



CITY OF TAMPA

Bob Buckhorn, Mayor

Planning and Development Department

DATE: April 16, 2015

TO: THE HONORABLE FRANK REDDICK, CHAIR, AND MEMBERS OF CITY COUNCIL

FROM: Catherine M. Coyle, Planning & Urban Design Manager / Zoning Administrator

RE: Proposed Ordinance Amending Sections 27-60 Alternative Design Exception, 27-127 Special Use Permits, 27-138 Review Procedure (Substantial Change Review), and 27-149 Public Notice

Pursuant to City Council direction, the proposed text amendments related to Sections 27-60 Alternative Design Exception, 27-127 Special Use Permits (general procedure), and 27-149 Public Notice (refer to attached proposed Ordinance), were transmitted to the Hillsborough County City-County Planning Commission for recommendation. The Planning Commission voted unanimously to recommend approval of the proposed text changes, thus the current code text and proposed changes have been placed on Ordinance format for City Council consideration of approval and adoption.

Summary of Proposed Changes:

- Section 27-60 Alternative Design Exception

Establish specific limits and criteria for alternative design exception; limits in alternative design exception-2 set according to Planning District adopted in Comprehensive Plan

- Section 27-127 Special Use Permits (general procedure)

Add requirement for public notice to Special Use-1 permits (mailed notice letters to “participating neighbors” and “participating organizations”)

- Section 27-138 Review Procedure (site plan zoning districts)

Add requirement for public notice to Substantial Change Reviews for Site Plan Districts (mailed notice letters to “participating neighbors” and “participating organizations”)

- Section 27-149 Public Notice (general procedure)

- o Allow property owner lists and parcel map for public notice to be retrieved in person from Property Appraiser’s office **OR** from Property Appraiser’s online GIS database
- o Update references to public notice requirements for Special Use-1 permits and Substantial Change Reviews
- o Add language related to “failure to perfect supplemental notice” for administrative approvals

For reference, City Council Motions directing these changes are as follows:

November 13, 2014 Agenda

File No. E2014-8 CH 27 - (Verbal presentation presented by Catherine Coyle, Manager of Planning & Urban Design Division)

Motion: (Montelione-Suarez) That Council approves the changes proposed by Catherine Coyle, Manager of Planning & Urban Design Division, in the proposed amendments to Section 27-60 with the exceptions of public notice that required the removal of the public notice for Design Exception one (1). **Motion carried with Miranda and Reddick being absent.**

File Nos. E2012-8 CH 27, E2013-8 CH 6, and E2014-8 CH 27– (Verbal presentations by Catherine Coyle, Manager of Planning & Urban Design Division; Senior Assistant City Attorney Rebecca Kert and City Attorney Julia Mandell, Legal Department)

Motion: (Montelione-Capin) That Council approves the changes to the process regarding, “Public Notice Amendments Section 27-149(c), allowing petitioners to access the Hillsborough County Property Appraiser's website to pull information electronically as opposed to physically having to go to the office. **Motion carried with Suarez being absent at vote, Miranda and Reddick being absent.**

December 4, 2014 Agenda

File Nos. E2012-8 CH 27, E2013-8 CH 6, and E2014-8 CH 27 **(Cohen and Montelione voting no)**

Motion: (Mulhern-Reddick) That Council adopts language adding a notice requirement for Substantial Change and Special Use-1. **Motion carried with Cohen and Montelione voting no. [Note: Motion required amendments to Secs. 27-127 and 27-138]**

December 2014/January 2015 Planning Commission Public Hearings

Commission voted to recommend approval for all proposed changes.

Planning & Urban Design Staff will be in attendance during any associated public hearings for approval and adoption of the proposed Ordinance.

Should you have any questions, please contact me directly at (813) 274-7702.

