning Administrator shall be decided by the Board, based upon its findings of fact and to achieve the intent of this Chapter. In exercising this power, the Board shall act in a prudent manner so that the purposes of this Chapter shall be served. The effect of the decision shall not be to vary the terms of the Chapter nor add to the list of permitted uses in the districts.

Section 43A-261. Appeal Stays Further Proceedings.

An appeal to the Board of Adjustment from a decision or determination of the Zoning Administrator stays all proceedings in furtherance of the decision or determination appealed from, except as provided below.

Section 43A-262. Exceptions to Stay of Action.

An appeal to the Board of Adjustment of a determination or decision of the Zoning Administrator shall not stay further proceedings in furtherance of the decision or determination appealed from, if the Zoning Administrator certifies either:

(a) That, in the opinion of the Zoning Administrator, a stay would cause imminent peril to life or property.

(b) That the situation appealed from is transitory in nature and, therefore an appeal would seriously interfere with enforcement of this Chapter.

In each instance, the Zoning Administrator shall place in the certificate facts to support the conclusion.

Section 43A-263. Effect of Denial.

Denial of applications to the Board of Adjustment shall preclude consideration of a substantially similar request for a period of 12 months from the date of denial. The Board of Adjustment may determine that this time period does not apply if a substantially different request is submitted which addresses the grounds for denial identified during the public hearing(s).

Section 43A-264. Appeals of Board of Adjustment Actions.

Every decision of the Board shall be subject to review at the instance of any aggrieved party by the Circuit Court as provided by law.

Section 43A-265 through Section 43A-269. RESERVED.

ARTICLE XV

ADMINISTRATION

Section 43A-270. Establishment of Administrative Officer.

The provisions of this Chapter shall be administered by the Zoning Administrator, who shall be designated by the Director of Housing, Inspections, and Community Services.

Section 43A-271. Duties of the Zoning Administrator.

The Zoning Administrator shall have the power to grant Zoning Compliance Permits and to make or cause to be made inspections of buildings or premises necessary to carry out the enforcement of this Chapter. In connection with the enforcement of this Chapter, the Zoning Administrator shall make all necessary determinations and interpretations as required by this Chapter. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment, except as otherwise provided in this Chapter.

Section 43A-272. Powers and Limitations of Zoning Administrator.

If any proposed excavation, construction, moving, alteration, or use of land as set forth in an application for a Zoning Compliance Permit is in conformity with the provisions of this Chapter, the Zoning Administrator shall issue a Zoning Compliance Permit; however;

(a) Issuance of a Zoning Compliance Permit shall in no case be construed as waiving any provisions of this Chapter.

(b) Under no circumstances is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standard, or regulation contained in this Chapter to any person making application to excavate, construct, move, alter, or use either building, structures or land.

(c) Under no circumstances is the Zoning Administrator permitted to make changes to this Chapter or to vary the terms of this Chapter in carrying out his duties.

(d) The Zoning Administrator shall issue a permit when the imposed conditions of this Chapter are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties.

(e) If an application for such permit is disapproved, the Zoning Administrator shall state in writing the cause of such disapproval.

Section 43A-273. Zoning Compliance Permit Required.

It shall be unlawful to begin the excavation for the construction, the moving, alteration, or repair, except ordinary repairs, of any building or other structure, including an accessory structure, costing more than \$25.00 or exceeding one hundred square feet in area, until the Zoning Administrator has issued for such work a Zoning Compliance Permit which includes a determination that plans, specifications and the intended use of such structure do, in all respects, conform to the provisions of this Chapter. Prior to the issuance of a Zoning Compliance Permit, the Zoning Administrator shall consult with all applicable departments.

Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Zoning Compliance Permit, including a determination that the proposed use does, in all respects conform to the provisions of this Chapter.

All Zoning Compliance Permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. Where a Building Permit is required, the Building Permit Application shall serve as the Zoning Compliance Permit application.

Sections 43A-274 and Section 43A-275. RESERVED

Section 43A-276. Administration and Enforcement of Performance Standards.

- (a) Intent concerning determinations involved in administration and enforcement of performance standards.

Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no sophisticated equipment to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

1. Where determinations can be made by the Zoning Administrator, using equipment normally available or obtainable without extraordinary expense, such determinations shall be so made before notice of violation is issued.
2. Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures

shall be available for causing corrections of apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

(b) Procedure Where Zoning Administrator Can Make Determination.

Where the Zoning Administrator determines that there is a violation of performance standards relating to emission of smoke, fire, and explosive hazards influence, he shall take or cause to be taken lawful action to cause correction to within the limits set by such performance standards. Failure to obey lawful orders concerning such correction shall be punishable as provided by law.

(c) Procedure Where Zoning Administrator Cannot Make Final Determination.

If, in the considered judgment of the Zoning Administrator, there is a probable violation of the performance standards as set forth in this Chapter, the following procedures shall be followed:

1. The Zoning Administrator shall give written notice, by certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator within a reasonable time limit as set by the Zoning Administrator. Such reasonable time limit shall not exceed thirty (30) days.

The notice shall further state that upon request of those to whom it is directed, technical determinations as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.

2. If there is no reply within the time limit set, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall

note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted.

3. If there is no reply within the time limit set and the alleged violation is not corrected to the satisfaction of the Zoning Administrator within the time limit set, he shall proceed to take or cause to be taken such action as is warranted by continuation of a violation after notice to cease.
4. If a reply is received within the time limit set indicating that the alleged violation will be corrected to the satisfaction of the Zoning Administrator, but requesting additional time, the Zoning Administrator may grant an extension, if he deems it warranted in the circumstances of the case and if the extension will not, in his opinion, cause imminent peril to life, health, or property.

If reply is received within the time limit set requesting technical determination as provided in this Chapter, and if the alleged violations continue, the Zoning Administrator shall call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be assessed against the properties or persons responsible for the violation, in addition to such other penalties as may be appropriate.

If no violation is found, the costs of the determinations shall be paid by the City without assessment against the properties or persons involved.

Section 43A-277. Fees.

Before any Zoning Compliance Permit or Certificate of Zoning Compliance shall be issued covering building or other operations regulated by this Chapter, a fee in an amount fixed by the City Council shall be paid.

Section 43A-278. Determination Concerning Uses Not Specified.

Where there is substantial doubt as to whether a particular use or uses, or class of uses, not specifically identified in this Chapter are of the same general character as those listed as permitted principal or accessory uses, or uses permissible by Special Use, the Zoning Administrator, upon request from any administrative agency or officer of the City or on his own

initiative, shall make a determination in the matter. He shall give due consideration to the intent of this Chapter concerning the district involved, the character of uses specifically identified, and the character of the use or uses in question.

Requests for such determinations shall be made only by officers or agencies of the City. Such requests shall not involve those circumstances where the Zoning Administrator has made a negative finding, in which case appeal lies to the Board of Adjustment on grounds of error in his determination. The City Council shall be advised of each such determination by the Zoning Administrator, and may also request the Zoning Administrator to make such determinations on City Council's own motion.

On a determination made by the Zoning Administrator in the manner set out above, appeal from such determination may be made to the Board of Adjustment on grounds of error.

Upon making his determination, the Zoning Administrator shall notify the requesting officer or agency and any other officer or agency of the City likely to be affected by such ruling. In particular, but without limitation thereby, the Zoning Administrator shall notify the City Council where the determination involves Special Uses upon which it is authorized to act.

If in making the determination, the Zoning Administrator finds that the particular use or class of use is of unusual or transitory nature, or is unlikely to recur frequently, and unless his determination thereon is reversed on grounds of error on appeal to the Board of Adjustment, the determination shall thereafter be binding on all officers and agencies of the City as an administrative ruling, and without further action on or amendment of this Chapter.

Where the Zoning Administrator finds, in making the determination, that the particular use or class of use is likely to be common or recurrent, and that omission of specific reference in this Chapter is likely to lead to public uncertainty and confusion, he shall initiate a proposed amendment to rectify the omission. Until final action has been taken on such proposed amendment, the determination of the Zoning Administrator shall be binding on all officers and agencies of the City as an interim administrative ruling.

Section 43A-279 through Section 43A-284. RESERVED.

ARTICLE XVI

AMENDMENTS

Section 43A-285. Statement of Intent.

For the purpose of establishing and maintaining sound, stable, and desirable development within the City of Tampa, this Chapter shall not be amended except to correct a manifest error in the Chapter or, because of changed or changing conditions in a particular area or in the City generally, to rezone an area, extend the boundary of an existing zoning district, or to change the regulations and restrictions thereof, and then, only as reasonably necessary for the promotion of the public health, safety, or general welfare, and to achieve the purposes of and achieve conformance with the Tampa Comprehensive Plan 2000. No amendment shall be approved that will result in the reduction of the level of service standards set forth in the Tampa Comprehensive Plan.

Section 43A-286. Amendment Initiation.

Subject to the limitations of the foregoing Statement of Intent, an amendment to this ordinance may be initiated by:

- (a) The City Council on its own motion;
- (b) The Zoning Administrator;
- (c) Application, by any property owner or his or her agent, a citizen or his or her agent.

Section 43A-287. Procedure for Amendment Application.

(a) Text Amendments.

Every application for amendments to this Chapter, shall contain information described below. Additional material may be filed at the applicant's option.

1. The application shall be type written, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant.
2. It shall state the reason why such regulations, restrictions or boundaries should be amended, supplemented, changed or repealed.
3. It shall set out, if applicable, any alleged error in this Chapter which would be corrected by the proposed amendment with a detailed explanation of such error in the ordinance and detailed reasons how the proposed amendment will correct such error.

4. It shall set out the changed or changing conditions, if any, in a particular area of the City generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
5. It shall set out the manner in which the proposed amendment will carry out the intent and purpose of and provide conformance with the Tampa Comprehensive Plan 2000.
6. It shall set out all other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
7. The application shall be filed with the City Clerk for presentation to City Council and referral to the appropriate City Departments.

(b) Area Rezoning. (Ord. 90-175, 6/29/90)

An area rezoning is deemed to mean any proposed change to the Official Zoning Atlas which is initiated by:

- a) The City Council on its own motion; or
- b) Application, by any person other than the owner of the property or his agent.

Every application for an Area Rezoning filed under subsection (b) above, shall contain the information described below. Additional material may be presented at the applicant's option:

1. All items required in Section 43A-287(a) 1-7 above.
2. It shall give an accurate legal description of the land involved, including street address, if any, and the names of all owners, mortgage holder, lienors and lessees.
3. It shall list all owners of property which is the subject of the application, 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 application; the names and address of all such owners to be obtained by reference to the latest ad valorem tax records.
4. 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, if applicable.

5. 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; if the proposed amendment would require a change in the Official Zoning Atlas, the application shall have attached a fully dimensioned map at a scale of not less than 100 feet nor more than 20 feet to the inch showing the land which would be covered by the proposed amendment.
6. Copies of any site plan as may be required by the Zoning Administrator, shall be filed with the application.
7. A transportation analysis, prepared by a professional traffic engineer or approved by the City Traffic Engineer, shall be submitted with all rezoning applications. The analysis shall include the total trips generated by the rezoning and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates or other approved source shall be used as the basis for trip generation calculations. A pre-application conference with the City Traffic Engineer must be held prior to the submittal of the rezoning petition in order to determine if additional traffic information is required.

(c) Parcel Rezonings.

Every application for parcel rezonings shall contain the information described below. Additional information may be presented at the applicant's option.

1. All items required in Section 43A-287(a) 1-7, above.
2. All items required in Section 43A-287(b) 2-7, above.
3. Applications shall be filed with the Zoning Administrator who shall transmit one copy of the completed application to the City Clerk for presentation to the City Council to set the public hearing.
4. The applicant shall pay a fee, as established by City Council by resolution, which covers the City's cost and expense in connection with the handling and processing of the zoning application. The fee shall be paid at the time of filing. No refund of the fee shall be made after the application is filed. However, by a majority vote of members

present and voting, the City Council may authorize the Director of Revenue and Finance to refund the filing fee in any case where due to administrative error and without applicant's fault, the rezoning application has been unnecessarily filed.

(d) Compliance

1. No application for rezoning shall be accepted for filing by the Zoning Administrator unless the subject property is located completely within a Tampa Comprehensive Plan 2000 Classification that allows consideration of the requested zoning district. This review shall be based upon the adopted Tampa Comprehensive Plan 2000.

(A) If the land planning agency determines that the actual boundaries of the land use classification are in such doubt as to render a determination impossible, then City Council, by resolution, shall determine whether a Tampa Comprehensive Plan 2000 amendment shall be required.

(B) Notwithstanding the above, the Zoning Administrator may receive a rezoning application, where the applicant establishes that a land use plan amendment is presently being processed by the appropriate land planning agency, which amendment, if approved, would allow consideration of the requested zoning district. Any fees paid by the applicant to process the rezoning application, are forfeited, should the subject amendment fail to be adopted by 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. The Zoning Administrator shall distribute copies of such petition to the appropriate agencies. Any such department or agency shall have the right to enter written or oral testimony into the record at the public hearing. Written testimony shall be submitted to the Zoning Administrator for consolidation into a single document.

Section 43A-288. Public Notice Requirements.

(a) Text Amendments

For the purposes of the notice requirements, text amendments shall be divided into major and minor amendments as follows:

Major text amendments are those proposed amendments which substantially change the permitted use categories in zoning districts. The public notice for major text amendments shall be given pursuant to the procedures required by State Law.

Minor text amendments are all amendments other than the major amendments described above. The notice for minor text amendments shall be published once in a newspaper of general circulation in the City of Tampa at least 15 days and no more than 45 days prior to the date of the public hearing. The notice shall include the date, time and place of the public hearing; the title(s) of the proposed ordinance; the place(s) where the proposed ordinance may be reviewed by the public; and shall state that interested parties may appear at the public hearing and be heard regarding the proposed ordinance.

(b) Area Rezonings. (Ord. 90-175, 6/29/90)

The following procedures shall be followed for any area rezonings. Area rezoning, for the purpose of this Chapter, is deemed to mean any proposed change to the Official Zoning Atlas which is initiated by the City Council or initiated by a person other than the owner of the property or his agent, which is affected by the proposed change.

