

Code Change

ORDINANCE NO. 2011-12

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AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, AMENDING SECTION 13-91, APPEAL METHOD; AMENDING SECTION 17.5-75, ADMINISTRATION; NOTICE; PUBLIC HEARING; DECISION; AMENDING SECTION 20.5-3, ADMINISTRATIVE AUTHORITY; AMENDING SECTION 20.5-23, BOARDS AUTHORIZED TO HEAR SIGN RELATED ADMINISTRATIVE APPEALS; AMENDING SECTION 22-39, SAME - HEARING DATE; SIGNS, AMENDING SECTION 27-183, VARIANCE ADMINISTRATION; NOTICE; DECISION; STAY; DENIAL; APPEAL; AMENDING SECTION 27-214, VARIANCE; AUTHORITY; APPLICATION; NOTICE; CRITERIA; DECISION; STAY; DENIAL; APPEAL; EXPIRATION OF VARIANCE; AMENDING SECTION 27-231.3, LOCAL DESIGNATION OF LANDMARKS, LANDMARK SITES, MULTIPLE PROPERTY DESIGNATIONS, HISTORIC CONSERVATION OVERLAY DISTRICTS, AND HISTORIC DISTRICTS; AMENDING SECTION 27-231.9, NOTICES; AMENDING SECTION 27-368.1, PROCESS FOR APPLICATIONS FOR WRITTEN DETERMINATIONS AS FORMAL DECISIONS; AMENDING SECTION 27-372, ALTERNATIVE DESIGN EXCEPTION; AMENDING SECTION 27-373, REVIEW; AMENDING SECTION 27-394, PUBLIC NOTICE REQUIREMENTS; AMENDING SECTION 27-545 DEFINITIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa directed the Legal Department to make changes to the public notice requirements and to consolidate the notice requirements within Chapters 13, 17.5, 20.5, 22 and 27, Code of Ordinances; and,

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

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

*E2010-8CA 13
E2010-8CA17.5
E2010-8CA20.5
E2010-8CA22 + E2010-8CA27*

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NOW, THEREFORE,

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

Section 1. That "Sec. 13-91. Appeal method." is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 13-91. **Appeal Review method.**

Except as provided in section 13-45(g)(6), requests ~~appeals~~ to review any order, requirement, decision or determination made by any administrative official or any staff member of the department shall be in accordance with section 1-19, City of Tampa Code of Ordinances 27-373(a)."

Section 2. That "Sec. 17.5-75. **Administration; notice; public hearing; decision.**" is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 17.5-75. **Administration; notice; public hearing; decision.**

(a) Administration. Applications for variances; or tree removal permit approvals ~~tree removals or administrative appeals~~ shall be filed with the zoning administrator, as the administrator agent for the variance review board (VRB). Applications shall be submitted on forms provided by the zoning administrator. The administrative review fee for such applications shall be as prescribed by city council resolution. Each application for a variance to the wet land setback requirements set forth in Chapter 13 shall be accompanied by a written recommendation from an authorized representative of the Hillsborough County Environmental Protection Commission or an environmental consultant approved by the director of the parks and recreation department.

(b) Public Notice requirements. ~~Notice of public hearings of cases for variances or tree removals, or administrative appeals that will be heard before the VRB shall be by the posting of a sign and mailing of letters as required below. The procedures for required public notice shall be governed by section 27-394 with supplemental notice provided per section 27-394 (c)(1) (mailed notice) and (c)(2) (posted notice). Per section 27-394 (c)(3), the applicant shall file the required Affidavit of Compliance with the zoning administrator or designee.~~

(1) ~~The applicant shall post a sign, for the period commencing at least thirty (30) days prior to the scheduled public hearing, on the property of a size not less than eighteen (18) inches by twenty four (24) inches, upon which shall be the following:~~

1
2 PUBLIC HEARING Hearing before the Variance Review Board,
3 City of Tampa, City Council Chambers, City Hall (insert date and
4 time of hearing) involving this property.
5

6 The sign shall be posted in a conspicuous place on or near the front of the
7 property, adjacent to a street or public right of way and not within a
8 building nor obstructed by any site feature.

9 (c) In addition, the petitioner shall mail by "certificate of mailing" through the
10 U.S. Post Office, at least thirty (30) days prior to any hearing of a request
11 for one (1) or more variances, tree removals, or administrative appeals,
12 notice of the hearing setting forth the legal description and street address,
13 if any, of the property for which the variance is being taken, the name of
14 the petitioner, the specific nature of the appeal (including distance and
15 dimensional changes or variances) and the place, date and time of the
16 hearing. Such notice shall be mailed to all property owners, according to
17 the latest ad valorem tax records, of every parcel of land within two
18 hundred fifty (250) feet in every direction of the subject property,
19 including roads and streets.
20

21 (d) The petitioner shall also send written notice, entitled "Good Neighbor
22 Notice for VRB Variance, Tree Removal or Administrative Appeal" no
23 less than thirty (30) days prior to the public hearing, to the officially
24 registered neighborhood association, as registered with the City of Tampa,
25 in which the subject property is located, and to all other officially
26 registered neighborhood associations that lie within two hundred fifty
27 (250) feet, including roads and streets, in all directions from the property
28 boundaries of the subject property. If the subject parcel does not lie within
29 the boundaries of an officially registered neighborhood association or if no
30 officially registered neighborhood association exists within the distance
31 measurements as required by this subsection, the applicant shall mail the
32 notice required herein to the closest officially registered neighborhood
33 association, as measured in a straight line, on the "Neighborhood
34 Association Map".
35

36 (e) The petitioner shall prepare an affidavit stating that the sign required
37 herein was posted, setting forth the lands that lie within two hundred fifty
38 (250) feet, including roads or streets, in all directions from the subject
39 property, provide one (1) photograph depicting the location of the sign on
40 the property and its proximity to the street frontage and one (1)
41 photograph in which the language on the sign is clear and legible, the
42 names of the owners of such lands and the date and post office address to
43 which each copy of the notice was mailed, and the names of all officially
44 registered neighborhood associations that were sent notice. The petitioner
45 shall attach to the affidavit the postmarked certificate of mailing showing
46 the date the notices were mailed and a copy of the notice letter that was

1 mailed. The affidavit and the postmarked certificate of mailing shall be
2 filed with the zoning administrator not less than fifteen (15) days prior to
3 the date of the public hearing.
4

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

19 **Section 3.** That “**Sec. 20.5-3. Administrative authority.**” is hereby
20 amended by adding the underlined language and deleting the stricken language as
21 follows:
22

23 “**Sec. 20.5-3. Administrative authority.**

24
25 The provisions of this chapter shall be administered and enforced by the Growth
26 Management and Development Services Department (“GMDS”) respectively through the
27 Zoning Administrator, the Building Official, the Code Enforcement Director, and their
28 designees, as the administrator, permitting/inspections, and enforcement authorities.
29 ~~department of business and community services (“BCS”), respectively, through the~~
30 ~~neighborhood improvement division (code enforcement) and the construction services~~
31 ~~center (permitting and inspections), as well as, the Tampa Police Department. The~~
32 ~~neighborhood improvement manager, and his or her designees, chief of police, and his or~~
33 ~~her designees is authorized and directed to enforce this chapter.”~~
34

35 **Section 4.** That “**Sec. 20.5-23. Boards authorized to hear sign related**
36 **administrative appeals.**” is hereby amended by adding the underlined language and
37 deleting the stricken language as follows:
38

39 “**Sec. 20.5-23. Boards authorized to hear sign related administrative appeals.**
40 **Review of sign related decisions.**

41
42 (a) An owner of any building or structure to which the provisions of this chapter
43 apply, or his duly authorized agent, who has been aggrieved by any order,
44 requirement, decision or determination made by ~~the building official, the building~~
45 ~~official's designee, the director of code enforcement, the director of code~~
46 ~~enforcement's designee or any staff member in interpreting the sign-related~~

1 provisions of this chapter may seek review of appeal said order, requirement,
2 decision or determination pursuant to Section 1-19. ~~by a petition for an~~
3 ~~administrative appeal in accordance with section 27-373(a).~~ In the event that the
4 zoning administrator delegates the authority to render a sign related decision, then
5 the zoning administrator shall be the reviewing official; otherwise, the reviewing
6 official shall be the director.

- 7
8 (b) Persons with standing to seek review of any appeal ~~the building official, the~~
9 ~~building official designee's, the director of code enforcement or the director of~~
10 ~~code enforcement designee's~~ order, requirement, decision or determination under
11 this chapter related to constitutionally protected first amendment activity shall be
12 entitled, as a matter of right, to seek immediate review of such final determination
13 by filing an appropriate pleading with the circuit court.”

14
15 Section 5. That “Sec. 22-39. Same—Hearing date; signs.” is hereby
16 amended by adding the underlined language and deleting the stricken language as
17 follows:

18
19 “Sec. 22-39. Scheduling of Public Hearing; Notice Same—Hearing date; signs.

