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AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, **RELATING TO A PUBLICLY INITIATED TEXT AMENDMENT, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 27 (ZONING AND LAND DEVELOPMENT)**; AMENDING SECTION 27-147, AMENDMENT INITIATION; AMENDING SECTION 27-148, PROCEDURE FOR AMENDMENT APPLICATION; AMENDING SECTION 27-151, COMPREHENSIVE REVIEW OF LAND DEVELOPMENT CODE; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Section 27-151, City of Tampa Land Development Code, provides that text amendment requests for Chapter 27 (Zoning and Land Development) may be made by City Council, any city department, any public or quasi-public agency, or any member of the public during amendment cycles which fall on January 15 and July 15 of each calendar year; and

**WHEREAS**, during the July 15, 2021 amendment cycle, the City Council of the City of Tampa initiated amendments to Chapter 27; and

**WHEREAS**, the Hillsborough County City-County Planning Commission conducted a public hearing on the proposed amendments and made a finding that they are consistent with the Imagine 2040: Tampa Comprehensive Plan; and

**WHEREAS**, the City Council of the City of Tampa has determined that the proposed 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. RECITALS.** The Recitals set forth above are hereby adopted and incorporated into the body of this Ordinance as if fully set forth herein.

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**Section 2.** That **“Sec. 27-147. Amendment initiation.”** is hereby amended by adding the underlined language and deleting the stricken language as follows:

**“Sec. 27-147. ~~Amendment initiation.~~ Procedure for text amendments.”**

Subject to the limitations of the foregoing statement of intent, an amendment to this chapter may be initiated by:

- (1) The city council on its own motion; or
- (2) The code administrator; ;
- ~~(3) Application by any property owner or his or her agent or a citizen or his or her agent.~~

Such publicly initiated amendments to this chapter shall be processed in accordance with the cycles established in Section 27-151 and the schedule published by the Code Administrator.”

**Section 3.** That **“Sec. 27-148. Procedure for amendment application.”** is hereby amended by adding the underlined language and deleting the stricken language as follows:

**“Sec. 27-148. Procedure for area and parcel rezoning amendment applications.”**

~~(a) — Text amendments. Every application submission for amendments to this chapter shall contain the information described below. Additional material may be filed at the applicant's option.~~

- ~~(1) — The application shall be typewritten, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant.~~
- ~~(2) — It shall state the reason why such regulations, restrictions or boundaries should be amended, supplemented, changed or repealed, and shall include the existing code language and the proposed text changes for review.~~
- ~~(3) — It shall set out, if applicable, any alleged error in this chapter which would be corrected by the proposed amendment with a detailed explanation of such error in the ordinance and detailed reasons how the proposed amendment will correct such error.~~
- ~~(4) — It shall set out the changed or changing conditions, if any, in a particular area of the city generally which make the proposed~~

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~~amendment reasonably necessary to the promotion of the public health, safety and general welfare.~~

~~(5) It shall set out the manner in which the proposed amendment will carry out the intent and purpose of and provide conformance with the Tampa Comprehensive Plan.~~

~~(6) It shall set out all other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.~~

~~(7) The application shall be filed with the code administrator shall for presentation to the city council and referral to the appropriate city departments. Applications for all text amendments related to this chapter shall be processed on a semi annual basis. The code administrator shall develop and maintain a schedule for processing said amendments (see section 27-151).~~

~~(8) The applicant shall be responsible to pay a fee for the text amendment processing upon filing the application with the code administrator.~~

(a) *Area rezoning.* An area rezoning is deemed to mean any proposed change to the official zoning atlas which is initiated by:

- (1) The city council on its own motion; or
- (2) Application, by any person other than the owner of the property or his agent; or
- (3) Application, by any person or his agent, for a rezoning which involves ten (10) contiguous acres of land or more.

(4) Every application for an area rezoning filed under subsection (b) above shall contain the information described below. Additional material may be presented at the applicant's option:

- a. All items required in subsection (c)(1) and (2) below.
- b. A transportation analysis, prepared by a professional traffic engineer or approved by the city traffic engineer, when required, shall be submitted with all area rezoning applications. The analysis shall include the total trips generated by the rezoning and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates or other approved source shall be used as the basis for trip generation calculations.

(5) The applicant shall pay a fee, as established by the city council by resolution, which covers the city's cost and expense in connection

1 with the handling and processing of the zoning application. The fee  
2 shall be paid at the time of filing. No refund of the fee shall be made  
3 after the application is filed. However, by a majority, the city  
4 council may authorize the director of revenue and finance to  
5 refund the filing fee in any case where, due to administrative error  
6 and without applicant's fault, the rezoning application has been  
7 unnecessarily filed.