1. Where the area rezoning involves less than five percent of the total land area of the City of Tampa, the City Council shall direct the City Clerk to notify each real property owner whose land is proposed for rezoning and each property owner within 150 feet in all directions of the proposed rezoning by use of the procedures required by State law.
2. Where the area rezoning involves more than five percent of the total land area of the City of Tampa, the City Council shall hold two advertised public hearings, directing the City Clerk, by resolution, to give notice of the public hearings by use of the procedures required by State law.
3. 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 proposed to be rezoned and the proposed changes in zoning, which map and notice shall be posted for a period of fifteen days prior to any public hearing.
4. In addition to the above notification requirements, if the area rezoning involves less than five percent of the total land area of the City of Tampa, the City or applicant shall post a sign in a conspicuous place on the subject property at least fifteen (15) days prior to the scheduled public hearing. Said sign shall meet the specifications of Section 43A-288(c)3..

(c) Parcel Rezonings.

The following procedures shall be followed for any parcel rezoning initiated by the owner of property or his agent.

1. The City Council shall set, by motion, a date for a public hearing on the certified application, which public hearing shall be scheduled no less than fifteen (15) days and no more than seventy-five (75) days from the date of the motion. Notice of the public hearing shall be published in a newspaper of general circulation in the City of Tampa at least fifteen (15) days prior to said public hearing, and letter of intent to rezone shall be forwarded to the applicant.
2. The applicant shall immediately, upon the passage of the motion fixing a date for a public hearing, and not less than fifteen (15) days prior to the date set for the public hearing, send a notice to the owner or owners, according to the latest ad valorem tax records, of every parcel of land within a distance of one hundred fifty (150) feet (excluding roads or streets) in all directions from the property line of the land upon which the applicant requests a change in the district zoning classifications. This notice shall be mailed to such owner or owners at their usual post office address, by certified mail, with return receipt requested. The applicant shall prepare an affidavit showing: 1) the lands that lie within one hundred fifty (150) feet (excluding roads or streets) in all directions from the subject property, 2) the names of the owners of such lands, 3) the date and post office address to which each copy of the notice was mailed. The applicant shall attach to said affidavit copies of the postmark Receipt(s) for Certified Mail showing the date the notices were mailed and a photograph of the sign as posted on the property. The affidavit and the copies of the postmarked Receipt(s) for Certified Mail and a photograph of the sign as posted on the property shall be filed with the City Clerk not less than five (5) days prior to the date of the public hearing.
3. The Zoning Administrator shall call for a sign to be posted in a conspicuous place on and near the front of the subject property 15 days prior to the scheduled public hearing. Said 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 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 _____,"

4. The applicant shall pay a fee as established by City Council, at the time of filing. No fees shall be refunded unless the rezoning application has been unnecessarily filed due to administrative error and without the applicant's fault. In such cases, the City Council, by a majority vote, may authorize the Director of Revenue & Finance to refund the fee.
5. In the event that the notices of the time and date of the public hearing as required by Subsection 43A- 288(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 applicant, or the affidavit together with the copies of the postmarked Receipts for Certified Mail and a photograph of the sign as posted on the property is not filed with the City Clerk at least five (5) days prior to the scheduled date of the public hearing, the applicant shall be required to amend his application as provided for in this Article.
6. Amended Application. An application may be amended to correct an error or omission. If this amendment requires readvertisement of the notice of public hearing, the applicant shall pay an amendment fee, as established by resolution by City Council, to cover the cost and expenses as a result of the amendment at the time the amendment is filed. Amendments shall be filed with the Zoning Administrator.

Section 43A-289. Receipt of Applications and Holding of Public Hearings Thereon by City Council.

The City Council shall receive applications at any regular meeting and shall refer them to the Zoning Administrator for recommendation. The City Council shall schedule each application for a public hearing when it is received and certified. The City Council shall hold public hearings on such applications in accordance with policy set by resolution.

(a) Appearance by Applicant.

The applicant, or his authorized agent, shall appear in support of his application at the public hearing. Failure to so appear, shall be grounds for denial of the application, in the absence of good cause shown.

Any application for rezoning utilizing the flex procedure of the Land Use Element of the Tampa Comprehensive Plan 2000 shall be scheduled for two public hearings.

(b) Effect of Denial of Application.

Denial of rezoning applications by the City Council, filed under this section, shall preclude consideration of other rezoning applications for the same zoning classification sought by the denied application involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous application. However, upon written application to the 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 Tampa Comprehensive Plan 2000 became a law subsequent to the certification of the denied application 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 application; then the Council may waive the twelve month rezoning prohibition period.

Denial of site plan controlled rezoning applications by the City Council shall preclude consideration of a rezoning application which has a substantially similar request as described in the application and on the site plan involving the same lands or any portion thereof for a period of twelve (12) months from the date of denial of the previous application. The City Council may determine that this time period does not apply if the new site plan rezoning request has addressed the grounds for denial identified during the public hearing(s).

(c) Withdrawal of Application.

The City Council may allow an applicant to withdraw his application at anytime; provided, however, if the request for withdrawal is made after publication of the notice of hearing, no application for the reclassification of all or any part of the land which is the subject of the application shall be allowed for twelve (12) months following the date of the resolution of the City Council approving such withdrawal or subsequent resolution, unless the City Council specifies that the applicant may file a new application six months after the date of withdrawal.

(d) Refiling.

Where an applicant filing an application for rezoning property fails to perfect his application by not filing the affidavit on time or otherwise fails to comply with any other requirements of this section, or if the applicant 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 application involving the same property may be filed until the expiration of six (6) months from the date of the last monthly meeting.

Section 43A-290. Comprehensive Review of Chapter.

The Zoning Administrator shall from time to time, but no less often than every three years, examine the provisions of this Chapter and shall submit a report to the City Council recommending changes and amendments, if any, which are desirable in the interest of furthering the public health, safety and general welfare.

Section 43A-291. Review of City Council Action.

Review of City Council action within the procedures established within this Article shall be to the Circuit Court, and shall be in the form of a petition for writ of certiorari.

Section 43A-292. City Council Reconsiderations.

City Council may reconsider their vote or action on rezoning applications. The motion to reconsider may only be made at the same meeting or by the first subsequent regular meeting from the original action. City Council shall require re-notification of the rezoning application in the same manner as the original public notice requirements, outlined in Section 43A-288, or by other appropriate methods of public notice.

Section 43A-293 through Section 43A-299. RESERVED.

ARTICLE XVII

DEVELOPMENTS OF REGIONAL IMPACT

Section 43A-300. Applicability.

No development activity or development permits in a development of regional impact (DRI) as defined by the Florida Statutes, shall commence prior to its approval by the City Council, except for development authorized by an approved Preliminary Development Agreement pursuant to Florida Statutes. This section shall also apply to area-wide developments of regional impact and Florida Quality Developments, as defined by the Florida Statutes.

Section 43A-301. Fees.

The applicant shall pay a fee, as established by the City Council, to cover the costs associated with the review of the DRI. If the applicant amends or continues the DRI application, the applicant shall pay an additional fee, as established by City Council, to review the amended or continued request. If re-advertisement of the public hearing is required, the applicant shall pay for the additional advertising costs.

Section 43A-302. Public Notice Requirement.

The City Council shall hold a public hearing to consider the DRI. The public hearing shall meet the same notice requirements as established for parcel rezonings (See Article XVI, Amendments) and the public hearing notice requirements prescribed by the Florida Statutes.

Section 43A-303. Review.

The Zoning Administrator shall administer the review of the DRI and shall formulate a recommendation to the City Council in accordance with the requirements of the Florida Statutes.

Applications for a land use plan amendment and/or a rezoning may be submitted concurrently with the DRI application.

Section 43A-304 through Section 43A-309. RESERVED.

ARTICLE XVIII

Central Business District

Section 43A-310. Purpose and Intent.

The purpose and intent of establishing the Central Business District (CBD), CBD zoning districts and regulations is to implement the following goals of the Tampa Central Business District Land Use Policy Plan (a component of the Future Land Use Element of the 2010 Comprehensive Plan for the City of Tampa) (hereinafter "CBD Land Use Policy Plan"):

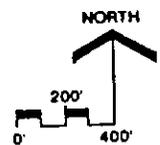
1. To promote design excellence in the CBD and to create a visual appeal between the natural environment and the physical development that will take place.
2. To provide the highest quality amenities to create an exceptionally appealing pedestrian environment.
3. To create active and attractive pedestrian connections along Franklin Street, the waterfront and throughout the CBD, giving highest priority to the movement and comfort of the pedestrian.
4. To promote the CBD as the entertainment and cultural center of Florida's West Coast recognized by its fine museums, galleries, theaters, restaurants, performing halls, night clubs, public art and other amenities.
5. To provide land for public use to help integrate the various areas of the CBD and to provide a variety of active and passive opportunities for workers, residents and visitors to the Downtown.
6. To preserve, and where possible, enhance the water-oriented character of the waterfront so as to create a festive and lively working, living and entertainment establishment.
7. To guide public and private land use and development into a highly compact and integrated urban center that encourages maximum social and economic benefit to the citizens of Tampa and the region.
8. Develop land use policies that will promote Franklin Street as the Center of retail for Downtown.

9. Improve the appearance and condition of the Franklin Street Mall.
10. Improve the knowledge and understanding of Downtown's local and regional markets and increase Downtown's retail role in the region.

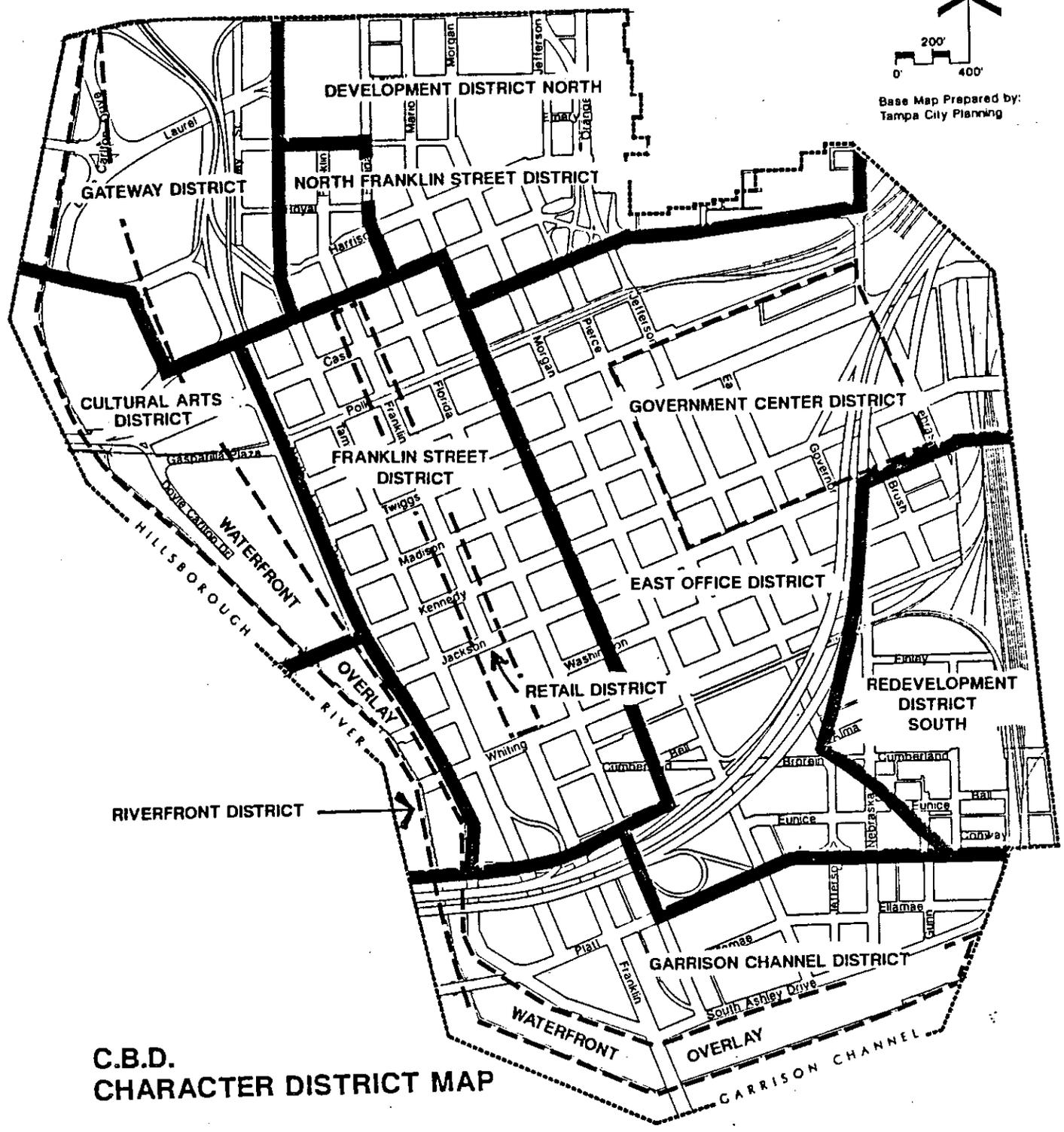
It is also the purpose of this Article to guide development design to establish the desired character of development for each of the twelve CBD character districts identified in the CBD Land Use Policy Plan and described and shown on the map below:

1. Franklin Street District: The focus of the highest activity and development intensity in the CBD. This district will contain compact mixed-use development.
2. Retail District: A concentration of the highest activity and development intensities, with retail uses/activities required on the ground floor facing Franklin Street. The intent is to create a highly active pedestrian retail shopping mall.
3. North Franklin Street District: The purpose of this district is to encourage the development of small offices and evening oriented entertainment/restaurant uses.
4. Gateway District: As a major entrance into Downtown, special attention is directed to the treatment of the Gateway District to protect important views, establishment of new views, and creating a quality downtown image.
5. Cultural Arts District: The purpose of the Cultural Arts District is to unify the cultural arts uses/activities that are presently in the area and provide for future supportive uses that will attract people from throughout the region.
6. Riverfront District: The Riverfront District provides the opportunity to create a public space that can be used as a people oriented place for movement and enjoyment of the waterfront. Open space, pedestrian activities and access to and along the waterfront are characteristics of development in this district.
7. Garrison Channel District: The Garrison Channel District should successfully develop as a strong visitor oriented activity center in response to the development of the Convention Center, the Cruise Ship Terminal and Harbour Island.