- 20
21 (a) The land development coordination division shall schedule the date for the public
22 hearing consistent with City Council Rules of Procedure and forward the
23 application to the City Clerk for inclusion on the requested agenda. ~~promptly~~
24 ~~verify the legal description contained in the vacating application and forward~~
25 ~~written notice of such approval to the legal department for preparation of a~~
26 ~~resolution setting a public hearing regarding the vacating. Once the public hearing~~
27 ~~date has been set by the city council, the applicant shall post a sign provided by~~
28 ~~the land development coordination division. The sign shall be placed at or near~~
29 ~~either end of a public street, road, alleyway, place or highway or any part or~~
30 ~~portion thereof which is to be vacated, closed, discontinued and abandoned. The~~
31 ~~sign shall be posted a minimum of thirty (30) days prior to the public hearing and~~
32 ~~shall provide notice of the proposed vacating, including the date and place set for~~
33 ~~the public hearing. The affidavit shall include a statement by the applicant that the~~
34 ~~sign required herein was posted not less than thirty (30) days prior to the date set~~
35 ~~for the public hearing.~~

- 36
37 (b) Public Notice. The procedures for required public notice are governed by section
38 27-394, with supplemental notice provided per sections 27-394 (c)(1)a (mailed
39 notice to property owner), (c)(1)c (mailed good neighbor notice) and (c)(2)
40 (posted notice). Mailed notice to the property owner shall include mailed notice
41 to the owner of every parcel of land abutting on the public street, road, alleyway,
42 place or highway or any part or portion thereof proposed to be vacated, closed,
43 discontinued and abandoned. Per section 27-394 (c)(3), the applicant shall file the
44 required Affidavit of Compliance with the City Clerk. In addition to such
45 published notice, the applicant, at his expense, shall immediately, upon the
46 adoption of the resolution fixing the date for a public hearing and not less than

1 thirty (30) days prior to the date set for the public hearing, send a copy of the
2 published notice to the owner of every parcel of land abutting on the public street,
3 road, alleyway, place or highway or any part or portion thereof proposed to be
4 vacated, closed, discontinued and abandoned. The copy of the published notice
5 shall be mailed to such owners at their usual post office addresses, by "certificate
6 of mailing" The applicant shall then prepare an affidavit indicating the abutting
7 parcels of land, the names of the owner(s) of such land, and the date and post
8 office address to which each copy of the published notice was mailed. The
9 applicant shall attach to the affidavit the postmarked list of the notices which were
10 mailed, and the names of all officially registered neighborhood associations that
11 were sent notice. The affidavit shall be filed with the city council not less than
12 fifteen (15) days prior to the date of the public hearing. Should an error or
13 omission occur in the sending of these notices which requires readvertisement of
14 the notice of public hearing, the applicant shall pay an additional charge of fifty
15 dollars (\$150.00) to the land development coordination division to cover the costs
16 and expenses as a result of the error or omission. This payment shall be made at
17 the time the submits a written request addressed to the city council and filed with
18 the land development coordination division requesting a new date for a public
19 hearing and setting out the reasons for the request.
20

21 (c) When all or a majority of the alley rights-of-way within a platted subdivision or
22 within an area of four (4) or more contiguous blocks are included in a single
23 application, then the posting of signs, as required in section 27-394(c)(2) as
24 referred to in subsection (a) above, shall not be required for those alleys within
25 that subdivision or for those alleys within the four (4) or more contiguous blocks
26 referred to above.
27

28 (d) ~~The applicant shall also send written notice by "certificate of mailing", entitled~~
29 ~~"Good Neighbor Notice for Vacating," no less than thirty (30) days prior to the~~
30 ~~public hearing, to the officially registered neighborhood association, as registered~~
31 ~~with the City of Tampa, in which the subject property is located, and to all other~~
32 ~~officially registered neighborhood associations that lie within a two hundred fifty~~
33 ~~(250) feet radius, including roads and streets, in all directions from the subject~~
34 ~~property, from the boundaries of the subject right(s) of way. If the subject~~
35 ~~right(s) of way does not lie within the boundaries of an officially registered~~
36 ~~neighborhood association or if no officially registered neighborhood association~~
37 ~~exists within the distance measurements as required by this subsection, the~~
38 ~~applicant shall mail the notice required herein to the closest officially registered~~
39 ~~neighborhood association, as measured in a straight line, on the "neighborhood~~
40 ~~association map."~~
41

42 **Section 6.** That "Sec. 27-183. **Variance administration; notice;**
43 **decision; stay; denial; appeal.**" is hereby amended by adding the underlined language
44 and deleting the stricken language as follows:
45

1 "Sec. 27-183. Variance administration; public notice; decision; stay; denial; review
2 appeal.

3
4 (a) *Variance administration.* Applications for variances shall be filed with the BLC's
5 staff administrator, and such applications shall be submitted on forms provided by
6 the administrator. The administrative review fee for such applications shall be as
7 prescribed by city council resolution.
8

9 Each application for a variance to the wetland setback requirements set forth in
10 Chapter 13 shall be accompanied by a written recommendation from an authorized
11 representative of the Hillsborough County Environmental Protection Commission or an
12 environmental consultant approved by the director of the parks department.
13

14 (b) *Public Notice.* ~~Notice of public hearing of variance cases before the BLC shall be~~
15 ~~given by the posting, for the period commencing at least thirty (30) prior to the~~
16 ~~scheduled public hearing, of a sign on the property of a size not less than eighteen~~
17 ~~(18) inches by twenty four (24) inches, upon which shall be the following: The~~
18 ~~procedures for required public notice shall be governed by section 27-394 with~~
19 ~~supplemental notice provided per section 27-394 (c)(1) (mailed notice) and (c)(2)~~
20 ~~(posted notice). Per section 27-394 (c)(3), the applicant shall file the required~~
21 ~~Affidavit of Compliance with the BLC staff administrator.~~
22

23
24 ~~PUBLIC HEARING Hearing before the Barrio Latino Commission, City of~~
25 ~~Tampa, (insert place, date and time of hearing) involving this property.~~
26

27 The petitioner shall post the sign in a conspicuous place on or near the front of the
28 property, adjacent to a street or public right of way and not within a building nor
29 obstructed by any site feature.
30

31 The petitioner shall mail by "certificate of mailing", at least thirty (30) days prior
32 to the public hearing as to the petitioner's variance request, notice of the hearing setting
33 forth the legal description and street address, if any, of the property for which the
34 variance is being requested, the name of the petitioner, the specific nature of the variance
35 (including distance and dimensional changes or variances) and the place, date and time of
36 the hearing. Such notice shall be mailed to all property owners, according to the latest ad
37 valorem tax records, of every parcel of land within two hundred fifty (250) feet in every
38 direction of the subject property, including streets and street rights of way.
39

40 The petitioner shall send written notice by "certificate of mailing", entitled "Good
41 Neighbor Notice for BLC Variance," no less than thirty (30) days prior to the public
42 hearing, to the officially registered neighborhood association, as registered with the City
43 of Tampa, in which the subject property is located, and to all other officially registered
44 neighborhood associations that lie within a two hundred fifty (250) feet radius, including
45 roads and streets, in all directions from the subject property, from the boundaries of the
46 subject property. If the subject parcel does not lie within the boundaries of an officially

1 ~~registered neighborhood association or if no officially registered neighborhood~~
2 ~~association exists within the distance measurements as required by this subsection, the~~
3 ~~applicant shall mail the notice required herein to the closest officially registered~~
4 ~~neighborhood association, as measured in a straight line, on the "neighborhood~~
5 ~~association map."~~
6

7 The petitioner shall prepare an affidavit stating that the sign required herein was
8 posted, setting forth the lands that lie two hundred fifty (250) feet, including streets and
9 street rights of way, in all directions from the subject property, the names of the owners
10 of such lands and the date and post office address to which each copy of the notice was
11 mailed, provide one (1) photograph depicting the location of the sign on the property and
12 its proximity to the street frontage and one (1) photograph in which the language on the
13 sign is clear and legible, and the names of all officially registered neighborhood
14 associations that were sent notice. Petitioner shall attach to the affidavit the certificate of
15 mailing showing the date the notices were mailed. The affidavit and the postmarked
16 certificate of mailing shall be filed with the staff administrator not less than fifteen (15)
17 days prior to the date of the public hearing.
18

19 (c) *Decision.* Following the public hearing(s) and the BLC's decision on the
20 application, staff shall forward written notice of the decision to the applicant.
21

22 The appropriate department(s) shall issue any permit(s) in accordance with the
23 BLC's action on the application, if a permit is authorized by such action, and the
24 appropriate department(s) shall see to the faithful execution of all portions of such action,
25 including the enforcement of any condition(s) attached to the granting of a variance.
26

27 (d) *Stay.* A variance application to the BLC stays all enforcement proceedings in
28 furtherance of the code section from which the variance is sought; provided,
29 however, that a variance application shall not stay any proceeding(s) in
30 furtherance of the code section from which the variance is sought, if the
31 appropriate department certifies either:

- 32 (1) That, in the opinion of the department, a stay would cause imminent peril
33 to life or property; or
34 (2) That the situation appealed from is transitory in nature and, therefore, an
35 appeal would seriously interfere with enforcement of this chapter.
36

37 In each instance, the appropriate department shall place in the certificate facts to
38 support the conclusion.
39

40 (e) *Denial.* Denial of an application to the BLC shall preclude consideration of a
41 substantially similar request for a period of twelve (12) months from the date of
42 denial. The BLC may determine that this time period does not apply if a
43 substantially different request is submitted which addresses the grounds for denial
44 identified during the public hearing.
45

1 (f) Review Appeal. Any aggrieved person who participated during the public hearing
2 may seek review of appeal a variance decision of the BLC in accordance with
3 section 27-373(b)(2), (d) through (i), and (j)(2)."
4

5 **Section 7.** That "**Sec. 27-214. Variance; authority; application;**
6 **notice; criteria; decision; stay; denial; appeal; expiration of variance.**" is hereby
7 amended by adding the underlined language and deleting the stricken language as
8 follows:
9

10 "**Sec. 27-214. Variance; authority; application; public notice; criteria; decision;**
11 **stay; denial; review appeal; expiration of variance.**
12

13 (a) *Authority.* In any historic district, historic conservation overlay district, or
14 multiple property designation, or on any locally designated landmark, landmark
15 site subject to the ARC's jurisdiction, the ARC shall have the following variance
16 powers:

17 (1) *Chapter 13 Landscaping, Tree Removal and Site Clearing.*

18
19 a. ~~Hear and decide administrative appeals from any order, requirement,~~
20 ~~decision or determination made by any official or staff member in~~
21 ~~interpreting Chapter 13 in accordance with section 27-373(a).~~

22 b. Hear and authorize variances from the terms and requirements of Chapter
23 13. However, the ARC shall not waive in its entirety any section of
24 Chapter 13, and shall not have the authority to waive any requirements of
25 the technical manual adopted pursuant to section 13-146.

26 (2) *Chapter 20.5 Signs.*

27
28 a. ~~Hear and decide administrative appeals from any order, requirement,~~
29 ~~decision or determination made by the zoning administrator, construction~~
30 ~~services center, code enforcement division or any staff member in~~
31 ~~interpreting any sign-related provision of Chapter 20.5 in accordance with~~
32 ~~section 27-373(a).~~

33 b. Hear and authorize variances from any sign-related provision of Chapter
34 20.5, excluding Lee Roy Selman Expressway signs. Variances are not
35 permitted for prohibited signs.