8 (6) Processing schedule.

9 a. Euclidean and site plan district area rezoning applications.

- 10  
11 1. Upon receipt of a complete application, the zoning  
12 administrator shall assign a tentative public hearing  
13 date. Upon the zoning administrator certifying that  
14 the application is complete. City council shall set the  
15 date and time for the public hearing by resolution.  
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17 2. Refer to (c)(4)a. below for processing procedures for  
18 Euclidean area rezoning applications.  
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20 3. Refer to (c)(4)b. below for processing procedures for  
21 site plan district area rezoning applications.

22 b. Transportation analysis (when required).

- 23 1. Prior to submittal of the application for rezoning,  
24 the applicant shall be required to meet with the  
25 transportation division, in order to define the  
26 appropriate methodology for the analysis.  
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28 2. The analysis is due upon submittal of the application  
29 and the transportation division shall have a  
30 minimum of thirty (30) days to review any analysis  
31 submitted in support of the application. Any  
32 revisions to an analysis may require additional  
33 review time beyond the initial thirty (30) day review  
34 period, unless otherwise determined by the director  
35 of public works.

36 c. If the applicant fails to comply with any of the requirements  
37 as set forth in section (b)(4)—(6) above, the applications  
38 shall be required to continue to a later public hearing date.  
39 The zoning administrator shall advise the city council of the  
40 next available public hearing date. Upon the zoning  
41 administrator certifying that the application is complete,  
42 city council shall set the date and time for the public hearing  
43 by resolution. For purposes of this subsection, "available  
44 public hearing date" means an agenda item position, on an

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evening city council agenda, that is open and available per city council's adopted Rules of Procedure.

City council, by unanimous vote, may elect to add additional agenda item positions on any evening city council agenda and shall pass a resolution scheduling a date and time for the area rezoning public hearing. In this event, the application must comply with the public notice requirements of section 27-149 and the final site development plan deadline per (6)a.3.i. above.

(7) *Adoption by city council.* Area rezonings shall be adopted in the same manner as parcel rezonings, subsection (c)(5) below.

(b) *Parcel rezonings: receipt of applications and associated documents.* Applications shall be filed with the zoning administrator. The zoning administrator shall receive, certify, and make recommendations on applications for rezoning, and once certified, shall transmit one (1) copy of the completed application to the city clerk for placement on the applicable city council agenda for public hearing. Every application for parcel rezonings shall contain, at a minimum, the information described below.

- (1) *Euclidean parcel rezoning.*
  - a. The application shall be typewritten, signed and sworn to by the applicant or his authorized agent and shall include the post office address of the applicant and the property owner.
  - b. It shall give an accurate legal description of the land involved, including street address, if any, and the names of all owners, mortgage holders, lienors and lessees.
  - c. It shall list all owners of the property which is the subject of the application, together with all owners of property within two hundred fifty (250) feet, including roads or streets, in any direction from the property line of the property which is the subject of the application, the names and addresses of all such owners to be obtained by reference to the latest ad valorem tax records.
  - d. It shall give the existing district zoning classification of the land and the district zoning classification to which it is desired a change be made.
  - e. It shall have attached a sealed survey, which contains boundary, topographic, and tree location information.

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f. Any other information, as required by the zoning administrator, that may be needed to certify the application.

(2) *Site plan district parcel rezoning.*

- a. All requirements noted in (c)(1) above.
- b. All requirements noted in section 27-138.

(3) The applicant shall pay a fee, as established by the city council by resolution, which covers the city's cost and expense in connection with the handling and processing of the zoning application. The fee shall be paid at the time of filing. No refund of the fee shall be made after the application is filed. However, by a majority vote, city council may authorize the director of revenue and finance to refund the filing fee in any case where, due to administrative error and without applicant's fault, the rezoning application has been unnecessarily filed.

(4) *Processing schedule.*

a. *Euclidean parcel rezoning applications.*

- 1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date.
- 2. For Euclidean parcel rezoning applications, attendance at a DRC meeting is not required.
- 3. The zoning administrator shall distribute the application to DRC and compile all its findings and recommendations into one (1) consolidated report. Said findings and recommendations shall be based on the DRC review of the application and transmitted to city council.

b. *Site plan district parcel rezoning applications.*

- 1. Upon receipt of a complete application, the zoning administrator shall assign a tentative public hearing date.
- 2. For site plan district parcel rezoning applications, the applicant or assigned agent shall be required to attend a development review committee (DRC) meeting, which shall be held approximately thirty (30) days following the application filing date.

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3. Final site plan is due to the zoning administrator no later than thirty (30) days following the scheduled DRC meeting date. The zoning administrator will redistribute the revised site plan to the DRC for any final comments to be incorporated into the consolidated report.