8. Waterfront Overlay District: This district establishes guidelines for areas that are common to all waterfront districts, such as public access to and along the river, the preservation of view corridors, the prohibition of free standing garages and required public open space as part of all development.
9. East Office District: A district expected to attract office, mixed-use, service and support uses with development intensities lower than those found in the Franklin Street district.
10. Government Center District: The intent of the Government Center District is to establish a unique identity for this area as the region's center of government through the treatment of sidewalk paving, landscaping, lighting fixtures and signs.
11. Development District North: A district generally characterized by its underutilization. As a result, a great deal of flexibility can be exercised as to the character of future development. Future development could include office development, transportation related activities, service, housing and businesses uses.
12. Redevelopment District South: This area contains a variety of industrial and manufacturing uses. Although no distinct development character is designated for this area, its future could be substantially influenced by development initiatives in the Garrison Channel and Ybor Channel areas.

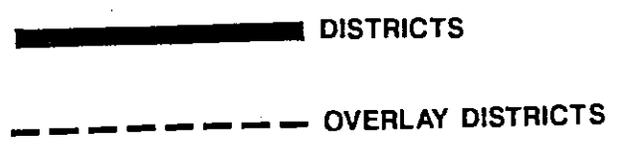


Base Map Prepared by:
Tampa City Planning



**C.B.D.
CHARACTER DISTRICT MAP**

Diagram 18-1



Section 43A-311. Central Business District (CBD) and Zoning Subdistricts established; procedures for Rezoning.

(A) Central Business District (CBD) established boundaries.

The Central Business District (CBD) is hereby established as a separate district with subdistricts therein. The boundaries of the CBD are as follows:

An area within downtown Tampa which is generally located south of Interstate 275, west of the CSX Railroad and Nebraska Avenue, north of Garrison Channel, and east of the Hillsborough River, and more particularly described as follows: An area bounded on the west by the Hillsborough River; on the north beginning at the Hillsborough River and extending east along the south boundary of Interstate 275 to Scott Street to the 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 CSX Railroad right-of-way; thence southerly along said CSX Railroad right-of-way to Garrison Channel; and bounded on the south by Garrison Channel to the Hillsborough River.

(B) CBD Zoning Subdistricts Established.

The following CBD zoning subdistricts shall be the only zoning districts permitted within the CBD:

(1) CBD-1

This zoning subdistrict is appropriate for CBD projects and areas with low to mid-rise structures.

(2) CBD-2

This zoning subdistrict is appropriate for CBD projects and areas with high rise structures.

(C) Procedures for Rezoning to CBD sub-districts.

- (1) A property owner requesting a rezoning to CBD-1 shall be governed by the parcel rezoning procedures set forth in Article XVI of this chapter.
- (2) A property-owner requesting a rezoning to CBD-2 shall be governed by the parcel rezoning procedures set forth in Article XVI of this Chapter, the site-plan review procedures set forth in 43A-228 and the provisions of 43A-314 and 43A-315, Design Approval and Regulations.

Section 43A-312. Official Schedule of Permitted Principal Accessory and Special Uses.

Except as otherwise specifically provided in this Chapter, the use of land, water and structures within the Central Business District shall only be permitted in accord with Table 18-1, the Schedule of Permitted Principal, Accessory and Special Uses. All other uses of land, water and structures in the CBD which are not expressly listed in Table 18-1 are prohibited uses and shall not be established in the CBD.

Uses listed in Table 18-1 as Special Uses may be established in the CBD only after approval of an application for a Special Use Permit in accordance with the procedures and requirements in Article XI of this Chapter.

TABLE 18-1

Schedule of Permitted Principal, Accessory and Special Uses

Use	Zoning Subdistrict	CBD- 1	CBD-2
<u>Use Group A</u>			
Adaptive Reuse		X	X
Congregate Living Facility			
Large Group Care Facility		X	X
Dwelling, Multiple Family		X	X
Home Occupation		S1	S1
Private Pleasure Craft		S2	S2
<u>Use Group B</u>			
Accessory Use to a Permitted Principal Group B Use		A	A
Church		X	X
Clinic		X	X
Club		X	X
College		X	X
Day Care and Nursery		X	X
Hospital and Associated Uses		X	X
Hotels and Motels		X	X
Public Cultural Facility		X	X
Schools: Business, Vocational, and Trade		X	X

<u>Zoning</u> <u>Subdistrict</u>	<u>CBD-1</u>	<u>CBD-2</u>
<u>Use</u>		
<u>Use Group C</u>		
Accessory Use to a Permitted Principal Group C use	A	A
Bank	X	X
Bar & Lounge	X	X
Catering Shop	X	X
Dry Cleaning Plant-Small	X	X
Heliport/Helistop	X	X
Marina	X	X
Office, Business & Professional	X	X
Office, Medical	X	X
Off-Street Parking		
Principal Use	S1	S1
Accessory Use	A	A
Parking Temporary	S1	S1
Personal Service	X	X
Pharmacy	X	X
Place of Assembly	X	X
Printing, Light	X	X
Printing and Publishing	X	X
Public Service Facility	X	X
Public Use Facility	X	X
Radio/TV Studio	X	X
Recreation facility		
Private or Commercial	X	X
Research Activity	X	X
Restaurant	X	X
Retail Sales, Specialty		
shopper's & Commercial goods, distilled beverages and gasoline	X	X
Temporary Special Events	S1	S1
Transportation Service Facility	S1	S1
Vehicle Repair, Minor	X	X
Veterinary Office	X	X

Legend: X = Permitted Principal Use
S1= Special Use-Zoning Administrator
Review
S2= Special Use-City Council
Review
A = Permitted Accessory Use

Section 43A-313. Official Schedule of Dimensional Regulations.

Except as otherwise specifically provided in this Code, the minimum lot size and width, minimum required setbacks, maximum height and maximum density shall be as shown in Table 18-2, Schedule of Dimensional Regulations:

TABLE 18-2
Schedule of Dimensional Regulations

District	Lot Size	Required Yards	Height	FAR
	<u>Area/Width</u>	<u>Front/Side/Rear</u>		
CBD-1	N/A	N/A ⁽¹⁾	120 ft. ⁽²⁾⁽⁴⁾	N/A
CBD-2	SP/SP ⁽⁵⁾	SP/SP/SP ⁽¹⁾⁽⁵⁾	SP ⁽²⁾⁽³⁾⁽⁴⁾⁽⁵⁾	SP ⁽⁵⁾

NOTES:

SP = as per City Council approved site plan
N/A = not applicable

- (1) Property located within the Waterfront Overlay District shall have a building/structure setback of 23 feet from the water's edge, as measured from the waterside face of the bulkhead.
- (2) Microwave Communication Protection

Structures which exceed 70 feet in height shall not obstruct or interfere with any existing federally - licensed point-to-point telecommunication pathway. Upon application of building permits the owner or agent shall:

- a. Provide a survey (frequency coordination analysis) to the City to determine whether the proposed structure will obstruct or interfere with any FCC licensed microwave pathway.
- b. Notify all license holders of effected pathway by certified mail; and provide an affidavit to the City verifying said notice.

- c. Reimburse the licensee for costs associated with the relocation of the effected pathway for the life of the license.
- (3) Structures shall be compatible with any significant natural, historic, or architectural resources in proximity to the project. Examples of ways to achieve compatibility include design features such as height-to-setback ratios or stepped or graduated building faces.
- (4) All buildings with a height in excess of one hundred (100) feet shall be equipped with a fire control system approved by the City of Tampa Fire Department.
- (5) Property zoned CBD-2 without a zoning site plan approved by City Council may be developed provided it meets the Dimensional Regulations of CBD-1.

Section 43A-314. CBD Development Design Approval
and Procedures.

(A) Design Approval - when required; submission of application:

(1) Design Approval Required -

Any property-owner or agent thereof proposing to erect a building or structure or conduct major renovations on any building or structure in the Central Business District for which building permit applications are submitted after the effective date of this Article shall obtain Design Approval for said building or structure by complying with the provisions of this Section and the CBD Development Design Regulations. Provided however, any property owner of a parcel which has received City Council zoning site plan approval, but has not submitted building permit applications prior to the effective date of this Article, shall not be required to obtain Design Approval.

Provided, further, any building or structure within the Central Business District which undergoes major renovation(s) and which has been designated as a landmark or included in a designated historic district under Section 43A-154, of this Chapter shall be governed by the provisions of sections 43A-151 through 43A-159, and the provisions of this Article shall apply only to the extent that they do not conflict with sections 43A-151 through 43A-159.

(2) Submission of Application -

- a) CBD-1 - For parcels zoned CBD-1, an application for Design Approval shall be submitted to Housing and Development Coordination (hereinafter "HDC") at the same time as an application for Commercial Site Plan Review as required by City of Tampa Code Chapter 25.
- b) CBD-2 - For parcels zoned CBD-2 or the subject of a CBD-2 rezoning petition, an application for Design Approval shall be submitted to HDC at the same time as a petition for City Council rezoning site plan approval; provided however, for proposed structures of 120 feet or less, an application for Design Approval shall be submitted to HDC at the same time as an application for Commercial Site Plan Review as required by City of Tampa Code Chapter 25.

(B) Review Procedure:

- (1) Pre-Application Conference - Any property-owner or agent thereof required to obtain Design Approval shall schedule a pre-application conference with the City of Tampa Planning Division prior to submission of an application for Design Approval.

In order to assist in discussing the basic scope of the project, the property-owner shall submit a sketch plan containing the following:

- a) general development design details;
- b) whether public art is to be placed on-site, off-site or whether a fee-in-lieu is to be paid;
- c) the physical description of the public open space, location, size and access;
- d) a description of the intended public use or character of the public open space; and
- e) a description of the type of landscaping, paving, street furniture and activity elements to be incorporated into the public open space.

- f) if required, riverwalk design

The Planning Division staff shall review the CBD Development Design Regulations with the applicant and determine in checklist form, which standards, guidelines and regulations will be applicable to the project.

- (2) Submission Requirements - All applications for Design Approval shall contain the following items:
 - a) General Information Cover Letter - stating the property-owner's name and address, the applicant's name and address, the name and address of any authorized agents, and the street address and legal description of the subject property.
 - b) General Location Map - indicating the location of the proposed site relative to the downtown area. (Map size optional)
 - c) Context Map - indicating the location of the proposed site and the location of all building and street rights-of-way within three hundred (300) feet of the proposed site perimeter. The context map shall also contain the following information regarding surrounding buildings:
 - 1) visual survey of land uses with brief title of type business at ground floor,
 - 2) nearby buildings which are of significant architectural or historical significance,
 - 3) solid-void space relationships (i.e. open space, parking lots in relationship to building areas),
 - 4) number of stories of each building and approximate building height,
 - 5) photographs of each side of city block on which proposed site is located and photographs of all adjacent sites or structures facing the proposed site, (photographs shall be standard 3 1/2" x 4 1/2" color prints displayed and labeled mounting all photographs to paper or cardboard).

d) Detailed Site Plan and Street Level Floor Plan - containing the following information:

- 1) north arrow and scale;
- 2) property line boundaries and dimensions;
- 3) adjacent street rights-of-way with number of traffic lanes denoted and direction of traffic flow;
- 4) vehicle and pedestrian circulation including, ingress, egress, loading, unloading and parking;
- 5) typical floor plan with major use categories as necessary to describe all levels of building.
- 6) street level floor plan designating all grade changes and indicate the various uses of spaces.
- 7) if required, riverwalk floor plan illustrating pedestrian access and movement.

e) Building Design Plans - containing drawings of the building or structure including the following:

- 1) exterior elevations of all sides of project at a scale no smaller than 1/16" = 1'0" (include any existing structures abutting proposed project on same street wall)(if the above scale is not practical due to the magnitude of the project, a scale agreed to by the City may be acceptable);
- 2) sections of the structure as necessary to adequately describe shapes and relationship of spaces (scale no smaller than 1/16" = 1'0", except if such scale is not practical due to the magnitude of the project, a scale agreed to by the City may be acceptable);
- 3) color character sketches depicting exterior highlights or the flavor of the project are encouraged.
- 4) exterior perspective in color at the pedestrian level; (This drawing may be a

sketch perspective rendered in sufficient detail using any color medium such as markers or colored pencil, etc.);

- 5) designation of building materials, finishes and colors (outline specifications only);
 - 6) designation of all handicap ramps, including areas where the sidewalk intersects driveways and garages.
- f) Streetscape Plan - indicating the streetscape and landscape plan proposed, containing the following information:
- 1) north arrow and scale of not less than 1 = 30' (if such scale is not practical due to the magnitude of the project, a scale agreed to by the City may be acceptable);
 - 2) sidewalk width, paving materials (surface and base), paving patterns and system, curbing materials;
 - 3) location and dimension of proposed driveways, handicap ramps, ingress and egress points and curbs;
 - 4) existing vegetation to be saved (identified by name, quantity and size) and method of protection during construction;
 - 5) proposed planting areas, plants proposed, including type plant or tree (botanical or common name), number of plants or trees, height and spread, spacing and caliper or gallon size;
 - 6) tree grates;
 - 7) tree lighting and utility lines;
 - 8) irrigation system.
 - 9) if required, riverwalk streetscape and landscape plan including the location, dimension, description and type of seating, planters, tables, fountains, public art and other street furniture to be included.

g) Public Art Plan - containing the following information:

- 1) A detailed site plan indicating the proposed location of the public art.
- 2) The percent cost of the public art, including proof thereof, figured by the following formula:

$$P = (AC/PC) * 100$$

P = Percent Public Art Cost
AC = Cost of Public Art
PC = Total Cost of Project as identified on Building Permit as Job Value

- 3) A representation of the proposed art work. Said representation may include an illustration, character sketch, model, photograph or other means of visually conveying the proposed public art work. If, for any reason, the City of Tampa Planning Department questions whether the proposed art piece is in compliance with the public art definition as set forth in this Chapter, said representation shall be referred to the Public Arts Committee.