36 (3) *Chapter 27 Zoning.*

37
38 a. ~~Hear and decide administrative appeals from any order, requirement,~~
39 ~~decision or determination made by the zoning administrator in the~~
40 ~~performance of his or her duties in accordance with section 27-373(a).~~

41 b. Hear and authorize variances from the terms and requirements of Chapter
42 27, Zoning, relative to:

43 (i) All yard (setback), fence, and buffer requirements.
44

- 1 (ii) The height of structures within or relating to any locally designated
2 landmark, landmark site, multiple property designation, historic
3 conservation overlay district or historic district.
4 (iii) Such other matters as the ARC may be required to pass upon,
5 decide or determine pursuant to Chapter 27.
6

7 Nothing in this section shall be construed to authorize the ARC to permit a
8 use on any property where that use is neither a permitted use nor a special
9 use.
10

- 11 (b) *Application.* Applications for variances shall be filed with the ARC's staff
12 administrator, and such applications shall be submitted on forms provided by the
13 administrator. The administrative review fee for such applications shall be as
14 prescribed by the city council by resolution.
15

16 Each application for a variance to the wet land setback requirements set forth in
17 Chapter 13 shall be accompanied by a written recommendation from an authorized
18 representative of the Hillsborough County Environmental Protection Commission or an
19 environmental consultant approved by the director of the parks department.
20

- 21 (c) *Public Notice.* ~~Notice of public hearing of variance cases before the ARC shall be~~
22 ~~given by the posting of a sign and by written notification as required below. The~~
23 ~~procedures for required public notice shall be governed by section 27-394 with~~
24 ~~supplemental notice provided per section 27-394 (c)(1) (mailed notice) and 2~~
25 ~~(c)(2) (posted notice). Per section 27-394 (c)(3), the applicant shall file the~~
26 ~~required Affidavit of Compliance with the ARC staff administrator.~~
27

- 28 (1) ~~Posting.~~ The petitioner shall, for the period commencing at least thirty
29 (30) days prior to the scheduled public hearing, post a sign on the property
30 of a size not less than eighteen (18) inches by twenty four (24) inches,
31 upon which shall be the following:
32

33 ~~PUBLIC HEARING~~ Hearing before the Architectural Review
34 Commission, City of Tampa, (insert place, date and time of hearing)
35 involving a variance request for this property, specifically:
36

37 The petitioner shall post the sign in a conspicuous place on or near the
38 front of the property, adjacent to a street or public right-of-way and not
39 within a building nor obstructed by any site feature.
40

- 41 (2) ~~Written notice.~~ The petitioner shall mail notice of the hearing by certificate
42 of mailing, at least thirty (30) days prior to the public hearing, setting forth
43 the legal description and street address, if any, of the property for which
44 the variance is being requested, the name of the petitioner, the specific
45 nature of the variance (including distance and dimensional changes or
46 variances) and the place, date and time of the hearing. Said notice shall be

1 mailed to all property owners, according to the latest ad valorem tax
2 records, of every parcel of land within two hundred fifty (250) feet in
3 every direction of the subject property, including streets and street rights-
4 of way.
5

6 The petitioner shall send written notice by "certificate of mailing", entitled
7 "Good Neighbor Notice for ARC Variance," no less than thirty (30) days
8 prior to the public hearing, to the officially registered neighborhood
9 association, as registered with the City of Tampa, in which the subject
10 property is located, and to all other officially registered neighborhood
11 associations that lie within a two hundred fifty (250) feet radius, including
12 roads and streets, in all directions from the subject property, from the
13 boundaries of the subject property. If the subject parcel does not lie within
14 the boundaries of an officially registered neighborhood association or if no
15 officially registered neighborhood association exists within the distance
16 measurements as required by this subsection, the applicant shall mail the
17 notice required herein to the closest officially registered neighborhood
18 association, as measured in a straight line, on the "neighborhood
19 association map."
20

21 ~~(3) Affidavit. The petitioner shall prepare an affidavit stating that the sign~~
22 ~~required herein was posted, setting forth the lands that lie within two~~
23 ~~hundred fifty (250) feet, including streets and street rights of way, in all~~
24 ~~directions from the subject property, the names of the owners of such~~
25 ~~lands and the date and post office address to which each copy of the notice~~
26 ~~was mailed, provide one (1) photograph depicting the location of the sign~~
27 ~~on the property and its proximity to the street frontage and one (1)~~
28 ~~photograph in which the language on the sign is clear and legible, and the~~
29 ~~names and addresses of the officially registered neighborhood associations~~
30 ~~that were mailed notice. The petitioner shall attach to the affidavit the~~
31 ~~certificate of mailing. The affidavit and certificate of mailing shall be filed~~
32 ~~with the staff administrator not less than fifteen (15) days prior to the date~~
33 ~~of the public hearing.~~
34

35 (d) *Criteria.* In exercising its variance power the ARC shall only be authorized to
36 grant variances in cases where the ARC expressly finds that the applicant has
37 demonstrated practical difficulties or unnecessary hardships and that the request
38 ensures the public health, safety and general welfare are protected. A hardship or
39 practical difficulty may be established if the variance request is required in order
40 to be consistent with the design standards. When reviewing a variance
41 application, the ARC shall base its decision on substantial competent evidence in
42 the official record and shall consider the following criteria:

43 (1) The alleged hardships or practical difficulties are unique and singular with
44 respect to the property, or with respect to a structure or building thereon,
45 and are not those suffered in common with other properties, structures, or
46 buildings similarly located.

- 1 (2) The hardship or practical difficulty does not result from the actions of the
2 applicant. A self-created hardship or practical difficulty shall not justify a
3 variance.
- 4 (3) The variance, if granted, will not substantially interfere with or injure the
5 health, safety, or welfare of others whose property would be affected by
6 allowance of the variance.
- 7 (4) The variance is in harmony with, and serves the general intent and purpose
8 of, this chapter and the adopted Tampa Comprehensive Plan.
- 9 (5) Allowing the variance will result in substantial justice being done,
10 considering both the public benefits intended to be secured by this chapter
11 and the individual hardships or practical difficulties that will be suffered
12 due to a failure of the board to grant a variance.
- 13 (6) The variance, if granted, will allow development that is consistent with the
14 design standards and compatible with the historic pattern of development
15 within the historic district, historic conservation overlay district, multiple
16 property designation, or the locally designated landmark or landmark site
17 in which the subject property is located.
- 18
- 19 (e) *Decision.* The ARC may approve, deny, or approve with the imposition of
20 reasonable conditions to ensure that the public health, safety and general welfare
21 shall be protected and substantial justice done. Any violation of such conditions
22 shall be a violation of this chapter.
- 23

24 Following the public hearing(s) and the ARC's decision on the application, staff
25 shall forward written notice of the decision to the applicant. The appropriate
26 department(s) shall issue any permit(s) in accordance with the ARC's action on the
27 application, if a permit is authorized by such action, and the appropriate department(s)
28 shall see to the faithful execution of all portions of such action, including the enforcement
29 of any condition(s) attached to the granting of a variance.

30

- 31 (f) *Stay.* A variance application to the ARC stays all enforcement proceedings in
32 furtherance of the code section from which the variance is sought; provided,
33 however, that a variance application shall not stay any proceeding(s) in
34 furtherance of the code section from which the variance is sought, if the
35 appropriate department certifies either:
- 36 (1) That, in the opinion of the department, a stay would cause imminent peril
37 to life or property; or
- 38 (2) That the situation appealed from is transitory in nature and, therefore, an
39 appeal would seriously interfere with enforcement of this chapter. In each
40 instance, the appropriate department shall place in the certificate facts to
41 support the conclusion.
- 42
- 43 (g) *Denial.* Denial of a variance application shall preclude consideration of a request
44 for the same variance on the same property, or any portion of the property, for a
45 period of twelve (12) months from the date of denial of the previous application.
46 However, upon written application, the ARC administrator shall consider a

1 request to waive the twelve-month period if, in the determination of the ARC
2 administrator the applicant demonstrates that the new variance request has
3 adequately addressed the grounds for denial identified during the public hearing.
4

5 Upon affirmative determination, the applicant may file a new application, subject
6 to the current filing schedule.
7

- 8 (h) Review Appeal. Any aggrieved person, ~~any registered preservation group, or any~~
9 ~~registered neighborhood group,~~ who participated in a public hearing on an
10 application for variance, may seek review ~~take an appeal~~ of a variance decision of
11 the ARC in accordance with section 27-373(b)(2), (d) through (i), and (j)(2).
12
- 13 (i) Expiration of variance. There shall automatically be a time limit of five (5) years,
14 during which the variance must be utilized. The five-year period commences upon
15 the ARC's written approval of the application for variance.”
16

17 **Section 8.** That “**Sec. 27-231.3. Local designation of landmarks,**
18 **landmark sites, multiple property designations, historic conservation overlay**
19 **districts, and historic districts”** is hereby amended by adding the underlined language
20 and deleting the stricken language as follows:

21 **“Sec. 27-231.3. Local designation of landmarks, landmark sites, multiple property**
22 **designations, historic conservation overlay districts, and historic districts.**

- 23 (a) Application for designation. When a person or entity wishes to designate a
24 landmark, landmark site, multiple property designation, historic conservation
25 overlay district, or historic district (known collectively as “HPC Applications”),
26 that person or entity shall file an application for designation with the HPC's staff
27 administrator on forms provided by the city. The administrative review fee for
28 such applications shall be as prescribed by city council resolution.
29

- 30 (b) Public hearing by the HPC regarding recommendations to city council on
31 proposed designations.

- 32 (1) Public Notice. The procedures for required public notice are shall be
33 governed by section 27-394, with supplemental notice provided per
34 sections 27-394 (c)(1)a (mailed notice to property owner), (c)(1)c (mailed
35 good neighbor notice), and (c)(2) (posted notice). Mailed notice to the
36 property owner shall include mailed notice to the owner of every parcel of
37 land which is subject to the proposed HPC Application. Per section 27-
38 394 (c)(3), the applicant shall file the required Affidavit of Compliance
39 with the HPC Administrator. If the HPC Administrator is serving as the
40 applicant, the HPC Administrator shall submit the required Affidavit of
41 Compliance to the chair of the HPC.