Kindest Regards,
Catherine M. Coyle

xc: Dennis Rogero, Chief of Staff
Julia C. Mandell, City Attorney
Shirley Foxx-Knowles, City Clerk
Bob McDonough, Economic Opportunity Administrator
Jake Slater, Neighborhood Empowerment Administrator
Thomas R.P. Snelling, Planning & Development Director
Rebecca M. Kert, Senior Assistant City Attorney
Martin Shelby, City Council Attorney

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, **RELATING TO ALTERNATIVE DESIGN EXCEPTION CRITERIA, PUBLIC NOTICE FOR CERTAIN ADMINISTRATIVE PROCESSES, AND PUBLIC NOTICE INFORMATION RETRIEVAL METHOD**, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING AND LAND DEVELOPMENT); AMENDING SECTION 27-60, ALTERNATIVE DESIGN EXCEPTION; AMENDING SECTION 27-127, CLASSES OF SPECIAL USE PERMITS; AGENT OR BODY RESPONSIBLE FOR EACH GENERAL PROCEDURE; AMENDING SECTION 27-138, REVIEW PROCEDURE; AMENDING SECTION 27-149, PUBLIC NOTICE REQUIREMENTS FOR LAND DEVELOPMENT DECISIONS AND TEXT AMENDMENTS TO THE LAND DEVELOPMENT CODE; 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 Planning and Development Department to complete the following amendment to Chapter 27, Code of Ordinances; and,

WHEREAS, the Hillsborough County City-County Planning Commission conducted a public hearing on applicable language contained in this ordinance and made a finding that the proposed language is consistent with the Tampa Comprehensive Plan; and,

WHEREAS, the City Council of the City of Tampa has determined that the following amendment promotes and protects 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. 27-60. Alternative design exception.”** is hereby amended by adding the underlined language and deleting the stricken language as follows:

“Sec. 27-60. - Alternative design exception.

- (a) The zoning administrator is hereby authorized to grant administrative exceptions from the strict application of this chapter and any associated land development regulations as set forth in this section, subject to the limitations described in this section. The process is specifically intended to promote high standards of site design, and to provide flexibility in the administration of standards in recognition of site-specific conditions, and to establish conditions to ensure compatibility where standards are modified.
- (b) Prior to submitting an application for an alternative design exception, the applicant must schedule a pre-application meeting with the zoning administrator or designee, the urban design coordinator, or other appropriate city staff as needed, in order to determine the scope of the request and what documentation will be necessary to support the application.
- (c) Types of applications. Applications for alternative design exception are classified as follows:
- (1) *Design exception-1:* Applications for minor design changes ~~based on residential or commercial~~ related to the following (refer to respective code criteria for requirements):
- a. Article III, Division 2 Special Districts (design standards);
 - b. Article IV Overlay Districts overlay (design standards);
 - c. Article VI Supplemental Regulations (e.g. fence height, framing, and orientation, alternative buffering and screening, parking and loading, signs); and,
 - d. Other such minor changes to design oriented requirements of this code, all within the limits set forth in their respective sections of this code.
- (2) *Design exception-2:* Applications for minor changes to building setback and height limitations, ~~within the limits set forth in the respective sections of this code~~ as follows:-

<u>Code Section, Table</u>	<u>Planning District [1]</u>	<u>General Limitations [2]</u>
<u>Sec. 27-156(c), Table 4-2</u>	<u>New Tampa</u>	<u>-Up to 10% for front, corner, rear yard</u>
	<u>South Tampa</u>	<u>-Up to 1' for side yard</u>
	<u>Westshore</u>	<u>-Up to 10% for building height</u>
	<u>University</u>	<u>-Up to 25% for front, corner, rear yard</u>
	<u>Central Tampa</u>	<u>-Up to 1' for side yard</u>
		<u>-Up to 10% for building height</u>

[1] Refer to Tampa Comprehensive Plan, “Tampa Vision Map Series: City Form Map,” for district boundaries.

[2] Refer to sec. 27-156(c), Table 4-2 “Notes”, which in certain circumstances may allow for variations to the general limitations stated above.

