

5.0 STUDY RECOMMENDATIONS

5.1 Revisions to the City of Tampa FLUE of the Comprehensive Plan

Text changes that are recommended include revisions to the definitions, policies and land use categories in the FLUE. Proposed specific text revisions to the City of Tampa FLUE are indicated as either an addition (underline) or deletion (strikethrough). The proposed City of Tampa Comprehensive Land Use Plan map changes are provided in Exhibit 5-1.

5.1.1 City of Tampa Future Land Use Element--Definitions

Accident Potential Zone I (APZ I)

This zone extends from the Clear Zone an additional 5,000 feet. It includes an area of reduced accident potential. Ten percent of the accidents studied of all Air Force mishaps occurred in this area, which is 3,000 feet wide and 5,000 feet long beginning 3,000 feet from the runway endpoint along and centered on the extended runway centerline.

Accident Potential Zone II (APZ II)

This zone extends from the outer end of APZ 1 an additional 7,000 feet. This is an area of even further reduced accident potential. Five percent of the accidents studied of all Air Force mishaps occurred in this area, which is 3,000 feet wide and 7,000 feet long beginning 8,000 feet from the runway endpoint along and centered on the extended runway centerline.

Catastrophic Event:

An overwhelming, unpreventable event caused exclusively by forces of nature, such as a hurricane, flood, tornado, earthquake, and including all natural phenomena that are exceptional and inevitable, the effects of which could not be prevented or avoided by the exercise of due care or foresight, excluding individual health related scenarios.

Clear Zone

This zone starts at the end of the runway and extends outward 3,000 feet and is 3,000 feet wide (1,500 feet to either side of the runway centerline). It has the highest accident potential of the three zones as 27% of the accidents studied of all Air Force mishaps occurred in this area.

Noise Contour

Noise contours show areas exposed to specified noise levels over a given period of time. The contours are prepared using a computer noise model and are then overlaid onto a base map.

5.1.2 Future Land Use Element--Policies

Tampa International Airport

The reader should note that there is a separate aviation component located within the Transportation Element that contains additional policy direction.

Objective A-3A: The City shall support and strengthen the role of Tampa International Airport by requiring that adjacent development be compatible with airport related activities. (In addition to the policies listed below, the Transportation Element has also adopted goals, objectives and policies addressing airport related activities).

Policy A-3.1A:

Maintain the lower density and/or intensity of development permitted by the M-AP (Municipal Airport Compatibility) plan category for those properties located within or in proximity to Tampa International Airport, as shown on the adopted land use map.

Policy A-3.2A:

Prohibit new construction and redevelopment which inhibits the safe and efficient operation of airport facilities within the accident potential zones for MacDill Air Force Base and the runway protection zones for Tampa International and Peter O'Knight Airports.

Policy A-3.3A:

To promote and protect the utility of Tampa International Airport, the City shall support uses compatible with aircraft operation through the Municipal Airport Compatibility land use plan category.

Policy A-3.4A:

New development shall not obstruct aircraft operations by intersecting the airport's clear zones, approach zones, transition surface, horizontal surface, and conical surfaces.

Policy A-3.5A:

All building regulations (floor area ratios (FAR) and height) shall be promoted to guarantee the continued efficient operation of the airport and ensure public safety.

MacDill Air Force Base

Per the requirements of Senate Bill 1604 (effective date May 25, 2004), the City of Tampa, in cooperation with MacDill Air Force Base, completed a Joint Land Use Study (JLUS) on July 31, 2006, which recommended revisions to the applicable Tampa Comprehensive Plan goals, objectives, and policies, that would set reasonable limits for intensity, density, and use of land adjacent to MacDill Air Force Base. As required by Sections 163.3175, -77, -87, and -91, Chapter 163, Florida State Statutes, as amended by said Bill, the policies below are intended to manage land use and future development encroachment, in order to support the viability of military operations as well as to protect persons and property surrounding the Base from potential accidents and loss of life.

Objective A-3B: The City shall support and strengthen the role of MacDill Air Force Base by requiring that adjacent development be compatible with airport related activities. (In addition to the policies listed below, the Transportation Element ~~has~~ also has adopted goals, objectives and policies addressing airport related activities).