42 ~~Notice of a public hearing before the HPC on a recommendation to city~~
43 ~~council regarding a designation shall be pursuant to section 27-~~
44 ~~231.9, herein~~

1 (2) Standard of review. The HPC shall consider the proposed HPC
2 Application at a public hearing in which the HPC shall take testimony and
3 consider evidence in rendering a recommendation to City Council on the
4 proposed HPC application. The HPC shall apply the criteria established in
5 section 27-231.4 herein when making a recommendation to the city
6 council on a designation.

7 (c) *Review by the planning commission.* Upon receipt of the HPC's full report and
8 analysis concerning a proposed HPC Application ~~landmark, landmark site,~~
9 ~~multiple property designation or historic conservation overlay district designation,~~
10 the HPC Administrator ~~city clerk~~ shall forward the report and analysis to the
11 planning commission staff for an administrative review. ~~The planning~~
12 ~~commission staff shall, within twenty one (21) days of receipt, report to HPC staff~~
13 ~~giving information on the relationship between the proposed designation and the~~
14 ~~adopted City of Tampa Comprehensive Plan. That review will be included with~~
15 ~~the information that the HPC staff sends to city council for the public hearing.~~
16 Upon the city clerk's receipt of the HPC's full report and analysis concerning the
17 designation or expansion of a historic district, the city clerk shall forward the
18 report and analysis to the planning commission for its recommendation. The
19 planning commission shall, within ~~forty five (45)~~ thirty (30) days of receipt,
20 submit its report to the city council giving information on the relationship
21 between the proposed designation and the adopted City of Tampa Comprehensive
22 Plan.

23 (d) *Designation process.* The designation of a landmark, landmark site, multiple
24 property designation, historic conservation overlay district, or historic district may
25 only be considered by city council upon the recommendation of the HPC. Upon
26 receipt of the HPC's recommendation either in support of or in opposition to the
27 designation and a copy of the full report and analysis of the proposed landmark,
28 landmark site, multiple property designation, historic conservation overlay
29 district, or historic district under the criteria established in section 27-231.4
30 herein, the city council shall hold the public hearing pursuant to section 27-231.9.
31 ~~schedule two (2) public hearings to consider~~ For a public hearing concerning the
32 ~~designation of a historic district, historic conservation overlay district, or multiple~~
33 ~~property designation, the city clerk shall provide notice of a public hearing in the~~
34 ~~same manner as set forth in section 27-394(b), City of Tampa Code of~~
35 ~~Ordinances. For a public hearing regarding the designation of a landmark or~~
36 ~~landmark site, the city clerk shall provide notice of such hearing by certified mail,~~
37 ~~return receipt requested, to the owner of the nominated landmark or landmark site,~~
38 ~~as reflected on the most current year's tax roll, unless the owner of the property is~~
39 ~~the nominator, in which case the city clerk shall give notice at the owner's address~~
40 ~~provided in the nomination. All notices of a public hearing to consider~~
41 ~~designation shall be sent a minimum of fifteen (15) days before the public~~
42 ~~hearing, and shall include the following in substantially the same form:~~

43 (1) ~~The city council has received a recommendation from the HPC to~~
44 ~~designate the property as a landmark, landmark site or as a part of a~~
45 ~~historic district, historic conservation overlay district, or multiple property~~

1 designation under the City of Tampa Historic Preservation Ordinance (a
2 copy of the nomination, HPC recommendation and a legal description of
3 the property is enclosed);

4 ~~(2) The city council will consider such proposed designation at a public
5 hearing on (date, time and place);~~

6 ~~(3) The designation of the property as a landmark, landmark site or property
7 within a historic district, historic conservation overlay district, or multiple
8 property designation would make the property subject to the provisions of
9 the City of Tampa Historic Preservation Ordinances;~~

10 ~~(4) If the owner wishes to abate the designation process for a landmark,
11 landmark site or multiple property designation, pending the HPC's
12 determination of whether the designation would result in an economic
13 hardship pursuant to section 27-231.6 herein, the owner must do so by
14 filing a written notice with the city clerk, with a copy to the HPC
15 administrator, electing to initiate an economic hardship determination. The
16 written notice must be filed with the city clerk within fourteen (14) days of
17 the date of the HPC's written recommendation for designation. If an owner
18 of a property nominated for landmark, multiple property designation or
19 landmark site designation does not initiate an economic hardship
20 determination in accordance with the requirements herein, the city council
21 may proceed with the designation process as set forth herein. If the
22 property owner initiates an economic hardship determination, the
23 procedures and criteria set forth in section 27-231.6 herein shall apply."~~

24
25 Section 9. That "Sec. 27-231.9. Notices." is hereby amended by adding
26 the underlined language and deleting the stricken language as follows:
27

28 "**Sec. 27-231.9. Scheduling of City Council Public Hearings; Notices**
29

30 (a) The HPC Administrator will schedule the date for the public hearing on the HPC
31 Application consistent with City Council Rules of Procedure and forward the
32 application to the City Clerk for inclusion on the requested agenda.

33 (b) ~~Required notice for the designation of landmarks, landmark sites, applications~~
34 ~~relative to contributing or noncontributing status and applications relative to~~
35 ~~economic hardship.~~

36 Public Notice. The procedures for required public notice shall be governed by
37 section 27-394, with supplemental notice provided per sections 27-394 (c)(1)a
38 (mailed notice to property owner), (c)(1)c (mailed good neighbor notice), and
39 (c)(2) (posted notice). Mailed notice to the property owner shall include mailed
40 notice to the owner of every parcel of land which is subject to the proposed HPC
41 Application. The required mailed notice shall also include the following in
42 substantially the same form:

43 (1) The city council has received a recommendation from the HPC to
44 designate the property as a landmark, landmark site or as a part of a

1 historic district, historic conservation overlay district, or multiple property
2 designation under the City of Tampa Historic Preservation Ordinance (a
3 copy of the nomination, HPC recommendation and a legal description of
4 the property is enclosed);

5 (2) The city council will consider such proposed designation at a public
6 hearing on (date, time and place);

7 (3) The designation of the property as a landmark, landmark site or property
8 within a historic district, historic conservation overlay district, or multiple
9 property designation would make the property subject to the provisions of
10 the City of Tampa Historic Preservation Ordinances;

11 (4) If the owner wishes to abate the designation process for a landmark,
12 landmark site or multiple property designation, pending the HPC's
13 determination of whether the designation would result in an economic
14 hardship pursuant to section 27-231.6 herein, the owner must do so by
15 filing a written notice with the city clerk, with a copy to the HPC
16 administrator, electing to initiate an economic hardship determination. The
17 written notice must be filed with the city clerk within fourteen (14) days of
18 the date of the HPC's written recommendation for designation. If an owner
19 of a property nominated for landmark, multiple property designation or
20 landmark site designation does not initiate an economic hardship
21 determination in accordance with the requirements herein, the city council
22 may proceed with the designation process as set forth herein. If the
23 property owner initiates an economic hardship determination, the
24 procedures and criteria set forth in section 27-231.6 herein shall apply.

25 Per section 27-394 (c)(3), the applicant shall file the required Affidavit of
26 Compliance with the City Clerk.

27 ~~(1) — Notice of public hearing before the HPC shall be given by the posting, for~~
28 ~~a period commencing at least thirty (30) days prior to the scheduled public~~
29 ~~hearing, of a sign on the property of a size not less than eighteen (18)~~
30 ~~inches by twenty-four (24) inches, upon which shall be the following:~~

31 ~~PUBLIC HEARING Hearing before the Historic Preservation~~
32 ~~Commission, City of Tampa, City Council Chambers, City Hall (insert~~
33 ~~date and time of hearing) relative to a petition for (insert type of petition)~~
34 ~~for this property.~~

35 ~~(2) — The petitioner shall post the sign in a conspicuous place on or near the~~
36 ~~front of the property, adjacent to a street or public right of way and not~~
37 ~~within a building nor obstructed by any site feature.~~

38 ~~(3) — The petitioner shall mail by certificate of mailing, at least fifteen (15) days~~
39 ~~prior to the public hearing, notice of the hearing setting forth the legal~~
40 ~~description and street address, if any, of the property for which the hearing~~
41 ~~is being held, the name of the petitioner, the specific nature of the request~~
42 ~~and the place, date and time of the hearing. Such notice shall be mailed to~~
43 ~~all property owners, according to the latest ad valorem tax records, of~~
44 ~~every parcel of land within two hundred fifty (250) feet in every direction~~
45 ~~of the subject property, including streets and street rights of way.~~

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~~(4) The petitioner shall send written notice by "certificate of mailing", entitled "Good Neighbor Notice of HPC Application", no less than fifteen (15) days prior to the public hearing, to the officially registered neighborhood association, as registered with the City of Tampa, in which the subject property is located, and to all other officially registered neighborhood associations that lie within a two hundred fifty foot radius, including streets and street rights of way, in all directions from the subject property, from the boundaries of the subject property. If the subject property does not lie within the boundaries of an officially registered neighborhood association or if no officially registered neighborhood association exists within the distance measurements as required by this subsection, the petitioner shall mail the notice required herein to the closest officially registered neighborhood association, as measured in a straight line on the "Neighborhood Association Map". In addition hereto, the petitioner shall send written notice by "certificate of mailing", entitled "Good Neighbor Notice of HPC Application", not less than fifteen (15) days prior to the public hearing, to any registered preservation groups as registered with the City of Tampa.~~

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~~(5) For other than city initiated petitions, the petitioner shall prepare an affidavit stating that the sign required herein was posted, setting forth the lands that lie within two hundred fifty (250) feet, including 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, provide one (1) photograph depicting the location of the sign on the property and its proximity to the street frontage and one (1) photograph in which the language on the sign is clear and legible, and the names of all officially registered neighborhood associations that were sent notice. Petitioner shall attach to the affidavit the postmarked certificate of mailing showing the date the notices were mailed. The affidavit and the postmarked certificate of mailing shall be filed with the HPC administrator not less than five (5) days prior to the date of the public hearing.~~

33
34
~~(b) Required notice for the designation of multiple properties listings historic conservation overlay districts, and historic districts.~~