- 1 (d) General requirements. An applicant shall provide a complete application and
2 applicable fee to the zoning administrator for review and determination, which
3 shall include all information contained in this section. All alternative design
4 exception applications shall include documentation sufficient to justify the
5 request. In addition, an application for an alternative design exception shall
6 address the following issues, as applicable:
7 (1) Description:
8 a. Project description (general information, typical section, etc.);
9 b. Description of alternative design exception (specific project
10 conditions related to alternative design exception, controlling
11 design element, and proposed cost for project);
12 c. The compatibility of the design and operation; and
13 d. If the project is in an overlay or historic district, applicable City of
14 Tampa Code of Ordinance provisions or design standards.
15 (2) Analyses (narrative and visual depiction) related to:
16 a. Dimensional standards of underlying zoning classification;
17 b. Buffer area and materials proposed;
18 c. Parking counts, layout/function, demands for specific use;
19 d. Amount and character of traffic using facility; and
20 e. Design concept and relationship to intent of applicable overlay
21 requirements.
22 (3) If applicable, the alternative design exception application shall also
23 contain a recommendation by the professional engineer responsible for the
24 project design elements, unless the zoning administrator determines that
25 such a recommendation is not necessary given the scope of the request.
26
27 (e) General process. Applications for alternative design exception, shall be processed
28 as follows:
29
30 (1) The applicant shall file a complete application, including any
31 supplemental documentation, with the zoning administrator or designee.
32
33 (2) Public notice required for alternative design exception-2. ~~Applications for~~
34 ~~design exception-2:~~ Upon receipt of a complete application for an
35 alternative design exception-2 and payment of the appropriate fee, the
36 zoning administrator shall direct the applicant to provide public notice.
37 The procedures for required public notice shall be governed by section 27-
38 149, with supplemental notice provided per sections 27-149(c)(21)
39 (mailed notice) and (c)(23) (~~postal notice~~ affidavit of compliance).
40 ~~Per section 27-149(c)(3), the applicant shall file the required affidavit of~~
41 ~~compliance with the zoning administrator.~~
42
43 (3) The zoning administrator or designee, upon review of the application, may
44 request additional information from the applicant related to the request or
45 applicable criteria.
46

1 ~~(4) The zoning administrator or designee shall grant or deny the request~~
2 ~~within fifteen (15) working days of the filing of the complete application,~~
3 ~~the affidavit of compliance pursuant to (2) above, and all appropriate and~~
4 ~~necessary documents and supplemental information provided pursuant to~~
5 ~~(1) and (3) above.~~

7 (4) Time frames for alternative design exception review by the zoning
8 administrator.

9 a. Alternative design exception-1: The zoning administrator or
10 designee shall grant or deny the request within thirty (30) working
11 days of receipt of the complete application and payment of the
12 associated fee.

13 b. Alternative design exception-2: The zoning administrator or
14 designee shall grant or deny the request within thirty (30) working
15 days of receipt of the complete application and payment of the
16 associated fee, but no less than fifteen (15) days after the filing of
17 the affidavit of compliance and issue the associated written
18 determination no less than fifteen (15) working days after the filing
19 of the complete application, the affidavit of compliance pursuant to
20 (2) above, and all appropriate and necessary documents and
21 supplemental information provided pursuant to (1) and (3) above.

23 (5) In reviewing the application, the zoning administrator shall apply the
24 following criteria:

25 a. That the exception neither interferes with the rights of others as
26 provided in this chapter, nor is injurious to the public health, safety
27 or general welfare; and

28 b. That the exception provides a reasonable allowance of use under
29 the specified circumstances of each application; and

30 c. That the exception achieves the general intent of this chapter and
31 the Tampa Comprehensive Plan; and

32 d. That the exception is the minimum possible exception under
33 specific circumstances; and

34 e. The approval of the exception of standards includes conditions of
35 approval as necessary to ensure that the adjustment granted does
36 not constitute a grant of special privileges inconsistent with the
37 limitations upon other properties in the vicinity and within the
38 same zoning district; and

39 f. The exception is consistent with any applicable specific plans in
40 place for the subject property; and

41 g. That a Design Exception-2 request clearly demonstrates that the
42 exception is warranted due to unique circumstances of the
43 property, such as:

44 i. Location of existing protected or grand trees;

45 ii. Location of existing buildings or structures;

46 iii. Existing property elevations (grades); or

iv. Other unique, existing physical conditions of the property (above or below grade) that are otherwise protected from or limited for alteration, due to other applicable development regulations.

(6) An exception of standards to the site planning or development standards of this code in compliance with this section is allowed, based on the findings that the exception is necessary to accomplish a reasonable accommodation of the needs of a disabled person, in compliance with the Americans with Disabilities Act.