Policy A-3.1B:

~~After the effective date of this provision, all new residential development within the MacDill Air Force base flight path, also known as the accident potential zones on the future land use map, shall be limited to 10 dwelling units per acre.~~

Create and implement the Military Installation-Airport (MI-AP) Compatibility Plan Category to identify and protect lands that are most affected by military aircraft traffic and potential accident hazard adjacent to MacDill Air Force Base. At a minimum, the MI-AP designated area shall include the Clear Zone, the Accident Potential Zone I (APZ 1), the Accident Potential Zone II (APZ II) but may include any other areas representing a logical extension of any of the aforementioned areas or areas lying in close proximity to the Base.

Policy A-3.2B:

Establish zoning districts, MI-AP-1 through 5 to implement the intent of the MI-AP Compatibility Plan Category by regulating allowable uses, area, height, bulk and placement of those uses to minimize population concentration and eliminate hazards to aircraft operations for the general protection and safety of Tampa's citizens and Base personnel.

Policy A-3.8-3B

Include MacDill Air Force Base and Hillsborough County Aviation Authority in the Development Review Committee to maintain open communication channels between City staff and these entities regarding all petitions for rezoning and special use.

Policy A-3.4B:

~~Prohibit future “noise sensitive” development such as residences, schools, hospitals, etc. which do not provide the required noise attenuation features within those noise contour areas adjacent to MacDill Air Force Base which may pose health hazards~~

New developments within the noise contour areas adjacent to MacDill Air Force Base shall be required to provide the required noise attenuation features outlined in the City’s Building Code.

Policy A-3.5B:

Any parcel of land that was in place prior to February 5, 2007 that met the minimum dimensional requirements of the zoning classification but does not meet the minimum dimensional requirements of the MI-AP zoning districts shall be considered conforming and shall be developed according to City of Tampa Code of Ordinances, Chapter 27-79, Tables 4-4 and 4-5.

Policy A-3.6B:

Any use of land existing as of February 5, 2007 which would otherwise not be permitted within the MI-AP zoning district in which it lies, shall be considered conforming; however, any of the following changes to the use shall require full compliance with the MI-AP land use category and zoning district regulations as though it were a new use:

1. A one-time enlargement of existing multi-family or commercial structures by five percent (5%) of the floor area or 150 square feet, whichever is less;
2. If the use has ceased operation for one hundred eighty (180) consecutive days; except for catastrophic events, in which case it shall be one year from the date of the event.
3. When there is a change in use or new use added to the existing use or uses.

5.1.3 Future Land Use Element--Land Use Categories

Military Installation Airport Compatibility Plan Category (MI-AP)

Purpose: To promote the appropriate type and intensity of development of land uses surrounding MacDill Air Force Base. The purpose of designating lands that are most affected by military aircraft traffic and potential accident hazard adjacent to the MacDill Air Force Base runway, is to minimize population, eliminate hazards to aircraft operations and protect the general welfare and safety of citizens within these areas. This category at a minimum shall be applied to military installation airport Clear Zone and Accident Potential Zones I and II as designated on the adopted Future Land Use Plan Map and may include any other areas representing a logical extension of any of the aforementioned areas or lying in close proximity to the base.

Permitted Uses: Residential and non-residential uses per each MI-AP zoning district as defined in the City of Tampa's zoning code. Residential uses within the APZ I are restricted to single-family detached structures only. Future non-residential development is limited to direct access onto MacDill Avenue and Dale Mabry Highway through the MI-AP-5 site plan rezoning process.

Density/Intensity: A range from 0-6.0 dwelling units per acre. A 0.5 floor area ratio (FAR) maximum may be considered in this land use designation within the appropriate zoning districts.

Prohibited Uses: Specific uses are prohibited as per each MI-AP zoning district as defined in the City of Tampa's zoning code. All new development is prohibited in the Clear Zone.

Municipal Airport Compatibility Plan Category (M-AP)

Purpose: To promote the appropriate type and intensity of development of land uses surrounding an airport. The purpose of designating land and water areas in this district is to encourage development which is compatible with aircraft operation and to increase safety and limit population by maintaining a lower intensity of development and to promote and protect the utility of the airport. This district shall be applied to airport landing areas and to other surrounding areas in proximity to airport boundaries or operations as designated on the adopted Future Land Use Map.