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~~(1) The HPC administrator shall provide written notice of public hearing before the HPC to each real property owner whose land is proposed for inclusion in the designation of a multiple property, historic conservation overlay district, or historic district, and each property owner within two hundred fifty (250) feet, including streets and street rights of way, in all directions from the subject property. Notice shall be by certificate of mailing, at least fifteen (15) days prior to the public hearing, setting forth the boundaries of the proposed designation and the place, date and time of the hearing. Such notice shall be mailed to all property owners, as required herein, according to the latest ad-valorem tax records.~~

1 (2) ~~The HPC administrator shall post a sign in a conspicuous place on or near~~
2 ~~the front of the property, adjacent to a street or public right-of-way and not~~
3 ~~within a building nor obstructed by any site feature, at least fifteen (15)~~
4 ~~days prior to the scheduled public hearing. The sign shall be of a size not~~
5 ~~less than eighteen (18) inches by twenty four (24) inches, upon which~~
6 ~~shall be the following:~~

7 ~~PUBLIC HEARING Hearing before the Historic Preservation~~
8 ~~Commission, City of Tampa, City Council Chambers, City Hall (insert~~
9 ~~date and time of hearing) relative to a petition for (insert type of petition)~~
10 ~~involving this property.~~

11 (3) ~~In addition to the requirements of subsection (b)(1) and (2), the HPC~~
12 ~~administrator shall send written notice by "certificate of mailing", entitled~~
13 ~~"Good Neighbor Notice of HPC Multiple Property, Historic Conservation~~
14 ~~Overlay District, or Historic District Designation", no less than fifteen~~
15 ~~(15) days prior to the public hearing, to the officially registered~~
16 ~~neighborhood association, as registered with the City of Tampa, in which~~
17 ~~the subject property is located, and to all other officially registered~~
18 ~~neighborhood associations that lie within a two hundred fifty-foot radius,~~
19 ~~including streets and street rights-of-way, in all directions from the subject~~
20 ~~property, from the boundaries of the subject property. If the subject~~
21 ~~property does not lie within the boundaries of an officially registered~~
22 ~~neighborhood association or if no officially registered neighborhood~~
23 ~~association exists within the distance measurements as required by this~~
24 ~~subsection, the HPC administrator shall mail the notice required herein to~~
25 ~~the closest officially registered neighborhood association, as measured in a~~
26 ~~straight line on the "Neighborhood Association Map". In addition hereto,~~
27 ~~the HPC administrator shall send written notice by "certificate of mailing,"~~
28 ~~entitled "Good Neighbor Notice of HPC Multiple Property, Historic~~
29 ~~Conservation Overlay District, or Historic District Designation," not less~~
30 ~~than fifteen (15) days prior to the public hearing, to any registered~~
31 ~~preservation groups as registered with the City of Tampa."~~
32

33 **Section 10.** That **"Sec. 27-368.1. Process for applications for written**
34 **determinations as formal decisions"** is hereby amended by adding the underlined
35 language and deleting the stricken language as follows:
36

37 **"Sec. 27-368.1. Process for applications for written determinations as formal**
38 **decisions.**

- 39
40 (a) The following applications shall be reviewed pursuant to the formal decision
41 process:
42 (1) Vested rights;
43 (2) Non-conforming status;

1 (3) A request for written determination regarding a specific parcel of real
2 property in order to obtain a final, legally enforceable decision upon which
3 the City of Tampa may approve applicable permits.
4

5 (b) General requirements. The zoning administrator or designee shall review such
6 request according to the process provided for in this section.

7 (1) Application for formal decision shall relate to a specific parcel of real
8 property and shall only be filed by the owner of such real property, or
9 designated agent.

10 (2) Each application shall include a statement regarding ownership of the
11 subject property and, where applicable, a statement designating the agent
12 of the property owner.

13 (3) The application must identify (at a minimum) the applicant; provide an
14 address for the subject property; folio or parcel identification number; and,
15 if a request for code interpretation, identify the specific section of the
16 Tampa Code for which a determination is requested.

17 (4) The request shall be limited to a single subject. If an applicant is in need of
18 determinations of multiple parcels of land or multiple inquiries, additional
19 fees shall be paid per parcel or inquiry requested.

20 (5) The zoning administrator is under no obligation to process the request
21 unless the request is clear and unambiguous, and otherwise complies with
22 this section.

23 (6) If the zoning administrator determines the request presents the same issue
24 as is pending before another department or board, the zoning administrator
25 shall advise the applicant, and the zoning administrator is under no
26 obligation to further process the request.

27 (7) The zoning administrator shall consider all written documentation
28 received as part of the application and through the open record period and
29 any other relevant information obtained through research conducted by the
30 zoning administrator or designee. In addition, the zoning administrator
31 shall have the authority to review and evaluate the request in light of the
32 Comprehensive Plan, this Code, the Official Zoning Atlas, and other
33 statutes, codes, ordinances and regulations, whichever are applicable, and
34 to consult with appropriate city staff and the legal department, if so
35 desired.
36

37 (c) Open record period.

38 (1) Upon receipt of a complete application and payment of the appropriate
39 fee, the zoning administrator shall direct the applicant to provide notice as
40 follows:
41

42 The procedures for required public notice for the review hearing before
43 City Council and the Hearing Officer shall be governed by 27-394 with
44 supplemental notice provided per section 27-394 (c)(1) (mailed notice)
45 and (c)(2) (posted notice). Mailed and posted notice shall also provide the
46 information about the open record period, including the specific date upon

1 which the open record period will close. The applicant shall file the
2 required Affidavit of Compliance with the zoning administrator prior to
3 the conclusion of the open record period.
4

5 ~~a. The applicant shall mail written notice to all property owner(s) within [a]~~
6 ~~two hundred fifty foot radius including roads and streets. All property~~
7 ~~owners within the designated notice area are to be notified of the~~
8 ~~application in writing by "certificate of mailing" through the United States~~
9 ~~Post Office; and~~

10 ~~b. The applicant shall immediately post a sign in a conspicuous place, on or~~
11 ~~near the front of the subject property, adjacent to a street or public right-~~
12 ~~of-way and not within a building nor obstructed by any site feature. The~~
13 ~~sign shall include the following information at a minimum:~~

14
15 Request for Formal Decision of the Zoning Administrator
16 Open Record Period (insert dates)
17 from _____ to _____
18

19 ~~c. The applicant shall send written notice by "certificate of mailing," entitled~~
20 ~~"Good Neighbor Notice for Formal Decision of the Zoning~~
21 ~~Administrator," to the officially registered neighborhood association, as~~
22 ~~registered with the City of Tampa, in which the subject property is located,~~
23 ~~and to all other officially registered neighborhood associations that lie~~
24 ~~within a two hundred fifty feet radius, including roads and streets, in all~~
25 ~~directions from the subject property, as measured from the boundaries of~~
26 ~~the subject property. If the subject parcel does not lie within the~~
27 ~~boundaries of an officially registered neighborhood association or if no~~
28 ~~officially registered neighborhood association exists within the distance~~
29 ~~measurements as required by this subsection, the applicant shall mail the~~
30 ~~notice required herein to the closest officially registered neighborhood~~
31 ~~association, as measured in a straight line, on the "Neighborhood~~
32 ~~Association Map"; and~~

33 ~~d. The applicant shall prepare an affidavit showing:~~

34 ~~1. The lands that lie within two hundred fifty (250) feet, including roads and~~
35 ~~streets, in all directions from the subject property;~~

36 ~~2. The names of the owners of such lands;~~

37 ~~3. The date and post office address to which each copy of the notice was~~
38 ~~mailed; and~~

39 ~~4. The names and addresses of the officially registered neighborhood~~
40 ~~associations that were mailed notice.~~

41 ~~The applicant shall attach to the affidavit copies of the postmarked~~
42 ~~receipts for "certificate of mailing" showing the date the notices were~~
43 ~~mailed; one (1) photograph depicting the location of the sign on the~~
44 ~~property and its proximity to the street frontage; and, one (1) photograph~~
45 ~~in which the language on the sign is clear and legible. The affidavit and~~
46 ~~the copies of the post marked receipts for "certificate of mailing" and a~~

1 ~~photograph of the sign as posted on the property shall be filed with the~~
2 ~~zoning administrator upon completion and prior to the conclusion of the~~
3 ~~open record period.”~~
4

5 **Section 11.** That “**Sec. 27-372. Alternative design exception.**” is hereby
6 amended by adding the underlined language and deleting the stricken language as
7 follows:
8

9 **“Sec. 27-372. Alternative design exception.**

- 10
- 11 (a) The zoning administrator is hereby authorized to grant administrative exceptions
12 from the strict application of this chapter and any associated land development
13 regulations as set forth in this section, subject to the limitations described in this
14 section. The process is specifically intended to promote high standards of site
15 design, and to provide flexibility in the administration of standards in recognition
16 of site specific conditions, and to establish conditions to ensure compatibility
17 where standards are modified.
18
- 19 (b) Prior to submitting an application for an alternative design exception, the
20 applicant must schedule a pre-application meeting with the zoning administrator
21 or designee, the urban design coordinator, or other appropriate city staff as
22 needed, in order to determine the scope of the request and what documentation
23 will be necessary to support the application.
24
- 25 (c) *Types of applications.* Applications for alternative design exception are classified
26 as follows:
27 (1) Design exception-1: Applications for minor design changes based on
28 residential or commercial overlay design standards, fence framing and
29 orientation, alternative buffering and screening, parking and loading, and
30 other such minor changes to design oriented requirements of this code, all
31 within the limits set forth in the respective sections of this code.
32 (2) Design exception-2: Applications for minor changes to building setback
33 and height limitations, within the limits set forth in the respective sections
34 of this code.
35
- 36 (d) *General requirements.* An applicant shall provide a complete application and
37 applicable fee to the zoning administrator for review and determination, which
38 shall include all information contained in this section. All alternative design
39 exception applications shall include documentation sufficient to justify the
40 request. In addition, an application for an alternative design exception shall
41 address the following issues, as applicable:
42 (1) *Description:*
43 a. Project description (general information, typical section, etc.);
44 b. Description of alternative design exception (specific project
45 conditions related to alternative design exception, controlling
46 design element, and proposed cost for project);

- c. The compatibility of the design and operation; and
- d. If the project is in an overlay or historic district, applicable City of Tampa Code of Ordinance provisions or design standards.