The Public Arts Committee shall make a determination as to compliance with the definition of Public Art. The Public Arts Committee shall not review the artistic expression or merit of said representation. The Public Arts Committee shall transmit its review findings in writing within (60) days to the City of Tampa Planning Department. The property owner shall pay a fee, to be established by resolution, for the review conducted or commissioned by the Public Arts Committee.

h) Public Open Space Plan - containing the following information:

- 1) A detailed site plan of the public open space showing:
 - a) the dimensions of the public open space;

- b) computation of percent open space;
- c) a landscape plan; and
- d) the location, dimension, description and type of seating, planters, tables, fountains, public art and other street furniture to be included in the public open space.

2) A pedestrian level perspective sketch, in color, of the proposed public open space

(3) Review of Design Approval Application -

- a) Review. The City of Tampa Planning Division shall review applications for Design Approval for compliance with the provisions of this Article. The minimum qualifications for the Planning Divisions Urban Design Manager shall be a degree in urban design, architecture or landscape architecture, or commensurate experience in urban design. The City of Tampa Parks Department shall also review applications for compliance with the provisions of the Public Open Space regulations.

(C) Approval, Denial and Appeals:

Design Approval and Denial shall be conducted as follows:

- (1) CBD-1 and non-zoning site plan projects - When property is zoned CBD-1, or is zoned CBD-2 and does not require City Council zoning site plan approval, in order to build, and Design Approval is required for a project, review for Design Approval shall be conducted concurrent with Commercial Site Plan Review required by City of Tampa Code Chapter 25. Approval or denial shall be reported to the applicant in writing. If denied, the reasons for denial shall also be reported to the applicant in writing. The applicant shall be given a reasonable opportunity to address the reasons for denial and resubmit the application.

If an application is denied after resubmittal, the applicant may appeal the denial to the City of Tampa City Council, who shall make the final determination as to whether the application complies with the provisions of this section. All appeals shall be filed within fourteen (14) days of the date of final denial. No formal notice

requirements shall be required for the appeal to City Council.

- (2) CBD-2 projects - When CBD-2 zoning site plan approval is required or requested for a project, review for Design Approval shall be conducted simultaneously with the CBD-2 zoning site plan review. Review time frames, communications of approval and/or denial and resubmittals shall be in accordance with the procedures for the CBD-2 rezoning site plan review process.

(D) Final Review of Materials, Finishes and Colors:

Prior to application for a building permit, the applicant shall submit to the Planning Division final designations of ranges of building materials, finishes and colors. The Planning Division shall review the final designations within fourteen (14) days. Approvals, denials and appeals shall be in accord with the provisions of subsection 43A-314(C)(1) above.

(E) Review and Issuance of Building Permits, Construction, Inspections and Certificate of Occupancy Release:

Upon approval of an application for CBD Development Design and prior to issuance of any building permit for any property subject to the requirements of this Article, the City of Tampa Planning Division shall review said permit application to ensure it is consistent with Design Approval. No building permit shall be issued for property subject to the requirements of this Article unless consistent with Design Approval. Construction on property subject to the requirements of this Article shall only take place consistent with Design Approval. A representative of the City of Tampa Planning Division shall be permitted on-site to conduct periodic inspections to ensure construction is consistent with the approved application.

Upon passage of final inspection, the City of Tampa Planning Division shall release all holds on the certificate of occupancy; provided further, the installation of the public art on site shall be completed before a certificate of occupancy is granted. However, the City may allow additional time, up to a period of one year, for the installation and completion of the artwork on site. Upon granting of an extension, a performance bond or letter of credit in an amount equal to the cost of the artwork to be installed on-site shall be posted to ensure completion and installation. A second extension of up to a period of one additional year may be allowed under certain exceptional circumstances. Exception status is awarded on the basis

of an approved time-line for installation of on-site artwork. Additional extensions may only be granted by City Council approval.

Section 43A-315. CBD Development Design Regulations.

Compliance with the following design regulations shall be required in order to obtain Design Approval. The regulations shall be administered in accordance with the provisions of the CBD Land Use Policy Plan:

(A) Urban Design Guidelines:

- (1) Purpose and Intent - The urban design guidelines are established to provide a basis for review of design factors unique to each development, to ensure a harmonious relationship between proposed buildings, its surroundings and outdoor space as well as directing these relationships toward pedestrian activities so as to create a sense of interest, vitality and excitement, and to promote the creation of a physically attractive and functionally integrated environment for people to live, work and enjoy.

The urban design guidelines shall be applied in reviewing the architectural design of each structure only as they relate to pedestrian activities and circulation and the compatibility and quality of the proposed building with respect to its surroundings. It is not the intent of these guidelines to regulate a project's artistic expression of architecture except, to the extent they accomplish the above-mentioned purposes. Further, nothing in these guidelines should be interpreted as discouraging variety in architectural style or as promoting homogeneity of architectural style.

- (2) Requirements - The design of any building or structure erected in the Central Business District or any building or structure within the Central Business District that undergoes major renovations(s) shall be designed in accordance with the design guidelines set forth in the "Tampa Central Business District Urban Design Guidelines", June 1989 edition, which guidelines are on file in the Office of the City Clerk and are herein adopted by reference.

(B) Streetscape Design Standards:

- (1) Purpose and Intent - The streetscape design standards are established to provide design criteria which require a certain level of quality, enhance street level design to attract pedestrian use, develop a system of pedestrian-oriented streets and walkways, improve pedestrian and transit links among key activity centers and districts, emphasize, protect and enhance entrances and edges of the Central Business District, accentuate the identity of Central Business District subdistricts, promote continuity between public and private developments, provide for protection of air quality through mitigating effects of trees and provide shade and enhance the appearance of the Central Business District.

- (2) Requirements - A streetscape shall be constructed in accordance with the provisions of this subsection and the design standards set forth in the "Tampa Central Business District Streetscape Design Standards and Technical Installation Guide", June 1989 edition, which Guide is on file in the Office of the City Clerk and is herein adopted by reference, whenever any building or structure is erected in the Central Business District or whenever any building or structure within the Central Business District undergoes major renovations. The streetscape shall include the following items:
 - a) Trees - Trees shall be planted in the streetscape. The type tree, number of trees, size tree and spacing of trees shall comply with the standards set forth in the "Tampa Central Business District Streetscape Design Standards and Technical Installation Guide".
 - 1) Tree grates shall be installed around each tree. The type and design of the tree grate and installation of the tree grate shall comply with the standards set forth in the "Tampa Central Business District Streetscape Design Standards and Technical Installation Guide".

- 2) Tree lighting shall be installed around each tree and said lighting shall be in operable condition at all times. The type lighting, number and size of lights shall comply with the standards set forth in the "Tampa Central Business District Streetscape Design Standards and Technical Installation Guide".
 - 3) Irrigation systems shall be installed underground to service all trees and other landscape materials, and said irrigation system shall be in operable condition at all times. The type and size irrigation system shall comply with the standards set forth in the "Tampa Central Business District Streetscape Design Standards and Technical Installation Guide".
 - 4) Inspection of trees planted pursuant to this subsection shall occur six (6) months after planting to insure all trees are in healthy condition. Trees found to be in a declining condition shall be replaced within thirty (30) days of notice thereof. If replacement is necessary, there shall be a re-inspection six (6) months after replacement and the provisions of this subsection shall apply to the re-inspection.
- b) Paving - Paving shall be installed in the streetscape. The type paving, design and paving materials shall comply with the standards set forth in the "Tampa Central Business District Streetscape Design Standards and Technical Installation Guide".
 - c) Flower Containers - To add color and soften sidewalk paving with plants, flower containers containing blooming annuals or perennials shall be located and maintained along street curbs where appropriate.

- (3) Streetscape Maintenance Covenant - At the time of issuance of a Certificate of Occupancy all property-owners constructing streetscapes shall be required to execute a Maintenance Agreement and Covenant, in a form acceptable to the City Attorney, in which the property-owner agrees to maintain and repair all elements of the Streetscape. The covenant shall be recorded in the public records of Hillsborough County, Florida and shall be binding on all successors in interest.

(C) Public Art Requirements

- (1) Purpose and Intent - The purpose of the Public Art requirement is to (1) increase the presence of art in public open spaces in the Tampa Central Business District, (2) ensure that art can be enjoyed by the general public, and (3) support the promotion of the Downtown as the cultural center of the region.

The intent of the development regulations and review framework set forth herein is to provide the mechanism for implementing the above-referenced goals by directing the Public Art requirements in each area or character district of the Central Business District.

- (2) Requirements - Public Art shall be provided as follows:

Character District	Public Art Requirement Cost of Art Piece Based upon Percent of Construction Costs
Franklin Street District	0% *
Retail District	0% *
North Franklin Street District	0% *
All Other Downtown Districts	1% **

* Art shall be provided by City government

** Up to a maximum contribution of \$200,000.

- (3) Placement of Public Art - The placement of all public art as required by this subsection shall meet the following provisions:

a) A minimum of 75% of the total public art requirement shall be placed in places that are clearly visible from the public sidewalk or public space. The property owner or agent thereof may elect to provide the entire public art requirement in these areas. The final location of the art piece shall be reviewed and determined through the CBD Development Design Review.

b) At the option of the property owner or agent therefore, up to a maximum of 25% of the total public art requirement may be placed indoors in publicly accessible lobby areas.

- (4) Off-Site Provision of Public Art - Any property owner or agent thereof, required to provide public art as set forth in this section, may provide the required amount of public art off-site on another parcel located in the Central Business District, provided the following conditions are met:

a) The property owner(s) or agent thereof shall submit a request to provide the required public art off-site with the application for Design Approval.

b) The placement of the proposed off-site public art shall meet the requirements of subsection 43A-315 (C)(3) above.

- (5) In-Lieu Payment for Public Art: Any property owner or agent thereof, required to provide public art as set forth in this subsection, may pay a fee-in-lieu as set forth in this subsection, and shall pay said fee-in-lieu of the required amount of public art upon issuance of a Certificate of Occupancy. The property owner or agent thereof, may provide a fee for the total public art requirement (up to \$200,000) or a portion thereof that is not met through the provisions of subsection 43A-315(C)(3) or (4) above.
- (6) Public Art Fund - A Public Art Fund shall be created and shall consist of all in-lieu payments for public art requirements, for the Central Business District. The public art fund shall be used solely for the selection, acquisition, installation, maintenance and insurance of public art to be displayed on public property in the Central Business District.
- (7) Ownership, Maintenance of Public Art and Maintenance Covenant - All public art pieces shall be owned and maintained by the owner of the property on which the public art pieces are located. At the time of issuance of a Certificate of Occupancy all property-owners installing Public Art on-site shall be required to execute a Maintenance Agreement and Covenant, in a form acceptable to the City Attorney, in which the property-owner agrees to maintain and repair all elements of the Public Art. The covenant shall be recorded in the public records of Hillsborough County, Florida and shall be binding on all successors in interest.

(D) Public Open Space Requirements:

- (1) Purpose and Intent - The purpose of the Public Open Space Requirement is to: (1) Expand Downtown's inventory of useable and accessible public spaces concurrent with new development, (2) Promote the open, water-oriented character of the downtown riverfront by providing public open space as part of development projects, and (3) Support the attainment of the desired character of development for each of the CBD character districts as identified in the CBD Land Use Policy Plan.

The intent of the general design standards, development regulations and review framework set forth herein is to provide the mechanism for implementing the above-referenced goals by defining the public open space requirements in each area or

character district of the Central Business District.

(2) Requirements - Public Open Space shall be provided as follows:

a) CBD Core Districts: Property owners conducting new development or major renovations in the Central Business District Core Districts shall not be required to provide open space. (CBD core districts are the Franklin Street District, the Retail District and the North Franklin Street District)

b) Inland Districts: The public open space requirements set forth in subsections 1) and 2) below shall apply to all property located in the following inland districts:

- Gateway District
- Cultural Arts District*
- Garrison Channel District*
- East Office District
- Government Center District
- Redevelopment District South
- Development District North

*Applies to that portion of said District outside of the Waterfront Overlay District.

1) Property owners conducting new development in Inland Districts shall devote 17.5% of the site for open space. Of the 17.5% open space requirement, the property-owner shall provide a minimum of 5% on site as a open space. Required open space shall be calculated as follows:

$$\begin{array}{rcl} \text{Open Space} & & \text{Total Site Area} \\ \text{Required} & = & \text{X } .175 \end{array}$$

$$\begin{array}{rcl} \text{Minimum On-Site} & & \text{Total Site Area} \\ \text{Required} & = & \text{X } .05 \end{array}$$

2) The remaining 12.5% open space requirement may be met through the following:

A) The property owner or agent thereof may provide all or part of the 12.5%

on site in addition to the required 5% on-site open space.

- B) The property owner or agent thereof may pay a fee-in-lieu of the remaining portion of the 12.5% not located on site to the Public Open Space Trust Fund and shall pay said fee-in-lieu of the required amount of Public Open Space upon issuance of a Certificate of Occupancy. The fee for this provision shall be equal to the average appraised value of that portion of the 12.5% not located on site. The fee-in-lieu determination shall be calculated as follows:

$$\text{Fee} = \left[\begin{array}{r} \text{Total Public} \\ \text{Open Space} \\ \text{Required} \end{array} - \begin{array}{r} \text{Total on} \\ \text{site Space} \\ \text{Provided} \end{array} \right] \times$$

MAI Appraisal of the Land
(a negative value for Fee indicates the property owner provided more public space than required and therefore no fee would be assessed.)

The MAI appraisal or MAI Letter Update Appraisal submitted for purposes of calculation of the fee-in-lieu shall be conducted during the period approximately 6 months prior to the date of Application for Design Approval. Payment of a fee-in-lieu of providing on-site Public Open Space shall be made upon issuance of the certificate of occupancy.

- c) Waterfront Overlay District: The following provisions shall apply to all property located in the Waterfront Overlay District:
- 1) All new development shall devote 35% of the total site, provided the remaining area of the site can accommodate a 20,000 square foot buildable area.