Permitted Uses: General and heavy commercial uses, office, and light industrial uses.

Intensity: The maximum allowable intensity varies depending upon location of the land parcel relative to airport approach/clear zones. The maximum allowable floor area ratio ranges from 0.25 FAR to 1.5 FAR depending upon proposed use and zoning sub-district. The maximum allowable height in M-AP 1 and M-AP 2 is 42' and in M-AP 3 and M-AP 4 the maximum height is 70'.

Prohibited Uses: Specific uses are prohibited as per each M-AP zoning district as defined in the City of Tampa's zoning code. Site planned developments can be considered in this category, however this cannot be used to exceed adopted heights.

5.2 City of Tampa Code Revisions

This section contains recommended changes to the City of Tampa Code of Ordinances, Chapter 27, Zoning. City staff will review Chapter 27 for consistency simultaneous with the creation of any new zoning text changes. Text changes that are recommended include revisions to the zoning districts, schedule of permitted uses, and schedule of minimum lot area, width, maximum height and required yards in the City of Tampa Code. Five new zoning districts are proposed. The proposed zoning districts are provided in Exhibit 5-2.

Proposed specific text revisions to the City of Tampa Code are indicated in red as either an addition (underline) or deletion (strikethrough).

Sec. 27-79. District regulations for MI-AP airport compatibility planning area.

- (a) The MI-AP airport compatibility planning area includes defined zoning districts that are most affected by military aircraft traffic and potential accident hazard adjacent to the Mac Dill Air Force Base runway; therefore, the intensity of development, allowable uses, and heights of structures shall be at such a level as to minimize population, eliminate hazards to aircraft operations, and protect the general welfare and safety of Tampa's citizens. The MI-AP airport compatibility zoning districts are depicted on the City of Tampa's Zoning Atlas and are described as follows:

MI-AP-1. A zoning district within the MI-AP planning area that includes parcels of land or portions thereof lying within the boundaries of the Clear Zone to the runway at MacDill Air Force Base (identified by the symbol "Clear Zone" on the officially adopted City of Tampa Zoning Atlas). Active uses of land are prohibited and heights of structures are set at zero (0) feet in this district.

MI-AP-2. A zoning district within the MI-AP planning area that includes parcels of land or portions thereof lying within the boundaries of the Accident Potential Zone I (APZ I) to the runway at Mac Dill Air Force Base (identified by the symbol "APZ I" on the officially adopted City of Tampa Zoning Atlas) and those

lands or portions thereof lying between the APZ I and the MacDill Air Force Base northern boundary. The height of structures and land uses permitted in this area are of low intensity and density, which reduces population in proximity to the military airport and its runway.

MI-AP-3. A zoning district within the MI-AP planning area that includes parcels of land or portions thereof lying within the boundaries of the Accident Potential Zone II (APZ II) to the runway at Mac Dill Air Force Base (identified by the symbol "APZ II" on the officially adopted City of Tampa Zoning Atlas), including those lands lying between the two (2) APZ II areas. The height of structures and land uses permitted in this area are of low intensity and density, which reduces population in proximity to the military airport and its runways.

MI-AP-4. A zoning district within the MI-AP planning area that includes parcels of land or portions thereof lying within the boundaries of the Accident Potential Zones I and II (APZ I and II) to the runway at Mac Dill Air Force Base that are currently zoned for commercial uses and generally lie within established commercial corridors and are designated for commercial uses. The height of structures and land uses permitted in this area are of a low to medium intensity, which provides necessary neighborhood serving uses and reduces potential congregation of population in proximity to the military airport and its runways.

MI-AP-5. A zoning district permitted within the MI-AP Plan category that is subject to the site plan controlled rezoning provisions of this chapter. Any proposed developments within this designation shall be required to meet locational criteria as set forth in the Tampa Comprehensive Plan and shall not exceed the minimum lot dimensional criteria, densities, and/or intensities as set forth in this section.