If the final site plan demonstrates substantial revision(s) from the site plan reviewed by DRC, the zoning administrator shall reassign the application to the next available public hearing date, as defined in (c)(4)d. below. If necessary, a new DRC meeting may be held. For purposes of this section, the zoning administrator shall deem a substantial revision to exist where:

- i. There is an increase of greater than five (5) percent in the total number of dwelling units; or,
- ii. There is an increase of greater than five (5) percent in the total floor area for non-residential and/or mixed use developments; or,
- iii. There is a decrease of five (5) percent or more of the acreage set aside for open space (unpaved); or,
- iv. There is a modification in the original design concept/site layout, such as a substantial change in relationships among land uses, addition of a permitted use not shown in the initially reviewed site plan, substantial change in traffic pattern or points of ingress or egress, and/or an increase of ten (10) percent in total external traffic generation based on previously submitted traffic generation figures; or,
- v. There is a change in design and location of the proposed stormwater facility that negatively impacts a surrounding residential neighborhood; or,
- vi. There are either cumulative or concurrent sub-threshold changes proposed that

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require review by two (2) or more DRC member agencies.

4. The zoning administrator shall distribute the application to DRC and compile all its findings and recommendations into one (1) consolidated report. Said findings and recommendations shall be based on the DRC review of the final site plan and transmitted to city council.

c. *Transportation analysis (when required).*

1. Prior to submittal of the application for rezoning, the applicant shall be required to meet with the transportation division, in order to define the appropriate methodology for the analysis.

2. The analysis is due upon submittal of the application and the transportation division shall have a minimum of thirty (30) days to review any analysis submitted in support of the application. Any revisions to an analysis may require additional review time beyond the initial thirty (30) day review period, unless otherwise determined by the director of public works.

d. If the applicant fails to comply with any of the requirements as set forth in (4) above, or submits a final site plan that demonstrates substantial revision(s), the zoning administrator shall reassign the application to the next available public hearing date. For purposes of this subsection, "available public hearing date" means an agenda item position, on an evening city council agenda, that is open and available per city council's adopted rules of procedure.

City council, per "City Council Rules of Procedure," may elect to add additional agenda item positions on any evening city council agenda, or may allow a position to be added on a day city council agenda. In this event, the zoning administrator may adjust the public hearing date for any application, so long as that application complies with the public notice requirements of section 27-149 and the final site development plan deadline per (2)(c) above.

(5) *Adoption by city council.*

a. *First reading public hearing.* The first public hearing shall be held concurrent with the first reading of the rezoning



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ordinance ("first reading public hearing"). If no revisions are required to the site plan, then city council shall proceed pursuant to (5)a.3. below. If revisions to the site plan are required, the following provisions apply:

1. *Minor site plan revisions.* If any minor revisions to the final site plan are necessary as a result of issues identified prior to or during the first reading public hearing, then those minor revisions shall be clearly articulated and approved by city council prior to the close of the first reading public hearing. Said approval thereby directs the applicant to correct those identified minor revisions prior to the second reading public hearing. Once the public hearing is closed, city council may read the ordinance, by title, for approval on first reading, and the following actions shall occur:
  - i. The revised final site plan with the approved minor site plan revisions shall be submitted to the zoning administrator no later than the end of business on the seventh (7th) calendar day prior to the second reading public hearing.
  - ii. If the applicant fails to comply with the submittal deadline in (1)a.i. above, then the second reading public hearing shall be continued a minimum of two (2) weeks or city council may consider the application based upon final site plan submitted to the zoning administrator.

For the purposes of this section, minor site plan revisions shall consist of those text and/or graphical changes to the site plan, which do not exceed the minimum thresholds set forth in the (4)b.3. above.

2. *Substantial site plan revisions.* If any substantial revisions to the final site plan are necessary as a result of issues identified prior to or during the first reading public hearing, then the first reading public hearing shall be continued a minimum of four (4) weeks, and the following actions shall occur:
  - i. The revised final site plan containing the substantial revisions shall be submitted to the zoning administrator no later than the

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end of business on the twenty-first (21st) calendar day prior to the continued first reading public hearing.

- ii. If the applicant fails to comply with the submittal deadline in (5)a.2.i. above, then the continued first reading public hearing shall be continued a minimum of two (2) weeks or city council may consider the application based upon final site plan submitted to the zoning administrator.

For the purposes of this section, substantial site plan revisions shall consist of text and/or graphical changes, which exceed the minimum thresholds set forth in the (4)b.3. above, or city council determines that additional time is necessary for further information to be presented to city council.