The required public open space shall be calculated as follows:

$$\begin{array}{rcl} \text{Open Space} & & \text{Total Site} \\ \text{Required} & = & \text{Area} \times .35 \end{array}$$

- 2) If the provisions of subsection 43A-315 (D)(2)c)1) above cannot be met, then the following shall apply:

Sites larger than 20,000 square feet but unable to provide the entire 35% open space requirement on site, shall:

- A) Provide that portion of the site which is left after compensating for the 20,000 square foot buildable area for open space. The required open space shall be calculated as follows:

$$\begin{array}{rcl} \text{Open Space} & & \text{Total Site} \\ \text{Required} & = & \text{Area} - 20,000 \\ & & \text{sq. ft.} \end{array}$$

and

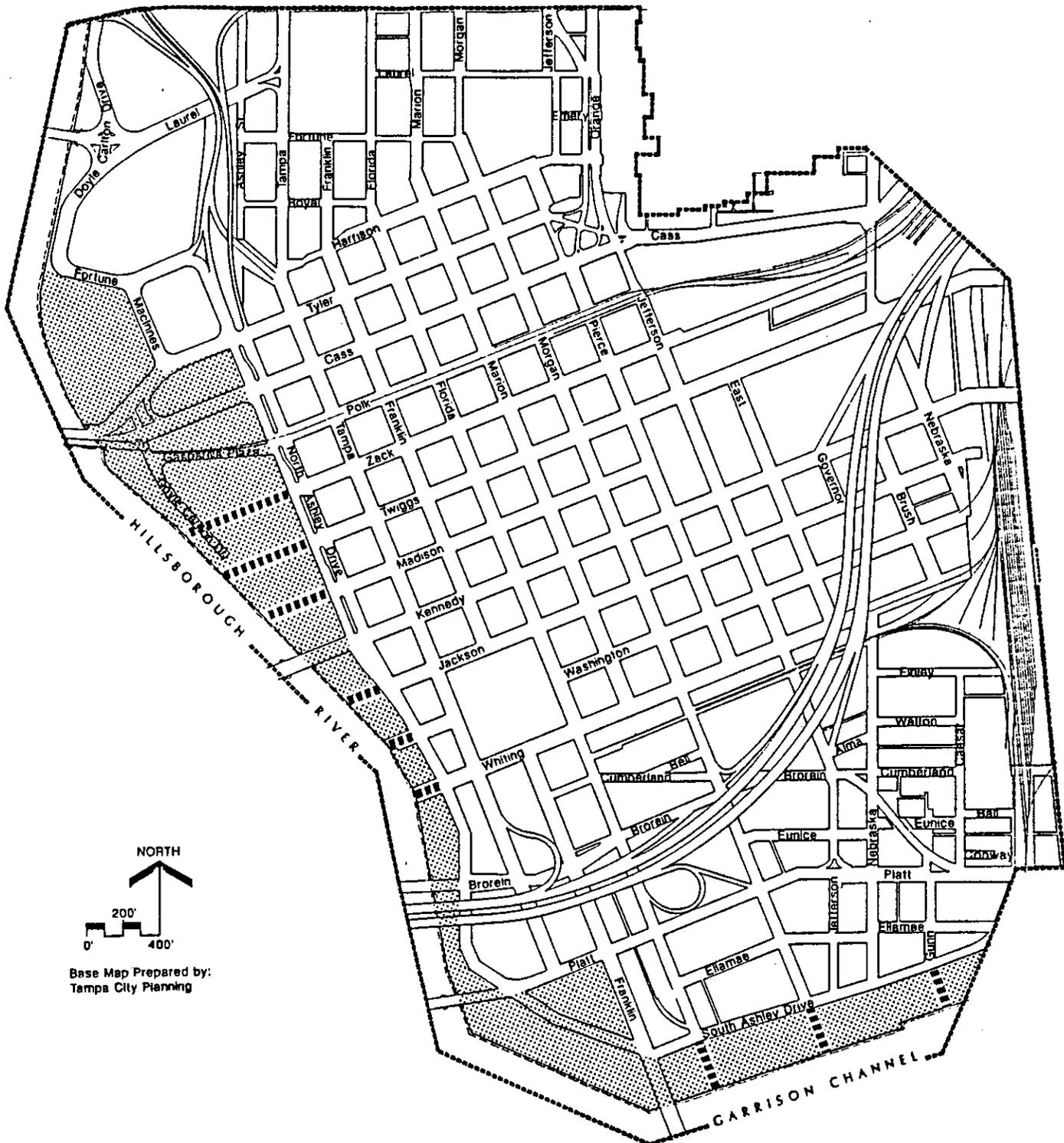
- B) Pay a fee equal to the appraised value of the remaining portion of the open space requirement not located on site. (Refer to subsection 43A-315 (D)(2)b)2)B) for calculation of the fee in-lieu determination.)

- 3) If the provisions of subsection (D)(2)c)2) above cannot be met, then the following shall apply:

Sites less than 20,000 square feet shall pay a fee-in-lieu of the on-site open space or portion thereof. The fee shall be equal to the appraised value of that portion of the open space that is not provided on site. (Refer to subsection 43A-315 (D)(2)b)2)B) for calculation of the fee-in-lieu determination.

(3) Provisions of Public Access/View Corridors -

All owners of property located in the Waterfront Overlay District and having a designated public access/view corridor, as set forth in the map below, shall provide public access/view at or near the desired location and alignment. The final alignment and dimensions of the public access/view corridors shall be reviewed and determined under the provisions of the Design Approval.



NORTH

 200'
 400'
 0'
 Base Map Prepared by:
 Tampa City Planning

PUBLIC ACCESS / VIEW CORRIDORS

Diagram 18-2

- WATERFRONT OVERLAY DISTRICT
- PUBLIC ACCESS VIEW / CORRIDORS

(4) Types of Open Space -

a) Types of Open Space Permitted: The following types of space shall be counted towards meeting the total public open space requirements set forth in subsection 43A-315 (D)(2) above:

- 1) Any space which is open to the sky, with no coverings or obstructions.
- 2) Any covered exterior space including, but not limited to, spaces covered by awnings or canopies, so long as the covering is designed for weather protection or aesthetic design.
- 3) The on-land building set back for the riverwalk.
- 4) Any at-grade provisions of public access/view corridors or extensions of the street grid to create view corridors.

b) Types of Open Space Not Permitted: The following types of space shall not be counted towards meeting the total public open space requirements set forth in subsection 43A-315(D)(2) above:

- 1) Any exterior space which is covered by the building structure itself.
- 2) An interior space, such as atriums and courtyards.
- 3) Surface parking lots.
- 4) Loading zones or service areas which are not integrated with pedestrian entrances or areas.

(5) Public Open Space Design Regulations - The following regulations shall apply to all public open space required herein:

a) All open spaces shall contain a public open space that is designed to accommodate one or more specific public uses as defined in this Chapter, except when the size and configuration of the open space cannot accommodate a public use. Variations of this

provision shall be reviewed and determined through the CBD Development Design Review Process. In such cases when a public use cannot be accommodated, the open space shall be landscaped.

- b) The property owner(s) or agent thereof shall clearly indicate the specific public use(s) as defined in this Chapter, that the public open space is designed to accommodate at the time of application.
 - c) All public open spaces shall contain one or more activity element(s) as defined in this Chapter, to support the stated public uses of the space. People-oriented uses, such as restaurants, retail, entertainment and cultural arts activities, are encouraged adjacent to the public spaces.
 - d) All public open spaces shall contain seating. The following design criteria shall be met:
 - 1) Seating may include low walls, benches or moveable chairs or fixed seating.
 - 2) At least one lineal foot of seating, or 2 moveable chairs, or a combination thereof shall be provided for each 40 square feet of public open space.
 - 3) At least 40% of the public open space shall be shaded by trees at noon on the summer solstice.
 - e) All public open spaces shall be at grade and visible from the street and sidewalks.
 - f) All new development located in the Waterfront Overlay District shall orient a minimum of 90% of the on-site public open space (exclusive of the riverwalk setback) to create a public access/view corridor to the water's edge. The final alignment and dimensions of the public access/view corridors shall be reviewed and determined under the provisions of Design Approval.
- (6) Freestanding Parking Structures - Public Open Space Requirements - Any freestanding structure located in the Central Business District (public or private) in which the principle use is for the provision of parking shall devote 5% of the site for public open space. Any freestanding parking

structure which is accessory to a principle use shall be reviewed in combination with said principle use for determination of compliance with Public Open Space requirements. All public open spaces for freestanding parking structures shall undergo Design Review to ensure adequate landscaping to support an attractive pedestrian oriented appearance.

- (7) Public Open Space Trust Funds; Use of Funds - There shall be created two separate Public Open Space Trust Funds, to wit, the Inland District Public Open Space Trust Fund and the Waterfront District Public Open Space Trust Fund. Each Fund shall consist of all in-lieu payments collected for the public open space requirement from the respective district. Funds shall be used exclusively for selection, acquisition, design, construction, maintenance and security of public open spaces within the respective district.
- (8) Ownership, Security and Maintenance Covenant - All public open space shall remain in the ownership of the property owner, and said property owner shall be responsible for all maintenance and security of the public open space. At the time of issuance of a Certificate of Occupancy all property-owners constructing Public Open Space on-site shall be required to execute a Maintenance Agreement and Covenant, in a form acceptable to the City Attorney, in which the property-owner agrees to maintain and repair all elements of the Public Open Space. The covenant shall be recorded in the public records of Hillsborough County, Florida and shall be binding on all successors in interest.

(E) Waterfront Design Regulations:

- (1) Purpose and Intent - The purpose of the Downtown Waterfront Overlay District is to: (1) Promote Tampa's Downtown Waterfront as a community resource, (2) provide for the orderly development and redevelopment of the waterfront, (3) ensure high quality design, (4) ensure public access to and along the water's edge, and (5) create a pedestrian oriented environment along the waterfront.
- (2) Requirements - The following requirements shall apply to all property located in the Waterfront Overlay District:

a) Waterfront Building Set Back - When Required:
Any property owner or agent thereof proposing to erect a building or structure on any site, in the Waterfront Overlay District, shall provide 23 foot wide building set back from the water's edge, as measured from the waterside face of the bulkhead.

b) Riverwalk - When Required Any property owner proposing to construct a riverwalk in the Waterfront District, or any property owner or agent thereof, proposing to erect a building or structure on any site, in the Waterfront Overlay District, shall construct a riverwalk in accord with the following provisions:

1) General Design Requirements

- A) The riverwalk shall be constructed within the boundaries of the 23' wide waterfront building set back area where it has been provided.
- B) Within the waterfront building set back area, a minimum of 17 feet shall be paved (includes 2 feet for bulkhead wall) with the remaining space to be used for landscaping (trees, shrubs, ground-cover, etc., flower bowls/planting beds, seating, signage, . etc.) appropriate to each project (paving plan and landscape plan to be approved by the City). This does not preclude construction of boardwalks, overlooks, etc. in addition to the Riverwalk.
- C) The elevation along the Riverwalk shall be held to specifications to assure handicapped requirements are met.
- D) Continuity of the Riverwalk across ownership parcels shall be maintained to facilitate public access use and enjoyment.
- E) The design of the Riverwalk shall be integrated with all intersecting Streetscape designs.

2) Riverwalk Design Standards - The Riverwalk Design Standards are established to provide a design framework

which requires a certain level of quality, enhances the water's edge to attract pedestrian use, and provides a continuity of pedestrian scale and rhythm between ownership parcels.

Any property owner or agent thereof proposing to construct a riverwalk shall comply with the provisions of this subsection and the design standards set forth in the "Riverwalk Design Standards", June 1989 edition, which standards are on file in the office of the City Clerk and are herein adopted by reference.

- 3) Maintenance Provisions and Covenant - At the time of issuance of a Certificate of Occupancy all property-owners constructing a Riverwalk shall be required to execute a Maintenance Agreement and Covenant in which the property-owner agrees to maintain and repair all elements of the Riverwalk. The covenant shall be recorded in the public records of Hillsborough County, Florida and shall be binding on all successors in interest.
- 4) Encroachments - No construction, improvements, structures, decorations, signs, furniture, awnings and displays will be undertaken or placed into or over the Riverwalk without the written approval of the property owner and the City or a riverwalk management association.
- 5) Emergency Vehicle Access - A minimum clearance of twelve (12) feet in width shall be maintained on the Riverwalk pedestrian circulation area (sidewalk) at all times. In the event that fire protection systems are not provided (fire sprinkler systems within the building, standpipes on the waterside of buildings, approved on-site fire hydrants etc.), a minimum clear width for emergency vehicles shall be increased to twenty (20) feet. The design and construction of the expanded zone for emergency vehicles shall be integrated with the riverwalk.

- (3) Waterfront Building Set Back and Riverwalk - Variations - Variations of the Riverwalk or Waterfront building setback requirements may be negotiated and approved through the CBD Development Design Review process, subject to the following:
- a) Applicable Situations: A property would be eligible for variations of the requirements of this ordinance if:
 - 1) The site is less than 20,000 square feet in size.
 - or 2) The site, due to size and configuration, cannot provide the on-land riverwalk or waterfront building set back AND a 20,000 square foot buildable area.
 - b) Variations Permitted: A property owner that meets the provisions of subsection 43A-315 (E) (3)(a) above, may receive the following variations through the review process:
 - 1) The property owner may be permitted to locate the riverwalk or a portion thereof over the water.
 - 2) The property owner may be permitted to vary the width of the waterfront building setback and the riverwalk.
 - 3) The property owner may be permitted to construct the riverwalk under the structural portion of a building (i.e., building overhangs and arcades).
 - c) Applicability of Other Provisions: To the extent that a variation is permitted under the provisions of this subsection, a property owner shall continue to comply with all provisions of the Public Open Space requirements, as well as all remaining provisions of this section.
- (4) Off-street Parking and Loading - Requirements - All new construction and major renovations of waterfront parcels located within the boundaries of the Waterfront Overlay District, as defined by this Chapter, shall meet the following requirements:
- a) Parking Provisions:
 - 1) No structure shall have parking access on the waterside of the project.

- 2) Surface parking lots on waterfront parcels shall be prohibited.
- 3) The number of on-site parking spaces shall not exceed the minimum parking spaces required by code.
- 4) Free standing parking structures are prohibited , public or private.
- 5) Parking structures, as an accessory use, may be permitted in the Waterfront Overlay District providing the following conditions are met:
 - A) The design of the parking structure and/or the design of the facades of parking structures which are incorporated in the building footprint or which extend from the principle building component shall be architecturally integrated.
 - B) The design of the parking structure conceals vehicles from grade level views.
 - C) The design of the parking structure utilizes landscaping elements or design features to soften the appearance of the exterior facade.

b) Off-Street Loading Provisions:

- 1) Service and loading areas and related access drives shall be located to minimize their visibility from public streets, pedestrian areas and adjacent Riverwalk.
- 2) All service and loading areas shall be effectively screened from pedestrian view.
- 3) The City may approve service and loading areas and related access drives which do not comply with 1) and 2) above if no feasible alternative exists.