TABLE 4-4
(1) SCHEDULE OF MI-AP PERMITTED USES
MAXIMUM FLOOR AREA RATIO AND MAXIMUM COVERAGE
REGULATIONS

<u>X: Permitted</u> <u>S1: Special Use I</u> <u>S2: Special Use 2</u> <u>A: Accessory</u> <u>Blank: Prohibited</u>				
	<u>MI-AP-1</u>	<u>MI-AP-2</u>	<u>MI-AP-3</u>	<u>MI-AP-4</u>
<u>Permitted Use</u>				
<i><u>Group A</u></i>				
<u>Bed and breakfast[1]</u>				<u>X</u>
<u>Cemetery</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<i><u>Congregate living facilities:</u></i>				
<u>Facilities of 6 or fewer residents</u>		<u>X</u>	<u>X</u>	<u>X</u>
<u>Small group care facility[1]</u>			<u>S2</u>	<u>S1</u>
<u>Dwelling, single-family, detached</u>		<u>X</u>	<u>X</u>	<u>S1</u>
<u>Dwelling, single-family, semi-detached[1]</u>			<u>X</u>	<u>S1</u>
<u>Dwelling, single-family, attached[1]</u>			<u>X</u>	<u>S1</u>
<u>Dwelling, two-family [1]</u>			<u>X</u>	<u>S1</u>
<u>Extended family residence</u>		<u>S1</u>	<u>S1</u>	<u>S1</u>
<u>Home occupation</u>		<u>S1</u>	<u>S1</u>	<u>A</u>
<i><u>Group B</u></i>				
<u>Place of religious assembly[1]</u>			<u>S2</u>	<u>X</u>
<u>Clinic[1]</u>				<u>X</u>
<u>Club[1]</u>				<u>X</u>
<u>College[1]</u>				<u>X</u>
<u>Day care and nursery facility (limited to 35 children) [1]</u>			<u>S2</u>	<u>X</u>
<u>Day care and nursery facility (numbers limited to 10 children)</u>		<u>X</u>	<u>X</u>	<u>X</u>
<u>Funeral parlor</u>				<u>X</u>
<u>Hotel and motel[1]</u>				<u>X</u>
<u>Public cultural facility[1]</u>				
<u>School[1]</u>				<u>X</u>
<u>School, vocational[1]</u>				<u>X</u>
<u>School, business[1]</u>				<u>X</u>
<u>School, trade[1]</u>				<u>X</u>
<u>Security guards quarters</u>				<u>A</u>
<i><u>Group C</u></i>				
<u>Air conditioned storage</u>				<u>X</u>
<u>Appliance and equipment repair</u>				<u>X</u>

<u>Auto rental</u>				<u>S2</u>
<u>Bank</u>				<u>X</u>
<u>Bank, drive-in</u>				<u>S2</u>
<u>Bar and lounge[1]</u>				<u>X</u>
<u>Catering shop</u>				<u>X</u>
<u>Crematorium</u>				<u>X</u>
<u>Drive-in window</u>				<u>S2</u>
<u>Drycleaning plant, small</u>				<u>X</u>
<u>Kennel</u>				<u>X</u>
<u>Laboratory, dental and medical</u>				<u>X</u>
<u>Nursing [care facility], convalescent and extended care facility[1]</u>			<u>S2</u>	<u>X</u>
<u>Office, business and professional</u>				<u>X</u>
<u>Office, medical</u>				<u>X</u>
<u>Parking, off-street:</u>				
<u>Principal use</u>		<u>S2</u>	<u>S2</u>	
<u>Accessory use</u>				<u>X</u>
<u>Commercial use</u>				<u>X</u>
<u>Parking, temporary</u>				<u>X</u>
<u>Personal services</u>				<u>X</u>
<u>Pharmacy</u>				<u>X</u>
<u>Place of assembly[1]</u>			<u>S2</u>	<u>X</u>
<u>Printing, light</u>				<u>X</u>
<u>Public service facility</u>				<u>X</u>
<u>Recreation facility, commercial:</u>				
<u>Indoor[1]</u>				<u>X</u>
<u>Outdoor[1]</u>				<u>X</u>
<u>Recreation facility, private[1]</u>			<u>S1</u>	<u>X</u>
<u>Research activity</u>				<u>X</u>
<u>Restaurant</u>				<u>X</u>
<u>Restaurant, drive-in</u>				<u>S2</u>
<u>Retail sales, convenience goods</u>				<u>X</u>
<u>Retail sales, gas</u>				<u>X</u>
<u>Vehicle repair, minor</u>				<u>X</u>
<u>Veterinary office</u>				<u>X</u>

[1] Uses prohibited within the Clear Zone and APZ I areas.