(7) The zoning administrator may impose reasonable conditions upon any exception to ensure that the public health, safety and general welfare are protected and substantial justice is done. A violation of any imposed conditions shall be a violation of this chapter.

(8) An approved alternative design exception shall be valid for a period of one (1) year from the approval date, during which the property owner must begin the associated development/construction work. If no development/construction activity occurs on the land related to the approved exception within the one-year period, the approval shall expire.”

Section 2. That “**Sec. 27-127. - Classes of special use permits; agent or body responsible for each general procedure.**” is hereby amended by adding the underlined language and deleting the stricken language as follows:

“Sec. 27-127. - Classes of special use permits; agent or body responsible for each general procedure.

(a) Two (2) classes of special use permits are hereby established: those dealing with uses, occupancies and activities ~~of a temporary nature or likely to that may have small limited, identifiable, and easily mitigated adverse impacts through strict compliance with specified use criteria, but potentially adverse impacts on adjacent and nearby properties~~ and those with potentially substantial effects on surrounding properties, neighborhoods, and/or the city.

(b) Classes of special permits, the agent or body responsible for each and general provisions regarding the procedure are as follows:

(1) S-1 special use permits; administered by zoning administrator; ~~no formal public notice or hearing.~~ It is intended that S-1 permits be required in relation to certain ~~temporary~~ uses and occupancies or where specified uses or characteristics of use ~~could~~ may have adverse effects on adjacent properties unless special requirements are met.

a. Administration by zoning administrator. The zoning administrator shall be responsible for the administration, processing, review and

determination on applications for S-1 special use permits. Recommendations from other departments or agencies may be requested by the zoning administrator ~~where~~ when necessary to establish conditions or to establish compliance with the conditions.

b. Time frames for S-1 special use permit review by the zoning administrator.

i. The zoning administrator, or any department or agency requested to review the S-1 special use application, shall review and issue a written determination within thirty (30) working days of receipt of the complete application and payment of the associated fee, but no less than fifteen (15) days after the filing of the affidavit of compliance pursuant to (1)c. below. The review and determination period may be extended at the request of the applicant an additional fifteen (15) working days. If the application is in conformity with the terms and requirements of this chapter or if specified conditions and safeguards as provided for under section 27-130, if attached, would result in such conformity, the zoning administrator shall grant the special use permit with the necessary safeguards and conditions. If the application is not in conformity with the terms and requirements of this chapter, or if the applicant will not comply with any specified conditions as provided for under section 27-130, the application shall be denied.

ii. Applications for temporary alcoholic beverage sales special use permits must be submitted at least five (5) working days prior to the date of the event. The zoning administrator shall review and issue a determination no less than one (1) working day prior to the date of the event. If an applicant does not meet the application submittal deadlines prescribed herein, the zoning administrator may consider an application filed after the submittal deadline as a request for an expedited review with payment for review at triple the fee of a standard review.

iii. Upon certification of the special use site plan and issuance of an approval for alcoholic beverage sales, the zoning administrator or designee shall issue an "AB conditions placard" to the applicant, which reflects the information required by section 14-150.1.1.

c. ~~No formal public notice or hearing~~ Public notice required. ~~Formal public notice and public hearing are not required and shall not be held in connection with the zoning administrator's review or determination of an application for an S-1 special use permit as provided for in this section.~~ Upon receipt of a complete application

1 for a special use-1 and payment of the appropriate fee, the zoning
2 administrator shall direct the applicant to provide public notice,
3 pursuant to section 27-149, with supplemental notice provided per
4 sections 27-149(c)(1) (mailed notice) and (c)(3) (affidavit of
5 compliance). ...
6

- 7 (c) All adult use special use permit applications shall be submitted and processed
8 under the procedures specified for S-1 special use permits, excluding public
9 notice requirements set forth in (b)(1)c. above, relating to constitutionally
10 protected first amendment activity.” ...
11

12 **Section 3.** That “**Sec. 27-138. - Review procedure.**” is hereby amended by
13 adding the underlined language and deleting the stricken language as follows:
14