(5) Building Design - General

- a) Building Entrance: There shall be a public entrance included on the Riverwalk or the on-site public space.
- b) Roofscape: All rooftop mechanical equipment shall be screened from view through the use of architectural enclosures designed as an integral part of the building architecture. To present an attractive roofscape, special consideration shall be given to the design treatment of all roof components (including terraces) or portions of the building.

(F) Franklin Street Retail District Design and Use Regulations:

- (1) Purpose and Intent- The purpose of the Franklin Street Retail District Regulations is to require all new development facing Franklin to: (1) help create a highly active pedestrian shopping mall; (2) ensure new buildings are designed to be compatible with human scale and reduce the loss of light and air; and (3) promote the desired character of development as identified in the CBD Land Use Policy Plan.
- (2) Requirements- The following requirements shall apply to all property located in the Franklin Street Retail District:
 - a) Retail Space/Use Requirements-New Development: Any property owner or agent thereof proposing to erect a building or structure on any site in the Franklin Street Retail District, shall comply with the following provisions:
 - 1) Placement of Retail Space: Retail space shall be provided as follows:
 - A) Within the ground floor of the new building,
 - B) Oriented along and facing towards Franklin Street,
 - C) Having a minimum depth, as measured from the building line along Franklin Street, of 40 feet.
 - 2) Retail Uses - Requirements: All retail space shall be used for retail uses and

personal service uses according to the following:

- A) Retail uses, as defined herein, shall be permitted in all retail space.
- B) Personal service uses may be permitted in retail space provided the total linear frontage of the personal service use(s) does not exceed 30% of the total block face of the development.
- C) Any new retail space which has not been able to provide a retail use and remains vacant for a period of one year or more from the time of the date of certificate of occupancy, may be utilized for personal service uses. This provision applies even if the total linear frontage of personal service use exceeds 30% of the total block face.

b) Retail Space/Use Requirements - Existing Development: All ground level space located within an existing structure and facing Franklin Street shall hereinafter conform to the retail space/use requirements set forth in Subsection (F)(2)a) above; provided however, the following provisions shall apply to existing uses:

- 1) Any non-retail uses located within said retail space shall be considered a non-conforming use. The following provisions apply to all non-conforming uses.
 - A) Any non-conforming use that is in operation at the effective date of this Article may continue operation, subject to the provisions of Chapter 43A, Article XII, Nonconformities.
 - B) At such time when a non-conforming use operating at that location ceases operation for 180 consecutive days, as determined the City of Tampa, the space shall be used

thereafter for retail uses as provided herein.

- 2) Whenever a retail space becomes vacant, it shall be used for retail uses. If said retail space remains vacant for a period of six (6) months or more, then it may be used for personal service uses.
- (3) Design Regulations- any property-owner or agent thereof proposing to erect any building or structure on any site, or conduct major renovations, in the Franklin Street Retail District, shall comply with the following regulations in addition to all other requirements:
- a) All retail spaces shall contain an entrance onto Franklin Street.
 - b) All retail spaces in new construction, (where feasible in major renovations), shall be visible from Franklin Street by devoting 70% of the ground level facade plane to transparent material.
 - c) The design of all new structures shall maintain the line of storefronts at the property line.
 - d) All new structures in excess of 50 feet in height above the sidewalk level shall contain an upper level setback. Said setback shall begin no higher than 40 feet from ground level and set back a minimum of 20 feet along the entire facade of the building facing Franklin Street.
 - e) All structures shall contain awnings or canopies. Said elements shall be placed at the upper portion of the ground floor storefront along the entire facade of the building facing Franklin Street with consideration for the height of awnings or canopies of adjacent development.
 - f) All parking shall comply with the following:
 - 1) Surface parking is prohibited along Franklin Street.

- 2) Parking garages on the ground floor are prohibited along Franklin Street.
 - 3) Parking garages may be introduced above the ground floor provided the parking garage is architecturally concealed and enclosed.
- (4) Vacant Buildings - Aesthetic Regulations- The following regulations shall apply to all vacant retail space and are in addition to all other requirements:
- a) All windows of a vacant structure shall provide a window display or window covering that is aesthetically compatible with the structure.
 - b) Windows that are "boarded-up" shall not be considered a window covering.
 - c) Upon receipt of a notice of non-compliance with this section, the property owner shall have 30 days in which to provide the window display or covering
 - d) Failure to provide the window display within the 30 day period shall constitute a violation of this Chapter and shall be punishable in accordance with Article XX hereof.

Section 43A-316. CBD Parking Requirements.

(A) Off-Street Parking Requirements:

Any building within the CBD that is erected, expanded, increased in floor area or seating capacity, or changes its use, shall meet the applicable parking requirements as set forth in Table 18-3, Table of Required Parking Spaces. All other applicable regulations of Article X hereof shall be complied with.

Table 18-3

Table of Required Parking Spaces

Use	Spaces	Per Unit
Auditoriums, theaters or other places of assembly	1	5 persons or seats
Business or commercial buildings	1	500 sq.ft(GFA)
Churches, temples or places of worship	1 1	8 persons or seats
Clubs or lodges	1	10 seats or persons
Dwelling structures	1	Dwelling Unit
Hospitals, sanitariums	1	6 patient beds
Hotels	1	3 bedrooms
Libraries, museums	parking area	equal to 50% of floor area open to pub.
Medical or dental clinics	3	per ea. dr. or dentist
Motels	1	sleeping unit
Nursing or convalescent homes	1	per ea. 4 pts.
Office & Professional Buildings	1	1,000 sq. ft. (GFA)
Restaurants or other eating places	1	4 seats
Rooming, boarding houses	1	4 beds
Schools and public buildings	1	10 seats
Commercial recreation area	1	1,500 sq. ft.of land area
	plus 1	500 sq. ft. of structure

(B) 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.

(1) In Lieu Payment Procedure -

An application to comply with parking requirements through payment of an in lieu fee may be obtained from HDC. All in lieu parking applications shall be filed with HDC in accordance with the following procedures:

- a) 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.
- b) 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
- c) It shall state the proposed on-site and off-site parking spaces and the number of City of Tampa Code required spaces.
- d) It shall state exist building use and the proposed building use.
- e) It shall contain the square footage of the building and the land.
- f) It shall contain a site plan.
- g) Three (3) copies of the application shall be filed with HDC.
- h) Upon acceptance, review and certification of the application as to completeness, HDC shall distribute two (2) copies of the application to the department of public works for review and comment.

- i) HDC shall notify the applicant of any in lieu payments, special conditions or information that is required.
- j) Upon receipt of the in lieu payment from the applicant, HDC shall issue parking space credit to said applicant.
- k) All in lieu payments shall be deposited to the department of public works, parking division, parking revenue fund.

(2) Calculation of In Lieu Parking Payment -

- a) The in-lieu factor for the requested land use shall be established by resolution of city council.
- b) The in lieu payment for renovation, rehabilitation or building improvements shall be calculated in accordance with the following criteria:
 - 1) For renovation, rehabilitation, or building improvement with no building use change and/or expansion of 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.
 - 2) For all other renovation, rehabilitation, or building improvement, the in lieu parking payment space credit shall be calculated in accordance with the following formula:

In Lieu Parking Payment =

$$\left[\begin{array}{l} \text{Total Spaces} \\ \text{Required to} \\ \text{meet code} \end{array} \right] - \left[\begin{array}{l} \text{On-site spaces} \\ \text{meeting code} \\ \text{requirements} \end{array} \right] - \left[\begin{array}{l} \text{App'd off-} \\ \text{site spaces -} \\ \text{w/in 500 ft.} \\ \text{of devlpmt.} \end{array} \right] - \left[\begin{array}{l} \text{Prior} \\ \text{pkg} \\ \text{space} \\ \text{credit} \end{array} \right]$$

$$\times \left[\begin{array}{l} \text{Construction} \\ \text{cost per space} \end{array} \right] \times \left[\begin{array}{l} \text{In lieu factor} \end{array} \right]$$

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

- c) The in lieu payment for new construction shall be calculated in accordance with the following formula:

In lieu parking payment =

$$\begin{array}{r}
 \left[\begin{array}{l} \text{Total Spaces} \\ \text{required to} \\ \text{meet code} \end{array} \right. - \begin{array}{l} \text{On-site spaces} \\ \text{meeting code} \\ \text{requirements} \end{array} - \begin{array}{l} \text{Prior} \\ \text{parking} \\ \text{credit} \end{array} - \left. \begin{array}{l} \text{App'd off-} \\ \text{site spaces} \\ \text{w/in 500 ft.} \\ \text{of devlpmt.} \end{array} \right] \\
 \\
 \times \left[\begin{array}{l} \text{Construction} \\ \text{cost per space} \end{array} \right] \times \left[\begin{array}{l} \text{In lieu} \\ \text{factor} \end{array} \right]
 \end{array}$$

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

- d) For new construction, renovation, rehabilitation, or building improvement which requires greater than fifty (50) parking spaces to be provided by an in lieu payment, 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:

- a. Land acquisition cost;
- b. Construction cost; and
- c. Other relevant factors.

(3) Calculation of Parking Space Credit -

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

$$\begin{array}{r}
 \text{Pkg. Space} \\
 \text{Credits} = \frac{\text{In lieu} \\
 \text{payment}}{\text{Const.cost} \\
 \text{Per Space}}
 \end{array}$$

(4) Parking Space Credit Conditions and Rights -

- a) Parking space credit(s) may be transferred only with the property that is legally desired on the parking space credit form.
- b) Parking space credit(s) may be transferred when the use of the property is changed.
- c) Parking space credit(s) may not be transferred to meet the parking requirements of building or structures on other property.

- d) 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.
- e) No money shall be refunded by the City of Tampa for parking space credit(s).

(C) 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.

(D) CBD Parking Variance Procedure:

Where an applicant desires not to comply with the foregoing CBD parking requirements, the applicant shall seek a variance from this criteria in accordance with Sections 43A-192 through 43A-197, Procedures For Approval of S-2 Special Use Permits; provided, however, that the requirement of a study and report by Hillsborough County City-County Planning Commission and the newspaper publication requirement shall not be required.

Section 43A-317. CBD Surface Parking Regulations.

All CBD sites used for surface parking shall comply with the Tree, Site Clearing and Landscaping Regulations set forth in City of Tampa Code Section 45-363 through 45A-383, as amended.

Section 43A-318. Amortization Schedule for Adult Uses.

Pursuant to Section 43A-312 and Table 18-1 of this Article, Adult Uses are prohibited uses in the CBD. However, adult uses, including adult bookstores, adult theatres or special caberets which are legally established and operating at locations in the CBD upon the effective date of this Article, may continue to operate at their existing locations until July 6, 1994. Thereafter, no adult uses shall be permitted to operate in the CBD.

- d) 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.
- e) No money shall be refunded by the City of Tampa for parking space credit(s).

(C) 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.

(D) CBD Parking Variance Procedure:

Where an applicant desires not to comply with the foregoing CBD parking requirements, the applicant shall seek a variance from this criteria in accordance with Sections 43A-192 through 43A-197, Procedures For Approval of S-2 Special Use Permits; provided, however, that the requirement of a study and report by Hillsborough County City-County Planning Commission and the newspaper publication requirement shall not be required.

Section 43A-317. CBD Surface Parking Regulations.

All CBD sites used for surface parking shall comply with the Tree, Site Clearing and Landscaping Regulations set forth in City of Tampa Code Section 45-363 through 45A-383, as amended.

Section 43A-318. Amortization Schedule for Adult Uses, Blood Donor Centers and Temporary Help Agencies.

Pursuant to Section 43A-312 and Table 18-1 of this Article, Adult Uses are prohibited uses in the CBD. However, adult uses, including adult bookstores, adult theatres or special caberets which are legally established and operating at locations in the CBD upon the effective date of this Article, may continue to operate at their existing locations until July 6, 1994. Thereafter, no adult uses shall be permitted to operate in the CBD.

Pursuant to Section 43A-312 and Table 18-1 of this Article, Blood Donor Centers and Temporary Help Agencies are prohibited uses in the CBD. However, such uses which are legally established and operating at locations in the CBD upon the effective date of the ordinance adopting this provision may continue to operate at their existing locations until February 8, 1995. Thereafter, no blood donor centers or temporary help agencies shall be permitted to operate in the CBD.

Section 43A-319. Supplemental Regulations.

All property located and all activities conducted in the CBD shall also be subject to the provisions of the following City of Tampa Ordinances and Resolutions, where applicable:

- a) Ordinances No. 8249-A, No. 8838-A, No. 9675-A and No. 88-76, and Resolution No. 2148-I: Downtown Tampa CBD DRI Development Order and amendments thereto, Downtown DRI Anti-Stockpiling Ordinance and Downtown DRI Trade-off methodology.
- b) Ordinances No. 88-139 and No. 88-306: Franklin Street Mall and Cafe Seating Regulations.
- c) Resolutions No. 2119-H, No. 2871-H, No. 4912, No. 8421-G, No. 88-2, No.88-4 No. 88-957 and No. 88-1163 and Ordinance No.88-198: Community Redevelopment Plan for the CBD CRA Areas and Establishment of the CRA Trust Fund.

Section 43A-320 through 334.

RESERVED

ARTICLE XIX

Section 43A-335 through Section 43A-359. RESERVED.

ARTICLE XX

ENFORCEMENT

Section 43A-360. Violations.

Whenever, by the provisions of this Chapter, the performance of any act is required, or the performance of any act is prohibited, or whenever any regulation or limitation is imposed on the use of any land, or on the erection of a structure, a failure to comply with such provisions of this Chapter shall constitute a violation of this Chapter.

Section 43A-361. Liability.

The owner, tenant, or occupant of any land or structure, or part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Chapter may be held responsible for the violation and be subject to the penalties and remedies provided herein.

Section 43A-362. RESERVED.

Section 43A-363. Penalties and Remedies.