- 3. *First reading.* Upon the close of the first reading public hearing, city council shall either i. read the rezoning ordinance by title only or ii. vote to deny the application.

- b. *Second reading public hearing.* A second public hearing shall be held concurrent with second reading ("second reading public hearing"). The second reading public hearing shall be held no earlier than two (2) weeks following the first reading public hearing. Prior to the close of the second reading public hearing, the zoning administrator shall present the certified site plan to city council.

A certified site plan shall mean a site plan, which is stamped by the zoning administrator as the (revised) final site plan that includes all text and/or graphic revisions approved by city council at the first reading public hearing. Upon close of the second reading public hearing, city council shall either i. Read by title only and approve the rezoning ordinance or ii. vote to deny the application.

- c. The chairman of the city council and city clerk shall date and endorse the adopted, certified site plan, and the certified site plan shall be incorporated by reference into the ordinance and filed as a part of the official zoning records of the City of Tampa.

~~(c)~~ *Compliance with Tampa Comprehensive Plan.* No application for rezoning shall be accepted for filing by the zoning administrator unless the subject property is located completely within a Tampa Comprehensive Plan land use classification that allows consideration of the requested zoning

1 district. This review shall be based upon the adopted Tampa  
2 Comprehensive Plan. The zoning administrator may receive and process a  
3 rezoning application where the applicant establishes that a land use plan  
4 amendment is presently being processed by the appropriate land planning  
5 agency, which amendment, if approved, would allow consideration of the  
6 requested zoning district. However, the rezoning application may not be  
7 adopted until thirty (30) days after the land use plan amendment is  
8 adopted. Any fees paid by the applicant to process the rezoning application  
9 are forfeited should the subject amendment fail to be adopted by the city  
10 council.

11 (de) City council shall approve or deny an application for rezoning within one  
12 hundred eighty (180) days of the applicant submitting their application  
13 to the zoning administrator. City council may, for good cause shown,  
14 extend this period a maximum of thirty (30) days. Further extension of  
15 time may be granted by city council, only upon finding of extenuating  
16 circumstance(s). Any application that has not been set for public hearing  
17 within one hundred eighty (180) days of submittal to the zoning  
18 administrator shall be deemed withdrawn and shall be subject to 27-150,  
19 unless the scheduling delay is a result of administrative error.”

20  
21 **Section 4.** That **“Sec. 27-151. Comprehensive review of land**  
22 **development code.”** is hereby amended by adding the underlined language and  
23 deleting the stricken language as follows:

24 **“Sec. 27-151. Comprehensive review of land development code.**

25  
26 The code administrator or designee shall examine the provisions of this  
27 chapter and may submit a bi-annual report to the city council recommending  
28 changes and amendments, if any, that are desirable in the interest of furthering  
29 the public health, safety and general welfare. Any city council directed text  
30 amendment requests for this chapter ~~made by city council, any other city~~  
31 ~~department, any public or quasi-public agency, or any member of the public,~~ shall  
32 be submitted to the code administrator for review and processing. The deadline  
33 for each text amendment cycle shall fall on January 15 and July 15 of each calendar  
34 year. Processing of the proposed text amendments shall begin on the deadline  
35 date, ~~following a batch process.~~ The code administrator or city council may initiate  
36 a text amendment, outside of the normal text amendment cycle, to: ~~correct an~~  
37 ~~unintentional error or conflict between sections of this chapter or with other~~  
38 ~~chapters, or for amendments to procedural matters.~~

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41 (1) Correct an unintentional error;

42 (2) Address strategic initiatives;

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44 (3) Correct conflict between sections of this chapter, or with other chapters;

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(4) Implement changes to this chapter resulting from changes in state legislation; or,

(5) Amendments to procedural matters. Refer to sections 27-148 and 27-149(a).”

**Section 5.** That the proper officers and employees of the City are hereby authorized to do all things necessary and proper to carry out the provisions of this Ordinance.

**Section 6. CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any conflict.

**Section 7. SEVERABILITY.** Should a court of competent jurisdiction declare any part of this Ordinance invalid, the remaining parts hereof shall be severed and remain in effect and shall not be affected by such determination as to the invalid part.

**Section 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon becoming a law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON \_\_\_\_\_.

\_\_\_\_\_  
CHAIRMAN/CHAIRMAN PRO-TEM  
CITY COUNCIL

ATTEST:

\_\_\_\_\_  
CITY CLERK/DEPUTY CITY CLERK

APPROVED BY ME ON \_\_\_\_\_

\_\_\_\_\_  
Jane Castor, MAYOR

PREPARED AND APPROVED  
AS TO LEGAL SUFFICIENCY BY:

/es/ Cate Wells, Chief Assistant City Attorney