(2) *Analyses (narrative and visual depiction) related to:*

- a. Dimensional standards of underlying zoning classification;
- b. Buffer area and materials proposed;
- c. Parking counts, layout/function, demands for specific use;
- d. Amount and character of traffic using facility; and
- e. Design concept and relationship to intent of applicable overlay requirements.

- (3) If applicable, the alternative design exception application shall also contain a recommendation by the professional engineer responsible for the project design elements, unless the zoning administrator determines that such a recommendation is not necessary given the scope of the request.

(e) *General process.* Applications for alternative design exception, shall be processed as follows:

- (1) The applicant shall file a complete application, including any supplemental documentation, with the zoning administrator or designee.

- (2) Applications for design exception-2: Upon receipt of a complete application for a design exception-2 and payment of the appropriate fee, the zoning administrator shall direct the applicant to provide as follows: public notice. The procedures for required public notice shall be governed by Section 27-394, with supplemental notice provided per Sections 27-394(2)(1)(mailed notice) and (c)(2)(postal notice). Per Section 27-394(c)(3), the applicant shall file the required Affidavit of Compliance with the Zoning Administrator.

~~a. The applicant shall mail written notice to all property owner(s) within [a] two hundred fifty foot radius including roads and streets. All property owners within the designated notice area are to be notified of the application in writing by "certificate of mailing" through the United States Post Office; and~~

~~b. The applicant shall immediately post a sign in a conspicuous place, on or near the front of the subject property, adjacent to a street or public right of way and not within a building nor obstructed by any site feature. The sign shall include the following information at a minimum:~~

~~Request for Alternative Design Exception Nature of Request: (e.g. minor building setback)~~

~~e. The applicant shall send written notice by "certificate of mailing," entitled "Good Neighbor Notice for Formal Decision of the Zoning Administrator," to the officially registered neighborhood association, as registered with the City of Tampa, in which the subject property is located, and to all other officially registered neighborhood associations that lie within a two hundred fifty feet~~

1 radius, including roads and streets, in all directions from the
2 subject property, as measured from the boundaries of the subject
3 property. If the subject parcel does not lie within the boundaries of
4 an officially registered neighborhood association or if no officially
5 registered neighborhood association exists within the distance
6 measurements as required by this subsection, the applicant shall
7 mail the notice required herein to the closest officially registered
8 neighborhood association, as measured in a straight line, on the
9 "Neighborhood Association Map"; and

10 d. The applicant shall prepare an affidavit showing:

- 11 1. The lands that lie within two hundred fifty (250) feet,
12 including roads and streets, in all directions from the
13 subject property;
- 14 2. The names of the owners of such lands;
- 15 3. The date and post office address to which each copy of the
16 notice was mailed; and
- 17 4. The names and addresses of the officially registered
18 neighborhood associations that were mailed notice.

19 The applicant shall attach to the affidavit copies of the postmarked
20 receipts for "certificate of mailing" showing the date the notices
21 were mailed; one (1) photograph depicting the location of the sign
22 on the property and its proximity to the street frontage; and, one
23 (1) photograph in which the language on the sign is clear and
24 legible. The affidavit and the copies of the post marked receipts for
25 "certificate of mailing" and a photograph of the sign as posted on
26 the property shall be filed with the zoning administrator upon
27 completion.

- 28 (3) The zoning administrator or designee, upon review of the application, may
29 request additional information from the applicant related to the request or
30 applicable criteria.
- 31 (4) The zoning administrator or designee shall grant or deny the request
32 within fifteen (15) working days of the filing of the complete application,
33 the Affidavit of Compliance pursuant to (2) above, ~~sworn affidavit with~~
34 ~~associated documents pursuant to (2) above~~, and all appropriate and
35 necessary documents and supplemental information provided pursuant to
36 (1) and (3) above.
- 37 (5) In reviewing the application, the zoning administrator shall apply the
38 following criteria:
 - 39 a. That the exception neither interferes with the rights of others as
40 provided in this chapter, nor is injurious to the public health, safety
41 or general welfare; and
 - 42 b. That the exception provides a reasonable allowance of use under
43 the specified circumstances of each application; and
 - 44 c. That the exception achieves the general intent of this chapter and
45 the Tampa Comprehensive Plan; and

- 1 d. That the exception is the minimum possible exception under
 2 specific circumstances; [and]
 3 e. The approval of the exception of standards includes conditions of
 4 approval as necessary to ensure that the adjustment granted does
 5 not constitute a grant of special privileges inconsistent with the
 6 limitations upon other properties in the vicinity and within the
 7 same zoning district; and
 8 f. The exception is consistent with any applicable specific plans in
 9 place for the subject property.
- 10 (6) An exception of standards to the site planning or development standards of
 11 this code in compliance with this section is allowed, based on the findings
 12 that the exception is necessary to accomplish a reasonable accommodation
 13 of the needs of a disabled person, in compliance with the Americans with
 14 Disabilities Act.
- 15 (7) The zoning administrator may impose reasonable conditions upon any
 16 exception to ensure that the public health, safety and general welfare are
 17 protected and substantial justice is done. A violation of any imposed
 18 conditions shall be a violation of this chapter.
- 19 (8) An approved alternative design exception shall be valid for a period of one
 20 (1) year from the approval date, during which the property owner must
 21 begin the associated development/construction work. If no
 22 development/construction activity occurs on the land related to the
 23 approved exception within the one-year period, the approval shall expire.”
 24

25 **Section 12.** That “**Sec. 27-373. Review.**” is hereby amended by adding
 26 the underlined language and deleting the stricken language as follows:
 27

28 **“Sec. 27-373. Review.**

- 29
- 30 (a) **Applicability and purpose.** This section establishes procedures that shall apply to
 31 the review of any applicable decision as expressly authorized in this section. The
 32 purpose of this section is to provide adequate due process to petitioners seeking
 33 review of applicable decisions by setting forth procedures for the review of those
 34 decisions.
 35
- 36 (b) **Decisions which may be reviewed; jurisdiction.** The following decisions shall be
 37 reviewed pursuant to this section:
 38 (1) A formal decision of the zoning administrator may be reviewed by city
 39 council for a final order after receipt of a recommended order by a hearing
 40 officer, as set forth below.
 41 (2) A quasi-judicial decision of a board of the City of Tampa to approve or
 42 deny an application may be reviewed by city council for a final decision.
 43 The boards of the City of Tampa whose decisions may be reviewed
 44 pursuant to this section are the Variance Review Board (VRB),
 45 Architectural Review Committee (ARC), Barrio Latino Commission

1 (BLC) or the Historic Preservation Commission (HPC) (collectively
2 "boards").

3 (3) A decision by the zoning administrator to approve or deny the following
4 applications (collectively "ZA Permit") may be reviewed by city council
5 for a final decision:

- 6 a. A S-1 special use permit (not relating to constitutionally protected
7 First Amendment activity), including the granting of any waiver to
8 the specific criteria for an S-1 Special use pursuant to the criteria
9 for a waiver contained in Section 27-324(4);
10 b. A minor change to an approved S-2 special use permit pursuant to
11 section 27-268;
12 c. A non-substantial change to an approved site plan zoning pursuant
13 to section 27-323;
14 d. An incremental detailed site plan pursuant to section 27-327; ~~and~~
15 e. An alternative design exception pursuant to section 27-372; and
16 f. Any zoning compliance approval as specifically authorized
17 pursuant to this Chapter.

18
19 (c) Petitioner for review. The petitioner for review must be an aggrieved person, as
20 defined in this chapter, who participated in the decision being reviewed by timely
21 submitting evidence or by otherwise providing sworn testimony during the
22 decision being reviewed.

23
24 (d) Time for filing petition for review. The petitioner shall file a petition for review of
25 a decision no later than 5:00 p.m. ten (10) working days after the rendering of the
26 decision sought to be reviewed. If the tenth day falls on a day the city clerk's
27 office is closed, then the filing period shall expire at 5:00 p.m. on the next
28 business day on which the city clerk's office is open.

29
30 (e) Place for filing the petition for review. The petition for review shall be filed with
31 the city clerk, who shall transmit a copy thereof to the zoning administrator and, if
32 the petitioner is seeking review from a decision of the ARC, BLC or HPC, to the
33 historic preservation manager. The city clerk shall not accept any petition for
34 review which is not in writing, for which the review period has expired, or which
35 does not include the required fees and costs. If the petitioner is not the property
36 owner of the parcel which is the subject of the decision sought to be reviewed, the
37 petitioner shall also, by certified mail no later than five (5) days after filing the
38 petition for review, transmit the petition for review to the property owner.

39
40 (f) Costs and fees for review. The city council shall, by resolution, adopt a schedule
41 of fees to be paid in connection with any petition for review. Payment of
42 applicable costs and fees shall be required at the time the application for review is
43 filed.

44
45 (g) Contents of petition for review. A petition for review need not be in any particular
46 form but shall include, as a minimum, the following information: The name and

1 address of the petitioner, and of the authorized representative, if applicable; the
2 written decision for which the petitioner is seeking review or, if not available, a
3 summary of the decision sought to be reviewed; and a summary of the basis for
4 the petition for review, including specific sections of the applicable City of
5 Tampa code or ordinance.
6

7 (h) Stay pending application for review.

8 (1) No building permit or other development order shall be issued until the
9 expiration of the review period.

10 (2) The filing of a timely application for review shall stay all proceedings in
11 furtherance of the decision which is the subject of the application for
12 review until the request has been disposed of by city council, and no
13 building permit or other development order shall be issued until the
14 expiration of the review period. The petitioner may file plans or other
15 information with the city pending the outcome of the review, but the filing
16 of such plans or other information shall create no rights to any building
17 permit or other development order.
18

19 (i) Notices of review hearing. The procedures for required public notice for the
20 review hearing before City Council and the Hearing Officer shall be governed by
21 section 27-394 with supplemental notice provided per section 27-394 (c)(1)
22 (mailed notice) and (c)(2) (posted notice). The applicant shall file the required
23 Affidavit of Compliance with the City Clerk. The notice procedure for City
24 Council's consideration of the Hearing Officer's recommended order is set forth
25 in subsection (j)(1)d.ii.
26

27 ~~(1) Petitioner shall provide notice of the date, time and place of the hearing of~~
28 ~~the petition for review by first class mail to all persons who participated in~~
29 ~~the decision being reviewed, either by submitting evidence or giving~~
30 ~~sworn testimony.~~

31 ~~(2) Written and posted notice shall be provided by the petitioner as set forth in~~
32 ~~section 27-394(e).~~
33

34 (j) Review Hearing.

