

ORDINANCE NO. 2008-_____

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING); AMENDING SECTION 27-153, RESERVED; AMENDING SECTION 27-272, REGULATIONS GOVERNING INDIVIDUAL SPECIAL USES; AMENDING SECTION 27-437, DISTRICT AND SUBDISTRICTS ESTABLISHED; PROCEDURES FOR REZONING; AMENDING SECTION 27-438, OFFICIAL SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL USES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Tampa directed the Land Development Coordination office to complete the following amendments to Chapter 27, Code of Ordinances.

WHEREAS, the Hillsborough County City-County Planning Commission conducted a public hearing on this ordinance and made a finding on August 11, 2008 that it is _____ with the Tampa Comprehensive Plan;

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

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

NOW, THEREFORE,

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

Section 1. That "Sec. 27-153. Reserved." is hereby amended by adding the underlined language and deleting the stricken language as follows:

"Sec. 27-153. Reserved Transfer of development rights program.

(a) Intent. The transfer of the development rights program ("TDR") allows the transfer of unused development rights from properties which are intended to be preserved to designated receiving areas. The TDR program uses market forces to pay for preservation of historic buildings by allowing developers the right to

1 acquire development rights that can be used to increase development at a suitable
2 location.

3
4 (b) Eligibility. The TDR program shall apply to eligible Sending Sites that have
5 received a designation pursuant to Section 27-231.3. Eligibility is determined by
6 the Historic Preservation Manager and prior to the issuance of a Certificate of
7 Transfer, a site is subject to the following criteria:

- 8
9 (1) Designation as a historic property pursuant to Section 27-231.3;
10 (2) Completion of renovation up to Secretary of Interior standards and
11 compliance with Section 27-222;
12 (3) Issuance of a certificate of occupancy.

13
14 (c) Certificate of Availability. Once the eligibility of the sending site is established, a
15 site is eligible to receive a Certificate of Availability, as issued by the zoning
16 administrator or designee, which reflects the development rights available for
17 transfer from the sending site.

18
19 (d) Certificate of Transfer. Once a Certificate of Availability has been issued and a
20 Receiving Site has been identified, the zoning administrator or designee may
21 approve the Certificate of Transfer, which shall be numbered and shall be
22 recorded with the Clerk of the Circuit Court. The certificate shall reflect the
23 development rights being transferred.

24
25 (e) Enforcement through restrictive Covenant of Zoning. Prior to issuance of a
26 certificate of transfer, a restrictive covenant approved by the city in form and
27 content shall be executed and recorded in the public records (the TDR restrictive
28 covenant). The TDR restrictive covenant shall describe the adjusted development
29 rights of the sending site. Such restrictive covenants shall run with the land, shall
30 be binding on successors, heirs and assigns, and shall require the joinder of all
31 mortgagees of record.

32
33 (f) Destruction of property. If a structure located on a property with adjusted
34 development rights is destroyed, the property may only be redeveloped to the
35 extent of the adjusted development rights as recorded in the TDR restrictive
36 covenant.

37
38 (g) Calculation of development rights.

- 39
40 (1) Sending site. The amount of development rights that can be transferred
41 from an eligible sending site is calculated by multiplying the base
42 dimensions of the property, minus minimum zoning district setbacks,
43 multiplied by the number of stories (by a rate of 1-story = 10' in building
44 height) allowed in the base zoning, minus the total square footage of the
45 structure located on the property. The amount shall not include the

1 calculation of any overlay incentive or other "additional height" program.
2 For example:

3
4 **TABLE INSET:**

5
6 Table 6-2 (Example):

7

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

8
9 (2) Receiving site. The maximum amount of development rights that a
10 receiving site can incorporate is limited by the maximum building height
11 in stories (at a rate of 1-story = 10' in building height). For example:

12
13 **TABLE INSET:**

14
15 Table 6-3 (Example):

16

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

17
18 (i) Sale, assignment, or transfer of development rights after issuance of certificate of
19 transfer. The sale, assignment or transfer of development rights after issuance of
20 a certificate of transfer is permitted so long as a valid certificate remains in
21 compliance with this section."