Violations of this Chapter shall be punished as provided in Section 1-6 of the City of Tampa Code.

Each day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

In addition to the penalties and remedies above, the Zoning Administrator may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Chapter, as provided by law.

Section 43A-364 through Section 43A-369. RESERVED.

ARTICLE XXI

DEFINITIONS

Section 43A-370. Interpretation of Terms or Words.

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

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

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

Terms not herein defined shall have the meanings customarily assigned to them.

Section 43A-371. Definitions of Groupings of Various Districts.

(a) Residential Districts.

Where the phrases "all residential districts", "residential districts", "zoned residence or residentially", "residentially zoned", or phraseology of similar intent are used in this Chapter, the phrases shall be construed to include the following districts: RS-150, RS-100, RS-75, RS-60, RS-50, RM-12, RM-16, RM-18, RM-24, RM-35, RM-50, RM-75, YC-2, YC-4.

(b) Office Districts.

Where the phrases "all office districts", "office districts", "zoned office", "office zoned", or phraseology of similar intent are used in this Chapter, the phrases shall be construed to include the following districts: RO, RO-1, OP, OP-1, YC-3.

(c) Commercial Districts.

Where the phrases "commercial districts", "zoned commercial or commercially", "commercially zoned", or phraseology of similar intent are used in this Chapter, the phrases shall be construed to include the following districts: CN, CG, CI, YC-1, YC-5, YC-6.

(d) Industrial Districts.

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

(e) Other Districts.

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

Section 43A-372. Defined Words.

Activity Elements.

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

Adaptive Reuse.

The use of an historically or architecturally significant structure for a combination of residential, professional service office and business service office uses, where residential use is the principal use.

Adult Uses.

(a) Adult Bookstore.

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, films, newspapers, photographs, paintings, drawings, or other publications or graphic media, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined in this Chapter, or an establishment with a segment or section devoted to the sale or display of such material.

(b) Adult Entertainment Establishment.

Any premises, except those businesses otherwise defined in this Chapter on which is offered to members of the public or any person, for a consideration, entertainment featuring, or in any way including "specified sexual activities", as defined in this Chapter, or entertainment featuring the displaying or depicting of "specified anatomical areas", as defined in this Chapter; "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 Chapter.

(c) Adult Theater.

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

(d) 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.

(e) Escort Services.

Any premises whereon there is provided, or which in anyway 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.

(f) 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 provide for viewing.

Agriculture, Non-Livestock.

The use of land for the production of cash grains, field crops, vegetables, fruits, nuts and for horticulture, floriculture and sylvaculture.

Airports and Airport Related Uses.

(a) 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 administrative offices, hotel facilities, restaurants and retail facilities; navigational, communications and meteorological equipment; heliports/helistops; fuel storage and transmission facilities; aircraft hangers and repair facilities; fixed based operators' facilities; air cargo facilities, aircraft service, repair and maintenance facilities; air taxi, air ambulance and airborne sightseeing services; clear zones and other buffer areas; airport administrative offices; airport maintenance facilities and associated administrative offices; and other facilities essential to the operation of airports.

(b) Airport Related Uses.

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

Alley.

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

Alteration.

Any construction on or change to the exterior of a designated building, structure or property when the construction or change is visible to the public and may be seen by a person located on a public street or on a street open to the public. An alteration shall include construction or changes on landmark sites and on

lots within a historic district. An alteration shall include a change from an existing lawn to the use of paving materials on a landmark site or a lot within the historic district. An alteration shall include signs or commercial lighting visible through windows.

Appliance Repair.

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

A.R.C.

The Architectural Review Commission of the City of Tampa.

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.

Bed and Breakfast.

A dwelling containing no more than four lodging units, including the resident manager's unit, which do not have independent kitchen facilities; used for transient lodgings, primarily for periods of less than one week. Board may be provided.

Blood Donor Center.

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

Buildable Area.

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

Building.

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

Building, Accessory.

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

Building, Principal.

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

Business School.

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

Capture Rate.

That percentage of the total parking demand for the specified use which is internally generated from other uses already generating a demand within the CBD.

Catering Shop.

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

Cemetery.

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

Certificate of Appropriateness.

The permit, issued by the Barrio Latino Commission or the Architectural Review Commission, which gives its approval for work to be done on a landmark, a landmark site or within a historic district. The Certificate may contain conditions relating to the proposed work, and the applicant will still need permits from other municipal departments before starting his work. A Certificate of Appropriateness must be issued prior to the issuance of a building permit by the Department of Housing and Development Coordination.

Certified Local Government.

A government meeting the requirements of the National Historic Preservation Act Amendments of 1980 (P. L. 96-515) and the implementing regulations of the U. S. Department of the Interior and the State of Florida.

Character District.

One of the twelve districts in the CBD established to guide development to a desired character and more particularly defined and described in the CBD Land Use Policy Plan.

Church.

A structure in which persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. *Convent, Sunday school (religious training)*

Cigar Factory.

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

Clinic.

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

Club.

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

College.

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

Congregate Living Facility.

Any building, residence, boarding house, or other place, whether operated for profit or not, which provides personal care services to persons not related to the owner or operator by blood, marriage, or adoption and licensed, certified or approved by the State Department of Health and Rehabilitative Services. "Personal Care Services", for the purpose of this definition, means services in addition to housing and food service which include, but are not limited to personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security, and any other related service. Personal care service does not include nursing or medical treatment.

Such facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment as it is defined herein.

Congregate living facilities are further defined by the following types:

(a) Adult Family Homes.

A private home providing room, board and personal care service to no more than four persons 18 years of age or over, unrelated to the caregiver.

For the purpose of this Chapter, adult family care homes shall not be deemed to include adults in foster care as provided for in family, rooming or boarding homes, clubs, fraternities, sororities, monasteries, convents, hotels, motels, emergency shelters, professional residential facilities, recovery homes or nursing homes.

(b) Group Care Facility, Large.

A facility providing room, board and personal care services to 20 or more persons unrelated to the caregiver.

For the purposes of this Chapter, Large Group Care Facility shall not be deemed to include rooming or board homes, fraternities, sororities, clubs, monasteries or convents, hotels, motels, emergency shelters, professional residential facilities, recovery homes or nursing homes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

Commercial Equipment.

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

Congregate Living Facility.

Any building, residence, boarding house, or other place, whether operated for profit or not, which provides personal care services to persons not related to the owner or operator by blood, marriage, or adoption and licensed, certified or approved by the State Department of Health and Rehabilitative Services. Congregate facilities of six or fewer residents, licensed by the Florida Department of Health and Rehabilitative Services as a type of community residential home, is permitted in single-family and multi-family zoning districts provided that no other congregare living facility is within a radius of 1,000 feet. "Personal Care Service, for the purpose of this definition, means services in addition to housing and food service which include, but are not limited to personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security, and any other related service. Personal care service does not include nursing or medical treatment.

Such facilities shall contain congregare kitchen, dining and living areas only, with separate sleeping rooms. Further, such facilities shall not be used for those persons in need of a structured environment as it is defined herein.

Congregate living facilities are further defined by the following types:

(a) Group Care Facility, Large.

A facility providing room, board and personal care services to 20 or more persons unrelated to the caregiver.

For the purposes of this Chapter, Large Group Care Facility shall not be deemed to include rooming or board homes, fraternities, sororities, clubs, monasteries or convents, hotels, motels, emergency shelters, professional residential facilities, recovery homes or nursing homes.

(b) Group Care Facility, Small.

A home or facility providing room, board and personal care services to seven and not more than nineteen persons unrelated to the caregiver.

For the purpose of this Chapter, "Small Group Care Facility" shall not be deemed to include rooming or boarding homes, fraternities, sororities, clubs, monasteries, or convents, hotels, motels, emergency shelters, professional residential facilities, recovery homes or nursing homes.

Construction Costs.

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

Construction Cost Per Space.

Shall be assessed by the Department of Public Works and approved by resolution of City Council.

Crematorium.

An establishment for the burning of human remains.

Day Care and Nursery Facility.

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

Demolition.

Any act that destroys in whole or in part a landmark or a building, a structure or an object in a historic district or on a landmark site.

Developer.

Property owner, partnership, corporation or any legal entity who proposes to develop said property described in the permit application.

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.

Dry Cleaning Plant, Large.

A facility of greater than 3,000 square feet which includes the on-site process of chemically cleaning fabrics and may also include laundry or dyeing services.

Dry Cleaning Plant, Small.

A facility of 3,000 square feet or smaller which includes the on-site process of chemically cleaning fabrics and may also include laundry or dyeing services.

Dwelling, Multi-Family.

A structure containing three or more attached dwelling units either stacked vertically above one another, or attached by side and rear walls, or both.

Dwelling, Single-Family Attached.

A structure containing three or more dwelling units with both side walls (except end units of building) attached from ground to roof.

Dwelling, Single-Family Detached.

A structure containing one dwelling unit with open space on all sides.

Dwelling, Single-Family.

Where used in this Code, it shall mean Single-Family Attached, Single-Family Detached, and Single-Family Semi-Detached.

Dwelling, Single-Family Semi-Detached.

A structure containing two dwelling units attached by a common side or rear wall.

Dwelling, Two Family.

A structure containing two dwelling units one above the other with open space on all sides.

Dwelling Unit.

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

Family.

Any number of people related by blood, marriage or adoption or not more than five unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes. The term "family" shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

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 and storage. Not countable as floor area are open terraces, patios, atriums, balconies, breezeways, and parking.

Floor Area Ratio, Basic.

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

Floor Area Ratio, Maximum Permitted.

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

Franklin Street Personal Service Uses or Personal Service Use.

An establishment that primarily provides services such as barber shops, beauty salons, seamstress shops, shoe repair shops, dry cleaning, banks and financial service institutions.

Franklin Street Retail District.

An area within the Central Business District of Tampa as more particularly described in the CBD Land Use Policy Plan. Specifically, it is described as the first floor of buildings and areas along and facing Franklin Street bounded by Tyler Street on the north and Whiting Street on the south.

Franklin Street Retail Uses - or Retail Uses.

Establishments that serve both the day-to-day commercial needs of a community as well as the more durable and permanent needs of a whole community including:

Drugstores, tobacco shops, news stands, bakeries, confectioneries, delicatessens, eating and drinking establishments, entertainment establishments (theaters), department stores, discount stores, variety stores, apparel and footwear stores, florists, gift shops, jewelry stores, book and stationery stores, specialty shops, sporting goods stores, furniture and home furnishing stores, appliance stores, and establishments that cater to specific markets, such as tourists, ethnic groups, collectors, etc.

Fraternity or Sorority.

A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college, university, or professional school students who are affiliated with a social, honorary, or professional organization recognized by the college, university, or professional school.

Funeral Parlor.

An establishment engaged in preparing human remains for burial and conducting funerals and cremating human remains.

Gross Land Area.

All area within the boundaries of a zoning lot or PD District.

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.

Historic District.

A neighborhood or an area of architectural, historical, cultural or historic planning significance to the City, state or nation which has been designated by the City of Tampa and which meet one or more of the criteria contained in Section 43A-154(j) of this Chapter. The Ybor City Historic District, as established by State law, is also a Tampa historic district.

Home Occupation.

An occupation conducted as an accessory use in a dwelling unit, employing only members of the resident family, in a manner clearly incidental and accessory to the residential use, requiring no changes to the outside of the structure. See Article XIV for additional conditions.

Hospital.

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such a laboratories, out-patient services, training facilities, central service facilities, and staff offices.

Hotel or Motel.

A building or group of buildings containing in combination ten or more lodging units intended primarily for rental or lease to transients by the day or week, as distinguished from rooming house, in which occupancy is generally by residents rather than transients.

Infill Development.

Development on scattered vacant sites within the urbanized area of a community.

In Lieu Factor.

One (1) minus (-) the capture rate, as approved by resolution of City Council.

In Lieu Payment.

The payment by the developer for each in lieu parking space credit required to meet the City of Tamp Code.

Junkyard.

The use of any land whether inside or outside of a building for the purpose of parking, storage, disassembly, demolition, sale or abandonment of junk, including scrap metals, or other scrap materials, wastepaper, rags, used building materials, old household appliances, junked, wrecked, or inoperative automobiles or other vehicles, or machinery or parts thereof, and similar materials. The term "junkyard" shall not be deemed to include outside storage, where it is a permitted accessory use.

Printing, Light.

An establishment whose principal use is printing, reproduction, or publishing, but not including large scale type-setting operations.

Printing and Publishing.

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

Prior Parking Space Credit.

The space credit for a designated number of spaces for which an in lieu parking payment has previously been paid to the City of Tampa.

Private Pleasure Craft.

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

- (a) Minor--under 16 feet in length.
- (b) Major--16 feet or more in length.

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

Professional Residential Facility.

Any residential establishment, other than a hospital or nursing home, providing board, lodging, supervision, medication, counseling, or other diagnostic or therapeutic services and licensed by the State Department of Health and Rehabilitative Services.

Professional residential facilities are further defined by the following types:

- (a) Recovery Homes A.

A group residential facility providing room, board, and professional services to no more than eight persons in need of a structured environment.

For the purpose of this Chapter, a "recovery home" shall not be deemed to include a residential treatment facility, a group care home, family care home, nursing home, hospital, emergency shelter, emergency shelter home, or foster home.

Home Occupation.

An occupation conducted as an accessory use in a dwelling unit, employing only members of the resident family, in a manner clearly incidental and accessory to the residential use, requiring no changes to the outside of the structure. See Article XIV for additional conditions.

Hospital.

An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, and staff offices.

Hotel or Motel.

A building or group of buildings containing in combination ten or more lodging units intended primarily for rental or lease to transients by the day or week, as distinguished from rooming house, in which occupancy is generally by residents rather than transients.

Infill Development.

Development on scattered vacant sites within the urbanized area of a community.

In Lieu Factor.

One (1) minus (-) the capture rate, as approved by resolution of City Council.

In Lieu Payment.

The payment by the developer for each in lieu parking space credit required to meet the City of Tamp Code.

Junkyard.

The use of any land whether inside or outside of a building for the purpose of parking, storage, disassembly, demolition, sale or abandonment of junk, including scrap metals, or other scrap materials, wastepaper, rags, used building materials, old household appliances, junked, wrecked, or inoperative automobiles or other vehicles, or machinery or parts thereof, and similar materials. The term "junkyard" shall not be deemed to include outside storage, where it is a permitted accessory use.