15 **“Sec. 27-138. - Review procedure.**

16 Applications for all site plan zoning districts, specifically, Planned Development (PD),
17 Planned Development Alternative (PD-A), ~~RO, RO-1, CN Districts,~~ Central Business
18 District-2 (CBD-2), Ybor City (YC-9), Seminole Heights Planned Development (SH-
19 PD), and Channel District-~~32~~ (CD-~~32~~), shall be submitted and processed as zoning
20 amendments in accordance with the following requirements and procedures as set forth in
21 Article II, Div. 7:
22

- 23 (7) *Substantial changes; review procedure and criteria; public notice required.* Upon
24 receipt of a complete application for a substantial change review and payment of
25 the appropriate fee, the zoning administrator shall direct the applicant to provide
26 public notice, pursuant to section 27-149, with supplemental notice provided per
27 sections 27-149(c)(1) (mailed notice) and (c)(3) (affidavit of compliance).
28 Changes to an approved site development plan may be permitted by the zoning
29 administrator, with review and concurrence by the development review
30 committee, provided the changes are determined to be non-substantial. When a
31 proposed change meets or exceeds any of the following criteria, thereby
32 constituting a substantial change, such change shall be processed in like manner
33 as the original rezoning submittal. However, any amendment, change or alteration
34 required by permit conditions from any regulatory agency having jurisdiction over
35 the development shall be presumed not to be a substantial change provided that no
36 alternative solution is available. For the purposes of this article, a substantial
37 change shall be deemed to exist where: ...”
38

39 **Section 4.** That “**Sec. 27-149. Public notice requirements for land**
40 **development decisions and text amendments to the Land Development Code.**” is
41 hereby amended by adding the underlined language and deleting the stricken language as
42 follows:
43
44

1 **“Sec. 27-149. - Public notice requirements for land development decisions and text**
2 **amendments to the Land Development Code.**

3 (a) *Public notice generally.* For the purposes of compliance with public notice
4 requirements, the statutory notice requirements set forth in this section are
5 required in order to ensure a valid final action on land development decisions.
6 However, the City of Tampa recognizes the importance of community
7 involvement in land development decisions for which notice is not required
8 pursuant to Florida Statutes. In an attempt to facilitate such involvement, and to
9 provide courtesy notification of land development decisions to property owners
10 and residents in affected areas of the City of Tampa, and to other interested
11 parties and organizations, it is the intent of the section to provide a process for
12 supplemental notice. The failure to provide this supplemental notice required
13 herein shall not be construed to invalidate any final action on a land development
14 decision, if discovered after final action has been taken.

15
16 (b) *Statutory notice.* Statutory public notice for all land development decisions and
17 for text amendments to the Land Development Code, as defined in this chapter,
18 shall be provided for by the City of Tampa in compliance with the requirements
19 of applicable Florida Statutes, including but not limited to Section 166.041 and
20 the requirements of the City of Tampa Charter for the matter to be approved. All
21 public hearings will be scheduled in a manner consistent with Tampa City
22 Council Rules of Procedure and any other applicable provision of City of Tampa
23 Code of Ordinances. If there is ever a conflict between City of Tampa Code of
24 Ordinances and applicable Florida Statutes relative to notice, the provisions of
25 Florida Statutes shall prevail and apply, including all publication requirements.
26 The city council ~~shall~~ may, by resolution, adopt a schedule of fees to be paid in
27 connection with providing statutory notice.

28
29 (c) *Supplemental notice.* Supplemental public notice shall be provided for all land
30 development decisions as provided for below, unless another provision of City of
31 Tampa Code of Ordinance provides for different supplemental notice
32 requirements. For the purposes of this subsection, the term "applicant" shall also
33 include the "petitioner" in a review proceeding. If the city is pursuing the land
34 development decision, then the city shall be deemed the "applicant." If two (2)
35 public hearings are required, then supplemental notice must be provided prior to
36 the first public hearing.

37
38 (1) *Mailed notice.* The applicant shall send the required mailed notice not less
39 than thirty (30) days prior to the date of the public hearing on which the
40 application is scheduled. ~~Mailed notice will be provided based upon the~~
41 ~~date in which the application is accepted for processing.~~ The notice shall
42 identify the physical address of the subject property; the day, month, and
43 year of the public hearing; the scheduled time and location of the public
44 hearing; the phone number, address, and email address (if available) of the
45 applicant; and a description of land development decision requested

including type of application, nature or degree of request and potential uses, and other information as required by the ~~zoning administrator~~ city.