22
23 **Section 2.** That "Sec. 27-272. **Regulations governing individual special**
24 **uses."** is hereby amended by adding the underlined language as follows:
25

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

2
3 Transfer of Development Rights Receiving Site:

- 4
5 (a) Must have received a Certificate of Transfer that identifies the amount of
6 entitlements eligible to be transferred pursuant to Section 27-153;
7
8 (c) Must provide the zoning administrator or designee a recorded restrictive Covenant
9 of Zoning for the Sending Site;
10
11 (d) Must comply with the provisions of Section 27-153;
12
13 (e) All parcels receiving an S-1 permit under this section shall be required to comply
14 with Article XVIII, notwithstanding previous review under that provision;
15
16 (f) Waivers. No waivers of the specific standards set forth above shall be permitted.

17
18 **Section 3.** That **“Sec. 27-437. District and subdistricts established;**
19 **procedures for rezoning.”** is hereby amended by adding the underlined language and
20 deleting the stricken language as follows:

21
22 **“Sec. 27-437. District and subdistricts established; procedures for rezoning.**

- 23
24 (a) Established; boundaries. The central business district (CBD) is hereby established
25 as a separate district with subdistricts therein. The boundaries of the CBD are as
26 follows:

27
28 An area within downtown Tampa which is generally located south of Interstate
29 275, west of the CSX Railroad and Nebraska Avenue, north of Garrison Channel,
30 and east of the Hillsborough River, and more particularly described as follows:
31 An area bounded on the west by the Hillsborough River; on the north beginning at
32 the Hillsborough River and extending east along the south boundary of Interstate
33 275 to Scott Street to the west boundary of Central Park Village Housing Project;
34 thence easterly along the southern boundary of the Central Park Village Housing
35 Project to the easterly boundary of Nebraska Avenue; thence southeasterly to the
36 southwest corner of Twiggs Street and Meridian Avenue; thence southerly along
37 the west boundary of Meridian Avenue to the north right-of-way boundary of
38 Platt Street; thence westerly along the north boundary of Platt Street, a distance
39 approximately two hundred fifty (250) feet to the west boundary of the CSX
40 Railroad right-of-way; thence southerly along the CSX Railroad right-of-way to
41 Garrison Channel; and bounded on the south by Garrison Channel to the
42 Hillsborough River.

- 43
44 (b) Subdistricts established. The following CBD zoning subdistricts shall be the only
45 zoning districts permitted within the CBD:
46

1 (1) CBD-1. This zoning subdistrict is appropriate for CBD projects and areas
 2 with low- to mid-rise structures. However, through the approval of an S-1
 3 Permit, high-rise structures may be allowed, subject to provisions set forth
 4 in this article, Section 27-153, and Article XI.

5
 6 (2) CBD-2. This zoning subdistrict is appropriate for CBD projects and areas
 7 with high-rise structures.

8
 9 (c) Procedures for rezoning to CBD subdistricts.

10
 11 (1) A property owner requesting a rezoning to CBD-1 shall be governed by
 12 the parcel rezoning procedures set forth in Article XVI of this chapter.

13
 14 (2) A property owner requesting a rezoning to CBD-2 shall be governed by
 15 the parcel rezoning procedures set forth in Article XVI of this chapter, the
 16 site-plan review procedures set forth in section 27-323 and the provisions
 17 of sections 27-440 and 27-441, design approval and regulations.

18
 19 **Section 4.** That “**Sec. 27-438. Official schedule of permitted principal,**
 20 **accessory and special uses.**” is hereby amended by adding the underlined language and
 21 deleting the stricken language as follows:

22
 23 **“Sec. 27-438. Official schedule of permitted principal, accessory and special uses.**

24
 25 (b) Uses listed in Table 18-1 as special uses may be established in the CBD only after
 26 approval of an application for a special use permit in accordance with the
 27 procedures and requirements in Article XI of this chapter.