35 (1) Review of Formal Decision of the Zoning Administrator.

36 a. In a petition to review a Formal Decision rendered by the Zoning
37 Administrator, the petition shall be heard by the Hearing Officer,
38 in a de novo proceeding. The Hearing Officer shall provide a
39 recommended order to City Council for a final determination as
40 set forth below.

41 b. Pre-Hearing Procedures.

42 i. *Hearing Officers.* The City shall negotiate and enter into
43 contracts with Hearing Officers from time to time, and
44 shall maintain a list of such Hearing Officers. Cases shall
45 be assigned to Hearing Officers on a rotating basis. If a
46 Hearing Officer is unable to accept a case because of a

1 conflict, time constraints, or any other reason, the case
2 shall be assigned to the next available Hearing Officer on
3 the list. Upon scheduling the hearing, the City Clerk shall
4 notify all parties of the assignment of the particular
5 hearing officer and the date upon which the hearing will
6 be held.

7 ii. *Parties.* The Parties to the petition for review shall
8 include the petitioner, the property owner (if not the
9 petitioner) and any person who participated in the Formal
10 Decision process by submitting evidence or testimony
11 during the Open Record Period, as defined in Section 27-
12 368.1.

13 iii. *Non-Party Participants.* Any person who participates in
14 the hearing before the Hearing Officer but does not
15 qualify as a Party as set forth in Section (ii) above shall
16 be considered a non-party participant.

17 iv. *Hearing Date.* The hearing shall commence no more
18 than ninety (90) calendar days after the date the petition
19 was filed, unless all parties stipulate in writing to a later
20 hearing date.

21 v. *Motions.* Any Motion to be filed by a Party for
22 consideration by the Hearing Officer must be submitted
23 to the City Clerk with a copy to the City of Tampa Legal
24 Department no less than five (5) working days prior to
25 the scheduled hearing. The Hearing Officer may render a
26 written opinion on the Motion without argument prior to
27 the hearing, or may request argument prior to conducting
28 the hearing.

29
30 c. *Hearing.*

31 i. *Oath.* The Hearing Officer shall have the power to
32 administer oaths. All testimony shall be under oath.

33 ii. *Consideration.* The Hearing Officer shall consider all
34 relevant evidence and testimony presented prior to or
35 during the hearing, including the Formal Decision issued
36 by the Zoning Administrator and all competent evidence
37 upon which that Formal Decision was based. The Hearing
38 Officer shall also consider all relevant provisions of the
39 City of Tampa Code of Ordinances, or other applicable
40 administrative, federal or state law in effect at the time
41 the petition was filed.

42 iii. *Burden of Proof.* The Petitioner filing the request for
43 review shall have the burden of proof.

44 iv. *Formality.* Formal rules of evidence shall not apply. Any
45 relevant evidence shall be admitted. Hearsay evidence
46 may be admitted, but shall not form the sole basis for the

1 Hearing Officer's recommended order. Irrelevant and
2 unduly repetitious evidence shall be considered non-
3 persuasive. The hearing shall be conducted in a manner to
4 ensure that procedural due process is afforded the parties
5 and non-party participants.

6 v. *Record.* All evidence received by the Hearing Officer
7 during the hearing, shall be kept on file in the City
8 Clerk's office. The hearing shall be visually recorded.
9 The record of the hearing shall, at a minimum, consist of
10 the Formal Decision issued by the Zoning Administrator;
11 all notices, motions or rulings of the Hearing Officer; all
12 evidence received by the Hearing Officer during the
13 hearing; the recommended order issued by the Hearing
14 Officer; and, the verbatim record of the hearing
15 consisting of a video recording (tape, digital, or other
16 available visual media) of the hearing, or a verbatim
17 transcript if one is provided.

18 d. Recommended Order; Exceptions.

19 i. *Contents.* The Hearing Officer's recommended order
20 shall contain findings of fact, based exclusively on the
21 record, and conclusions of law. The recommended order
22 of the Hearing Officer shall be based on competent
23 substantial evidence after applying the criteria set forth in
24 the City Code and any applicable administrative, federal
25 and state law in effect at the time the petition was filed.

26 ii. *Filing of Recommended Order: Public Notice.* The
27 Hearing Officer shall file a recommended order with the
28 City Clerk within fifteen (15) working days of the close
29 of the hearing. The City Clerk shall provide a copy of the
30 recommended order along with the notification of the
31 date the recommended order is scheduled for
32 consideration by City Council, to all parties and
33 interveners that provide the Clerk with either electronic
34 mail information or prepaid postage.

35 iii. *Exceptions.* All parties shall have ten (10) working days
36 prior to the date that the recommended order is scheduled
37 for consideration by City Council to file with the City
38 Clerk exceptions to the recommended order. Exceptions
39 shall consist of any objections to the findings of fact or
40 conclusions of law contained in the recommended order.
41 The exceptions must identify the disputed portion of the
42 recommended order by page number and paragraph and
43 provide the basis for the exception, including citation to
44 any evidence in the record. If the exception is based
45 upon testimony presented at the hearing, then the person
46 filing the exception must provide either a verbatim

1 transcript of the proceedings or a video recording (tape,
2 digital, or other available visual media) record of the
3 public hearing.

4 e. City Council Consideration of the Recommended Order.

5 i. *Submission of the Recommended Order.* Upon receipt of
6 a recommended order from the Hearing Officer, and after
7 the deadline for receipt of exceptions thereto, the City
8 Clerk shall forward the recommended order and any
9 exceptions to City Council, along with a copy of all
10 documentary evidence accepted by the City Clerk during
11 the hearing.

12 ii. *Oral Argument.*

13 1. City Council may only allow public discussion
14 upon a request for oral argument filed by a party
15 or upon its own motion. City Council may only
16 open the meeting for oral argument if City
17 Council finds that the Hearing Officer did not
18 address a matter introduced into the record or the
19 recommended order contains an ambiguity. If
20 City Council allows oral argument, City Council
21 may limit such oral argument to addressing only
22 those matters for which it opened for oral
23 argument.

24 2. Parties must file their requests for oral argument
25 concurrent with the filing of an exception. The
26 request shall be based upon the criteria described
27 in subsection 1 above. The City Council Attorney
28 shall review the request for oral argument and
29 make a recommendation as to whether the request
30 for oral argument meets the criteria.

31 3. In the event that City Council approves the
32 request for oral argument, the content of
33 testimony shall be the same as the content of
34 testimony submitted verbally or in writing to the
35 Hearing Officer. If City Council permits oral
36 argument, it shall allow staff and each party up to
37 ten (10) minutes for oral presentation or
38 argument. Non-party participants may be
39 permitted oral presentation or argument of up to
40 three (3) minutes. No person may submit new
41 evidence to the City Council during oral argument
42 and all persons must confine their presentations to
43 evidence made part of the record before the
44 Hearing Officer.

45 iii. *Final Order.* City Council may adopt the recommended
46 order as the final order, or may reject or modify the

1 recommended order as provided herein. City Council
2 may not reject or modify any findings of fact reached by
3 the Hearing Officer. If City Council determines that a
4 finding of fact is not based upon competent, substantial
5 evidence contained in the record or that a finding of fact
6 does not comply with the essential requirements of the
7 law, City Council may remand the matter back to the
8 Hearing Officer, but only if it determines that additional
9 fact finding is required. If City Council rejects or
10 modifies a conclusion of law, it must state with
11 particularity in the final order its reasons and must make
12 a finding that its substitution of a conclusion of law is as
13 or more reasonable than that which was rejected or
14 modified. If City Council directs staff to prepare a revised
15 order, the revised order shall be transmitted to the parties
16 and non-party participants and presented to City Council
17 within forty-five (45) calendar days for adoption.

18 iv. *Final Decision.* The Final Order rendered by City
19 Council shall be deemed final and may be appealed to a
20 court of competent jurisdiction in a manner set forth by
21 applicable law.”
22

23 **Section 13.** That “**Sec. 27-394. Public notice requirements.**” is hereby
24 stricken in its entirety and replaced with the underlined language as follows:
25

26 **“Sec. 27-394. Public Notice Requirements for Land Development Decisions and**
27 **Text Amendments to the Land Development Code.**
28

29 (a) **Public Notice Generally.** For the purposes of compliance with public notice
30 requirements, the Statutory Notice requirements set forth in this section are
31 required in order to ensure a valid final action on Land Development Decisions.
32 However, the City of Tampa recognizes the importance of community
33 involvement in Land Development Decisions for which notice is not required
34 pursuant to Florida Statutes. In an attempt to facilitate such involvement, and to
35 provide courtesy notification of Land Development Decisions to property owners
36 and residents in affected areas of the City of Tampa, and to other interested
37 parties and organizations, it is the intent of the section to provide a process for
38 supplemental notice. The failure to provide this supplemental notice required
39 herein shall not be construed to invalidate any final action on a Land
40 Development Decision, if discovered after final action has been taken.
41

42 (b) **Statutory Notice.** Statutory public notice for all Land Development Decisions
43 and for text amendments to the Land Development Code, as defined in Chapter
44 17.5, shall be provided for by the City of Tampa in compliance with the
45 requirements of applicable Florida Statutes, including but not limited to Section
46 166.041 and the requirements of the City of Tampa Charter for the matter to be

1 approved. All public hearings will be scheduled in a manner consistent with
2 Tampa City Council Rules of Procedure and any other applicable provision of
3 City of Tampa Code of Ordinances. If there is ever a conflict between City of
4 Tampa Code of Ordinances and applicable Florida Statutes relative to notice, the
5 provisions of Florida Statutes shall prevail and apply, including all publication
6 requirements. The city council shall, by resolution, adopt a schedule of fees to be
7 paid in connection with providing statutory notice.