- a. *Property owner.* If the property owner for the land development decision is not the applicant, then the applicant shall mail notice to the property owner as listed in the most current ad valorem tax rolls. This notice shall be mailed by "certificate of mailing" through the United States Post Office to the property owner to the mailing address listed for the property owner, on the most current ad valorem tax rolls (per section 27-149(c)(3)(b) below).

Related applications: ~~areawide~~ rezonings, right of way vacationing, and HPC applications.

- b. *Good Neighbor Notice for Participating neighbors.* The applicant shall mail notice to each owners of real property located within two hundred fifty (250) feet of the subject property in all directions from the subject property line, including roads or streets, as listed in the most current ad valorem tax rolls ("participating neighbors"). This notice shall be mailed by "certificate of mailing" through the United States Post Office to the participating neighbors. Notice shall be mailed to the mailing address listed, if available, for the participating neighbors on the most current ad valorem tax rolls (per section 27-149(c)(3)(b) below).

Related applications: area ~~wide~~ and parcel rezonings, special use-1 and -2, variance, design exception-2, request for review, substantial change review for PD district, and formal decision of zoning administrator.

- c. *Good neighbor notice for participating organizations.*

- i. The applicant shall mail good neighbor notice to all the participating organizations registered within the neighborhood area in which the subject property is located; ~~and those participating organizations listed in the neighborhood area, which lies within two hundred fifty (250) feet, including roads and streets, in all directions from the subject property, as measured in subsection (1)(a) above.~~ This notice shall be mailed by regular mail to the address of the authorized representative of the participating organization. If the application is for a site plan zoning district or special use request, notice shall include with a copy of the most recently filed site plan.

- ii. To receive good neighbor notice as a participating organization, an organization shall provide at a minimum, in a format provided by the city, the name, mailing address, telephone number and electronic mail address (if available) of its authorized representative(s) and identify ~~which~~ the

neighborhood area(s) ~~that~~ for which the participating organization is requesting to receive good neighbor notice. Upon request of the city, a participating organization shall provide information showing that it qualifies as a participating organization, as defined in ~~Chapter 27 of this Code of Ordinances~~ sec. 27-43.

- iii. Registration as a participating organization shall be updated on an annual basis as of October 1 of each year. In order to ensure that good neighbor notice is provided pursuant to this section, a participating organization has an obligation to update the information ~~which~~ that the city has on file for its authorized representative.

Related applications: area ~~wide~~ and parcel rezonings, special use-1 and 2, variance, right of way vacationing, design exception-2, request for review, substantial change review for PD district, formal decision of zoning administrator, and HPC applications.

(2) *Posted notice.*

- a. The applicant shall post notice of the public hearing on a sign located on or near the front of the subject property, adjacent to and visible from the street or public right of way and not within a building or obstructed by any site feature, not less than thirty (30) days and, not more than sixty (60) days prior to the public hearing. If the property maintains two (2) or more street frontages, at least one (1) sign must be posted per property frontage.
- b. The sign, which may be metal or other substance in a format provided by the ~~zoning administrator~~ city, must be at least eighteen (18) inches by twenty-four (24) inches upon which shall appear and must identify the day, month, and year of the public hearing; the scheduled time and location of the public hearing; the nature or degree of the request including type of application and potential uses (e.g. rezoning, special use, variance etc).