28
 29 **TABLE 18-1**
 30 **SCHEDULE OF PERMITTED PRINCIPAL, ACCESSORY AND SPECIAL**
 31 **USES***

32

*Legend:	
X	= Permitted principal use
S1	= Special use—Zoning administrator review
S2	= Special use--City council review
A	= Permitted accessory use

33

	Zoning Subdistrict	
	CBD-1	CBD-2
Use ⁹		

34

1 ¹Off-street parking as a principal use (i.e., freestanding parking structure) and surface
2 parking lots are not permitted in the Waterfront Overlay District or the Franklin Street
3 Retail District (refer to section 27-441, Development Design Regulations); however
4 temporary waterfront surface parking lots, as defined in section 27-523, may be permitted
5 as set forth above.

6 ²Both special event and interim surface parking lots are prohibited in the Waterfront
7 Overlay District per Section 27-441.

8 ⁴See section 27-246.1(b) for special event parking regulations.

9 ⁵See section 27-246.1(a) for interim parking regulations.

10 ⁶See Section 27-150 for regulations applicable to Temporary Film Production.
11 Additionally, the Section 27-130 buffer requirements shall not apply to this use.

12 ⁷ Refer to Articles XI Special Use Permits and XXII Alcoholic Beverages for applicable
13 provisions.

14 ⁸ A separate special use application process shall be required in order to make alcohol
15 sales from this use classification, subject to the provisions in this chapter

16 ² Use of Transfer of Development Rights may be considered in any district, with the
17 exception of the Cultural Arts District and the Riverfront District, and shall be processed
18 as an S-1.

19
20 **Section 5.** That “**Sec. 27-439. Official schedule of dimensional**
21 **regulations.**” is hereby amended by adding the underlined language and deleting the
22 stricken language as follows:

23
24 **“Sec. 27-439. Official schedule of dimensional regulations.**

25
26 Except as otherwise specifically provided in this Code, the minimum lot size and width,
27 minimum required setbacks, maximum height and maximum density shall be as shown in
28 Table 18-2, Schedule of Dimensional Regulations.

29
30 **TABLE 18-2**
31 **SCHEDULE OF DIMENSIONAL REGULATIONS**
32 **TABLE INSET:**
33

District	Lot Size Area/Width	Required Yards Front/Side/Rear	Height	FAR
CBD-1	N/A	N/A ¹	<u>S-1⁶</u> / 120 ft ³	N/A
CBD-2	SP/SP ⁴	SP/SP/SP ^{1,4}	<u>S-1⁶</u> /SP ^{2,3,4}	SP ⁴

34
35 Notes:

36
37 SP=as per city council approved site plan

38 N/A=not applicable

39
40 ¹Property located within the waterfront overlay district shall have a building/structure
41 setback of twenty-three feet from the water's edge, as measured from the waterside face
42 of the bulkhead.

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

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

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

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

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

16
17 **Section 6.** That should a court of competent jurisdiction declare any part of
18 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
19 such determination as to the invalid part.

20
21 **Section 7.** That all ordinances or parts of ordinances in conflict herewith are
22 hereby repealed to the extent of any conflict.

23
24 **Section 8.** That this ordinance shall take effect on October 15, 2008.
25
26

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

3
4 ATTEST:

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

10
11 _____
12 CITY CLERK/DEPUTY CITY CLERK

13
14 APPROVED BY ME ON _____

15
16
17 _____
18 PAM IORIO, MAYOR

19
20
21 APPROVED AS TO LEGAL
22 SUFFICIENCY BY:

23
24
25 _____ E/S _____
26 JULIA MANDELL COLE
27 SENIOR ASSISTANT CITY ATTORNEY

28
29 K:/Debbie/Ordinances/Chapter27/TDR ord comp changes – 7-21-08v3