8
9 (c) **Supplemental Notice.** Supplemental public notice shall be provided for all Land
10 Development Decisions as provided for below, unless another provision of City of
11 Tampa Code of Ordinance provides for different supplemental notice
12 requirements. For the purposes of this subsection, the term “applicant” shall also
13 include the “petitioner” in a review proceeding. If the City is pursuing the Land
14 Development Decision, then the City shall be deemed the “applicant.” If two (2)
15 public hearings are required, then supplemental notice must be provided prior to
16 the first public hearing.

17
18 (1) **Mailed Notice.** The applicant shall send the required mailed notice not
19 less than thirty (30) days prior to the date of the public hearing. The
20 notice shall identify the physical address of the subject property; the day,
21 month, and year of the public hearing; the scheduled time and location of
22 the public hearing; the phone number, address, and email address (if
23 available) of the applicant; and a description of Land Development
24 Decision requested including type of application, nature or degree of
25 request and potential uses, and other information as required by the zoning
26 administrator.

27 a. **Property Owner.**

28 If the applicant for the Land Development Decision is not, owner
29 of the real property which is the subject of the application, then the
30 applicant shall mail notice to the property owner as listed in the
31 most current ad valorem tax rolls. This notice shall be mailed by
32 “certificate of mailing” through the United States post office to the
33 property owner to the mailing address listed for the property
34 owner, on the most current ad valorem tax rolls (per Section 27-
35 394(c)(3)(b) below).

36
37 Related applications: areawide rezonings, right of way vacation
38 and HPC applications.

39
40 b. **Participating Neighbors.**

41 The applicant shall mail notice to each owners of real property
42 located within 250 feet of the subject property in all directions
43 from the subject property line, including roads or streets, as listed
44 in the most current ad valorem tax rolls (per Section 27-
45 394(c)(3)(b) below) (“Participating Neighbors”). This notice to
46 Participating Neighbors shall be mailed by “certificate of mailing”

1 through the United States post office to the mailing address as
2 listed on the most current ad valorem tax roles, as available.

3
4 Related applications: area wide and parcel rezonings, special use-
5 2, variance, design exception-2, request for review and formal
6 decision of zoning administrator.

7
8 c. *Good Neighbor Notice for Participating Organizations*

9 i. The applicant shall mail good neighbor notice to the
10 Participating Organizations within the neighborhood area
11 which the subject property is located, and to those
12 Participating Organization listed in the neighborhood area,
13 which lies within two hundred and fifty (250) feet,
14 including roads and streets, in all directions from the
15 subject property. This notice shall be mailed by regular
16 mail to the address of the authorized representative of the
17 Participating Organization. If the application is for a site
18 plan zoning district or special use request, notice shall
19 include with a copy of the most recently filed site plan.

20 ii. To be entitled to receive good neighbor notice as a
21 Participating Organization, the ~~an~~ organization shall
22 provide at a minimum, in a format provided by the City, the
23 name, mailing address, telephone number and electronic
24 mail address (if available) of its authorized
25 representative(s) and identify the neighborhood area which
26 the Participating Organization is requesting to receive good
27 neighbor notice. Upon request of the City, a Participating
28 Organization shall provide information proving that it
29 qualifies as a Participating Organization, as defined in
30 Chapter 27 of this Code of Ordinances.

31 iii. Registration as a Participating Organization shall be
32 updated by the Participating Organization annually, as of
33 October 1 of each year. In order to ensure that good
34 neighbor notice is provided pursuant to this section, a
35 Participating Organization has an obligation to update the
36 information which the City has on file for its authorized
37 representative.

38
39 Related applications: area wide and parcel rezonings, special use-
40 2, variance, right of way vacation, design exception-2, request for
41 review, formal decision of zoning administrator and HPC
42 applications.

43
44 (2) *Posted notice.*

45 a. The applicant shall post notice of the public hearing on a sign
46 located ~~on~~ at or near the front of the subject property, adjacent to

1 and visible from the street or public right of way and not within a
2 building or obstructed by any site feature, no less than thirty (30)
3 days and, no more than sixty (60) days prior to the public hearing.
4 If the property maintains two (2) or more street frontages, at least
5 one (1) sign must be posted per property frontage.

- 6 b. The sign, which may be metal or other substance in a format
7 provided by the zoning administrator, must be at least eighteen
8 (18) inches by twenty-four (24) inches upon which shall appear
9 and must clearly identify the day, month, and year of the public
10 hearing; the scheduled time and location of the public hearing; the
11 nature or degree of the request including type of application and
12 potential uses (e.g. rezoning, special use, variance etc).

13
14 Related applications: area wide and parcel rezonings, special use-2,
15 variance, right of way vacation, design exception-2, request for review,
16 formal decision of zoning administrator, HPC applications.

17
18 (3) *Affidavit of Compliance with Supplemental Notice Requirements.* The
19 applicant shall file proof that the Supplemental Notice requirements have
20 been met by filing an Affidavit of Compliance with the City Clerk or other
21 appropriate official on a form of affidavit provided by the City. The
22 Affidavit of Compliance (which includes the Affidavit along with the
23 required documents) shall be filed with the City Clerk or other applicable
24 official not less than fifteen (15) days prior to the scheduled public
25 hearing. The Affidavit of Compliance shall state that the applicant has
26 complied with all applicable Supplemental Notice requirements. The
27 following documents shall be attached to the Affidavit of Compliance:

- 28 a. The certificate of mailing to the property owner and/or
29 participating neighbors;
30 b. The ad valorem tax roll list of Property Owners and/or
31 Participating Neighbors who where provided notice of the
32 application. The official list obtained from the Hillsborough
33 County Property Appraiser's office, in the format provided by the
34 Hillsborough County Property Appraiser's office and including the
35 dated surrounding property owners map upon which the list is
36 based, shall be considered the most current ad valorem tax roll, so
37 long as the list has been produced no more than six (6) months
38 prior to the date of the filing the pending application;
39 c. A copy of the mailed notice letter;
40 d. Two photographs of the posted sign which clearly shows the
41 language on the posted sign and two photographs which clearly
42 shows the location where the sign is posted on the subject
43 property; and
44 e. The list of participating organizations which were provided good
45 neighbor notice, including the mailing address and authorized
46 representative.

1
2 (4) Failure to Perfect Supplemental Notice. If the applicant fails to provide
3 supplemental notice in accordance with this section prior to the public
4 hearing on the Land Development Decision or if the applicant fails to
5 timely file the complete Affidavit of Compliance, then the public hearing
6 shall be cancelled and reset, as a new application pursuant to the
7 applicable scheduling procedure to allow compliance with the notice
8 requirements.

9
10 (5) Public Notice for Continued Public Hearings and Amended Applications.

11 a. Continued Public Hearings. Supplemental notice shall not be
12 required for a public hearing which is continued by motion or lack
13 of quorum after the date and time of the scheduled public hearing
14 However, City Council may require the applicant to provide
15 additional notice as a condition of granting a continuance request.

16 b. Amended Application for Purposes of Notice. Before the public
17 hearing, application may be amended to correct an error or
18 omission or to increase the legal boundary of the land, to add new
19 uses and/or adds a more intense zoning application. If this
20 amendment requires readvertisement of the notice of public
21 hearing, the applicant shall pay an amendment fee, as established
22 by resolution of the city council, to cover the cost and expenses as
23 a result of the amendment at the time the amendment is filed. If
24 notice was not perfected in accordance with this section the
25 applicant shall be required to amend his application and pay an
26 amendment fee. An amended application shall be rescheduled to a
27 date which will provide for compliance with the Statutory and
28 Supplemental notice requirements provided pursuant to the
29 Section. The applicant shall be responsible for renotification of the
30 amended application.”

31
32 Section 14. That “Sec. 27-545 Definitions.” is hereby amended by adding
33 the underlined terms and language in alphabetical order as follows:

34
35 “**Sec. 27-545. Definitions.**

36
37 **Land Development Decisions.** Those decisions which require a public hearing prior to a
38 decision being rendered including an amendment to the Tampa Comprehensive Plan
39 future land use map, a parcel or area rezoning, a special use application, a variance
40 application, a petition to review, a request for vacation of rights-of-way, or a HPC
41 application as defined in Chapter 27-331.

42
43 **Participating Organization.** An organization that has an interest in Land Development
44 Decisions made within the City of Tampa. In order to qualify as a Participating
45 Organization, the organization must either be (1) an Officially Registered Neighborhood
46 Association with the City of Tampa Neighborhood and Community Relations office or

1 (2) after March 31, 2011, an incorporated not for profit entity or condominium
2 association as evidenced by a valid certificate of status issued by the Department of State.
3 A Participating Organization must appoint an authorized representative to receive mailed
4 notice and to act on behalf of the Participating Organization. Applications for Land
5 Development Decisions filed prior to March 31, 2011 shall only be required to provide
6 good neighbor notice to Officially Registered Neighborhood Associations.”

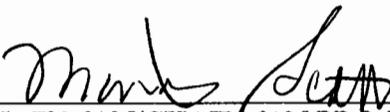
7
8 **Section 15.** That should a court of competent jurisdiction declare any part of
9 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
10 such determination as to the invalid part.

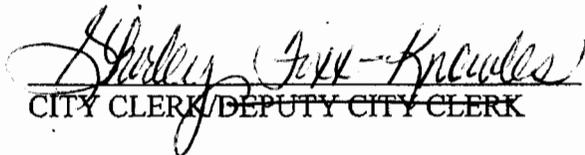
11
12 **Section 16.** That all ordinances or parts of ordinances in conflict herewith are
13 hereby repealed to the extent of any conflict.

14
15 **Section 17.** That this ordinance shall take effect on February 1, 2011.

16
17 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
18 TAMPA, FLORIDA, ON JAN 20 2011.

19
20 ATTEST:

21
22 
23 _____
24 CHAIRMAN/CHAIRMAN PRO-TEM
25 CITY COUNCIL

26
27 
28 _____
29 CITY CLERK/DEPUTY CITY CLERK

30
31 APPROVED BY ME ON JAN 21 2011

32
33 
34 _____
35 PAM IORIO, MAYOR

36
37 APPROVED AS TO LEGAL
38 SUFFICIENCY BY:

39
40
41 E/S
42 _____
43 JULIA MANDELL COLE
44 SENIOR ASSISTANT CITY ATTORNEY

45 K:/Debbie/Ordinances/Chapter27/Ordinance – Notice Provisions_12.16.10 without posted notice monitoring