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

- (3) *Affidavit of compliance with supplemental notice requirements.* The applicant shall file proof that the supplemental notice requirements have been met by filing an affidavit of compliance with the city clerk or other appropriate official on a form of affidavit provided by the city. The affidavit of compliance (which includes the affidavit along with the required documents) shall be filed with the city clerk or other applicable city official, not less than fifteen (15) days prior to the scheduled public hearing or issuance of a written administrative determination by the

1 applicable city official. The affidavit of compliance shall state that the
2 applicant has complied with all applicable supplemental notice
3 requirements. The following documents shall be attached to the affidavit
4 of compliance:

- 5 a. The certificate of mailing to the property owner and/or
6 participating neighbors;
- 7 b. The ad valorem tax rolls used for providing notice to property
8 owners and/or participating neighbors. The official list of property
9 owners and dated variance/buffer notice map upon which the list is
10 based, obtained from the Hillsborough County Property
11 Appraiser's office or via its official website/Web-based GIS
12 service, in the format provided by the Hillsborough County
13 Property Appraiser's office and including the dated variance map
14 upon which the list is based, shall be considered the most current
15 tax roll, so long as the list has been produced no more than six (6)
16 months prior to the date of the filing for the pending application;
- 17 c. A copy of the mailed notice letter;
- 18 d. Two (2) photographs of the posted sign, which clearly shows the
19 language on the posted sign and two (2) photographs, which
20 clearly shows the location where the sign is posted on the subject
21 property; and
- 22 e. The list of participating organizations ~~which~~ that were provided
23 good neighbor notice, including the mailing address and authorized
24 representative.

25
26 (4) *Failure to perfect supplemental notice.*

27 a. Public hearing-related supplemental notice. If the applicant fails
28 to provide supplemental notice in accordance with this section,
29 prior to the public hearing for ~~on~~ the land development decision, or
30 if the applicant fails to timely file the complete affidavit of
31 compliance, then the public hearing shall be cancelled and reset, as
32 a new application, pursuant to the applicable scheduling procedure,
33 to allow compliance with the notice requirements.

34
35 b. Written administrative determination-related supplemental notice.
36 If the applicant fails to provide supplemental notice in accordance
37 with this section, or if the applicant fails to file the complete
38 affidavit of compliance, then the written administrative
39 determination shall not be issued, until the applicant perfects the
40 supplemental notice and related application process timeframes
41 (i.e. open record period), as required by this section.

42
43 (5) *Public notice for continued public hearings and amended applications.*

44 a. *Continued public hearings.* Supplemental notice shall not be
45 required for a public hearing ~~which~~ that is continued by motion or
46 lack of quorum after the date and time of the scheduled public

1 hearing. However, city council may require the applicant to
2 provide additional notice as a condition of granting a continuance
3 request.
4

- 5 b. *Amended application for purposes of notice.* Before the public
6 hearing, the application may be amended to correct an error or
7 omission or to increase the legal boundary of the land, to add new
8 uses and/or adds a more intense zoning district to the application.
9 If this amendment requires re-advertisement of the notice of public
10 hearing, the applicant shall pay an amendment fee, as established
11 by resolution of the city council, to cover the cost and expenses as
12 a result of the amendment at the time the amendment is filed. If
13 notice was not perfected in accordance with this section the
14 applicant shall be required to amend his application and pay an
15 amendment fee. An amended application shall be rescheduled to a
16 date ~~which~~ that will provide for compliance with the statutory and
17 supplemental notice requirements, provided pursuant to theis
18 section. The applicant shall be responsible for re-notification of the
19 amended application.”
20

21 **Section 5.** That should a court of competent jurisdiction declare any part of
22 this Ordinance invalid the remaining parts hereof shall not, in any way, be affected by
23 such determination as to the invalid part.
24

25 **Section 6.** That all ordinances or parts of ordinances in conflict herewith are
26 hereby repealed to the extent of any conflict.
27
28

1 **Section 7.** That this ordinance shall take effect on June 1, 2015.
2
3

4 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
5 TAMPA, FLORIDA, ON _____.
6

7
8 ATTEST:
9

10
11 _____
12 CHAIRMAN/CHAIRMAN PRO-TEM
13 CITY COUNCIL
14

15
16 _____
17 CITY CLERK/DEPUTY CITY CLERK
18

19
20 APPROVED BY ME ON _____
21

22
23 _____
24 BOB BUCKHORN, MAYOR
25

26 APPROVED AS TO LEGAL
27 SUFFICIENCY BY:
28

29 _____E/S_____
30 REBECCA M. KERT
31 SENIOR ASSISTANT CITY ATTORNEY
32

33
34 K:/Debbie/Chapter 27/July 2014 Cycle/Secs27-60_27-127_27-138_27-149_04-20-2015_v3