Kennel.

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

Landfill.

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

Landmark.

A building, a structure, an object or a location of architectural, historical or archaeological significance to the City, state or nation which has been designated by the City of Tampa and which meets one or more of the criteria contained in Section 43A-154(j) of this Chapter. A landmark shall include a historical site that was the location of a significant historical event, and a landmark shall include an archaeological site that contains significant archaeological resources.

Landmark Site.

The land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for a landmark. A landmark site shall only be designated in conjunction with the designation of a landmark and shall be identified through its block and lot number. A landmark site may include all or part of a lot or more than one lot.

Landscaping.

The installation or removal of plants and/or trees.

Loading, Off-Street.

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

Lodging Unit.

A room or group of rooms forming a separate habitable unit used or intended to be used for living and sleeping purposes by one family only, without independent kitchen facilities; or a separate habitable unit, with or without independent kitchen facilities, occupied or intended to be occupied by transients on a rental or lease basis for periods of less than one week.

Lot.

Land bounded by lines legally established for the purpose of property division. As used in this Chapter, unless the context indicates otherwise, the term refers to a zoning lot.

Lot Line.

A line that marks the boundary of a lot.

Lot Line, Interior.

Any lot line that is not a street lot line; a lot line separating a lot from another lot.

Lot Line, Street.

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

Lot of Record.

An entire lot as it was originally platted in a subdivision, the plat of which has been recorded in the Office of the Clerk of the Circuit Court of Hillsborough County; or any parcel of land whether or not of a subdivision that has been officially recorded by a Deed in the Office of the Clerk; provided such lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording.

Lot Width.

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

Lot, Zoning.

A lot or combination of lots shown on an application for a Zoning Compliance Permit which together meet all applicable requirements for development.

Maintenance or Storage Facility.

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

- (c) Placed on a temporary or semi-permanent foundation; and
- (d) Is over thirty-two feet in length and over eight feet in width.

Mobile Home Park.

A combination of ten or more mobile homes on a single zoning lot.

New Construction.

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

Nonconformities.

Those characteristics of the property, structure or use which are not permitted in the Schedule of Permitted Uses or do not conform to the Schedule of Area, Height, Bulk and Placement regulations or other provisions of this Chapter, but were legal at the time they were established.

Number of Off-Site Spaces.

The total number of spaces within five hundred (500) feet of the property and which meet the City of Tampa Code requirements of this Chapter.

Number of On-Site Spaces.

The total number of spaces contained on the site which meet the City of Tampa Code requirements of this Chapter.

Number of Spaces Required.

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

Nursing, Convalescent and Extended Care Facility.

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

Office, Business or Professional.

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

Office, Medical.

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

Open Display.

The display outside of a structure of finished products or merchandise which is available for sale or lease at the establishment where it is displayed. By way of illustration, open display may include, but is not limited to boats, recreational vehicles, cars, trucks, and lawn care equipment.

Open Space.

A public space open to the sky.

Parking, Accessory.

Space located outside of any street right-of-way or easement and designed to accommodate the parking of motor vehicles on the same zoning lot as the principal use.

Parking, Commercial.

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

Parking, Principal.

Any garage or surface level lot used as the principal use of the property, whether it operates for commercial or private purposes.

Parking, Temporary Lot.

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

Parking Space Credit.

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

Personal Care Services.

The furnishing of one or more of the following to persons in need of assistance due to age, physical or mental disability, illness, injury and the like; supervision of self-administered medication, aid in personal hygiene, eating, drinking, ambulation, dressing, recreation and the like.

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.

Pharmacy.

An establishment offering prescription and non-prescription drugs and medicines, prosthetic devices and medical and dental supplies at retail.

Place of Assembly.

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

Planned Development.

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

Printing, Light.

An establishment whose principal use is printing, reproduction, or publishing, but not including large scale type-setting operations.

Printing and Publishing.

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

Prior Parking Space Credit.

The space credit for a designated number of spaces for which an in lieu parking payment has previously been paid to the City of Tampa.

Private Pleasure Craft.

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

- (a) Minor--under 16 feet in length.
- (b) Major--16 feet or more in length.

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

Professional Residential Facility.

Any residential establishment, other than a hospital or nursing home, providing board, lodging, supervision, medication, counseling, or other diagnostic or therapeutic services and licensed by the State Department of Health and Rehabilitative Services.

Professional residential facilities are further defined by the following types:

- (a) Recovery Homes A.

A group residential facility providing room, board, and professional services to no more than eight persons in need of a structured environment.

For the purpose of this Chapter, a "recovery home" shall not be deemed to include a residential treatment facility, a group care home, family care home, nursing home, hospital, emergency shelter, emergency shelter home, or foster home.

(b) Recovery Home, B.

A group residential facility providing room, board, and professional services to at least nine, but no more than sixteen persons in need of a structured environment.

For the purpose of this Chapter, a "recovery home" shall not be deemed to include a residential treatment facility, a group care home, family care home, nursing home, hospital, emergency shelter, emergency shelter home, or foster home.

(c) Residential Treatment Facility.

Any residential establishment, other than a hospital or nursing home, providing relatively intensive diagnostic or therapeutic services for one or more residents.

For the purpose of this Chapter, a "residential treatment facility" shall not be deemed to include a nursing home, hospital, group care home, family care home, or emergency shelter. Nothing in this Chapter shall prevent a residential treatment facility from having outpatients or a recovery home component.

(d) 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.

Public Art.

A tangible creation by an artist or a collaboration of design professionals including, but not limited to, paintings, sculptures, stained glass, engravings, statuettes, bas-reliefs, carvings, frescos, mobiles, murals, collages, mosaics, tapestries, photographs, drawings, monuments and fountains.

Public Cultural Facility.

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

Public Open Space.

A public space open to the sky.

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, non-nuclear power plants and substations, telephone exchanges, and other similar public service structures, but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

Public Space.

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

Public Use.

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

Public Use Facility.

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

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 communication satellites, mobile broadcast units, or 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.

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

Recreation Facility, Private.

A privately operated facility providing indoor or outdoor recreation activities, including but not limited to, community clubs and meeting halls (Boys and Girls), country clubs, golf courses, riding stables and tennis clubs.

Recreational Vehicle and Equipment.

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

Renovation, Rehabilitation, Building Improvement.

Those words used to described a change or modification to an existing structure. Said change may include expansion or upgrading of building.

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 or both of the following:

(a) 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.

(b) 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 or both of the following characteristics:

(a) 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.

(b) 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 or 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 square feet in floor area, and eating and drinking establishments; specifically excluded from this class of uses is retail sale of spirits and liquors.

Retail Sales, Shoppers' Goods.

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

Retail Sales, Specialty Goods.

Commercial establishments that cater to particularized markets, such as tourists, ethnic groups, collectors, etc., and offering goods not generally available in convenience or shoppers good establishments.

Retail Space.

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

Reupholstery Shop.

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

Riverwalk.

A high quality, integrated man-made continuous pedestrian pathway constructed within the waterfront building set back area and designed to facilitate pedestrian access, activity and movement along the waterfront.

Rooming House.

A building or group of buildings containing in combination three to nine lodging units intended primarily for rental or lease for periods of longer than one week, with or without board.

School.

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

Site.

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

Special Use.

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

10000
10000
10000
10000

Specified Anatomical Areas.

(a) Less than completely and opaquely covered:

- 1. Human genitals or pubic region;
- 2. Buttock;
- 3. Female breasts below a point immediately above the top of the areola;

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

Specified Sexual Activities.

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

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

(c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Storage, Open.

The accumulation outside of a completely enclosed building of materials, supplies, equipment and stuff.

Street.

A dedicated and accepted right-of-way maintained by the City of Tampa, Hillsborough County or the State of Florida and providing access to adjacent property.

Structural Alteration.

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

Structure.

Anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal and accessory buildings, signs, fences, walls, bridges, monuments, flagpoles, antennas, and transmission poles, towers, and cables.

Structure, Accessory.

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

Structure, Principal.

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

Structured Environment.

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

Tampa Comprehensive Plan 2000.

The comprehensive plan for the future development of the City of Tampa, or parts thereof, adopted under the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act, Florida Statutes Chapter 163, as amended.

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 definition 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 Special Event.

An event occurring on private property which will be held for no longer than two weeks with the intent of drawing a large group of people such as a fund raiser, carnival, revival and concerts. Since events which occur on City property, such as parks and rights-of-ways, are required to have approvals by the Parks Department, Public Works Department and/or Police Department, depending on the event, such events are not considered temporary special events. Also, the retail sales of seasonal items such as pumpkins, fireworks, and Christmas trees are not a temporary special event.

Trade School.

An establishment in which is offered, for compensation, instruction in a trade or craft, including but not limited to, carpentry, masonry, metal working, machinery repair and operation, welding, fabrication, and the like.

Transportation Service Facility.

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

Use.

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

Use, Accessory.

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

Use, Change Of.

When the principal use of all or part of a structure and/or property is altered from one use to another or altered from a vacant structure or property to a new use.

Use, Principal.

The primary use and chief purpose of a lot or structure.

Utility Transmission Site.

The use of land, buildings and/or structures for the above ground transmission of electric, electronic, telephone or other utilities. A Utility Transmission Site shall not be deemed to include a Radio/TV Transmission Site.

Variance.

A relaxation by the Board of Adjustment of the dimensional regulation of this Chapter where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Chapter would result in unnecessary and undue hardship. (See Article XIV.)

Vehicle Repair, Major.

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

Vehicle Repair, Minor.

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

- (a) Sales and service of spark plugs, batteries, and distributor and ignition system parts;
- (b) Sales, service, and repair of tires, but not recapping or regrooving;
- (c) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- (d) Radiator cleaning, flushing, and fluid replacement;
- (e) Washing and polishing, and sale of automotive washing and polishing supplies;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps, and lines;
- (h) Minor adjustment and repair of carburetors;
- (i) Emergency repair of wiring;
- (j) Minor motor adjustment not involving removal of the head or crankcase;
- (k) Warranty maintenance and safety inspections.

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.

Vocational School.

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

Warehouse.

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

Warehouse, Mini.

Any building designed, arranged, or used exclusively for the storage of excess personal or business property when such is not located on the same lot as the primary residence or office.

Wholesale Sales.

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

Wholesale Trade.

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

Winery.

An establishment whose principal purpose is the fermentation, aging, bottling and distribution of wine as defined by Statutes of the State of Florida and which includes accessory uses that are tourist oriented, such as tours of the winery, retail sales of wine and related food products.

Yard.

An open space unoccupied and unobstructed by any structure or portion of a structure from thirty-six inches above the general ground level of the graded lot upward (except as otherwise provided by these regulations), provided, however, that fences and walls may be permitted in any yard subject to height limitation established herein, and further provided that poles, posts, and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

Vehicle Repair, Major.

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

Vehicle Repair, Minor.

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

- (a) Sales and service of spark plugs, batteries, and distributor and ignition system parts;
- (b) Sales, service, and repair of tires, but not recapping or regrooving;
- (c) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- (d) Radiator cleaning, flushing, and fluid replacement;
- (e) Washing and polishing, and sale of automotive washing and polishing supplies;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps, and lines;
- (h) Minor adjustment and repair of carburetors;
- (i) Emergency repair of wiring;
- (j) Minor motor adjustment not involving removal of the head or crankcase;
- (k) Warranty maintenance and safety inspections.

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.

Vocational School.

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

Warehouse.

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

Warehouse, Mini.

Any building designed, arranged, or used exclusively for the storage of excess personal or business property when such is not located on the same lot as the primary residence or office.

Wholesale Sales.

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

Wholesale Trade.

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

Winery.

An establishment whose principal purpose is the fermentation, aging, bottling and distribution of wine as defined by Statutes of the State of Florida and which includes accessory uses that are tourist oriented, such as tours of the winery, retail sales of wine and related food products.

Yard.

An open space unoccupied and unobstructed by any structure or portion of a structure from thirty-six inches above the general ground level of the graded lot upward (except as otherwise provided by these regulations), provided, however, that fences and walls may be permitted in any yard subject to height limitation established herein, and further provided that poles, posts, and other customary yard accessories, ornaments, and furniture shall be permitted in any required yard, if they do not constitute substantial impediments to free flow of light and air across the yard to adjoining properties.

Yard, Corner.

A yard extending adjacent to a street which is not considered the front yard.

Yard, Front.

A yard extending between the side lot lines across the portion of a lot adjacent to a street. On corner lots, the front yard shall be provided facing the street on which each lot of record or lots of record involved have their lesser dimension, provided that on streets shown on the Major Street Map, front yards shall also be provided abutting such arterial or collector streets.

Yard, Side.

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

Yard, Rear.

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

Yard, Waterfront.

A yard required on waterfront property, which is defined as property abutting on open water, bays, bayous, lakes over five acres in area, man-made canals and similar navigable waterways.

Zoning Compliance Permit.

A permit issued by the Zoning Administrator authorizing the recipient to make use of property in accord with the requirements of this Chapter. This permit may either be a separate permit or part of the normal permits associated with certificates of occupancy, occupational license applications, requests for building permits, or the like.

Section 43A-373 through Section 43A-380. RESERVED.

SECTION 43A-373
SECTION 43A-374
SECTION 43A-375
SECTION 43A-376
SECTION 43A-377
SECTION 43A-378
SECTION 43A-379
SECTION 43A-380

ARTICLE XXII

LEGAL STATUS

Section 43A-381. Severability.

It is the legislative intent of the City Council in adopting this Chapter that all provisions thereof shall be liberally construed to protect and preserve the peace, health, safety, and general welfare of the inhabitants of the City of Tampa. It is the further intent of the City Council that this Chapter shall stand, notwithstanding the invalidity of any part thereof, and that should any provision of this Chapter be held to be unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions.

Section 43A-382. Conflict With Other Laws.

When provisions of this Chapter impose higher standards than are required in any other statute or local ordinance or regulations, provisions of this Chapter shall govern. When the provisions of any other statute or local ordinance or regulation impose higher standards than are required by the provisions of this Chapter, the provisions of that statute or local ordinance or regulation shall govern.