TABLE 4-5
(2) SCHEDULE OF MI-AP MINIMUM LOT AREA, WIDTH,
MAXIMUM HEIGHT AND REQUIRED YARDS

<u>District</u>	<u>Minimum Lot</u>		<u>Required Yards</u>				
	<u>Area (SF)</u>	<u>Width (feet)</u>	<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Corner (feet)</u>	<u>Rear (feet)</u>	<u>Maximum Height (feet)</u>
<u>MI-AP-1</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>n/a</u>	<u>0</u>
<u>MI-AP-2</u>	<u>7260</u>	<u>50</u>	<u>25</u>	<u>7</u>	<u>7</u>	<u>20</u>	<u>35</u>
<u>MI-AP-3</u>	<u>7260</u>	<u>50</u>	<u>25</u>	<u>7</u>	<u>7</u>	<u>20</u>	<u>35</u>
<u>MI-AP-4</u>	<u>10000</u>	<u>75</u>	<u>10</u>	<u>0</u>	<u>10</u>	<u>10</u>	<u>45</u>
<u>MI-AP-5</u>	<u>Per underlying zoning district</u>	<u>45</u>					

Prior to the issuance of a permit to the owner of any structure which constitutes an obstruction as defined in Fla. Stat. § 333.01(7), the owner shall install, operate and maintain, at his sole expense, such marking and lighting, as may be determined necessary by Mac Dill Air Force Base, to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall also conform to the specific standards established by the Florida Department of Transportation.

(b) Additional criteria regarding the application of regulations within the MI-AP district. In addition to the criteria established in Article II, the following criteria are provided to assist in the administration of the MI-AP districts:

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

a. The applicant must indicate, when applying for a zoning compliance permit, a list of probable uses that may locate on the site;

b. The development of the zoning lot will be governed by the regulations controlling the most restrictive use listed in the applicant's request for a zoning compliance permit; and

c. Actual use or occupancy of the zoning lot when the development is completed shall comply with the data provided in the request for a zoning compliance permit.

- (2) Accessory uses shall be clearly incidental and subordinate to the permitted or principal use of the zoning lot or structures on the lot. Where occupational licenses are required by other laws in order to perform the accessory use function, the accessory use's incidental and subordinate relationship to the principal use must clearly be demonstrated to the zoning administrator before the accessory use is permitted. Accessory uses, including but not limited to employees' restaurants, snack bars, conference rooms, etc., shall not display signs, maintain access points external to the structure of the principal use or exhibit any characteristics that would imply or suggest that the accessory use is more than incidental or subordinate to the principal use.
- (3) The regulations for the MI-AP districts shall be construed in a manner that does not encourage or advocate the assembly or concentration of people within the districts, particularly within the Clear Zone and APZ I areas. Therefore, within the MI-AP districts, assembly halls, meeting centers, training classrooms, theatres and other similar uses that may serve as accessory uses to the principal permitted use and serve as an attraction to users from outside of the districts are prohibited. This section should not be interpreted to prohibit general conference and meeting rooms for the occupants.
- (4) When a zoning lot contains two (2) or more subdistrict designations with different regulations, the zoning administrator shall make all necessary determinations and interpretations to enforce the regulations in a manner consistent with the purpose and intent of the district and other regulations outlined elsewhere in this chapter. However, under no circumstances shall the permitted use or maximum development regulations differ or exceed what is permitted for that portion of the zoning lot.
- (c) Exemption. Property owned or controlled by the City of Tampa or Mac Dill Air Force Base and used for municipal/public, military airport, and military airport-related uses shall be exempt from the provisions of this section. Uses not described under municipal/public, military airport, and military airport-related uses or otherwise permitted in the MI-AP may be established on land owned by either entity only after a development plan has been submitted to the Hillsborough County City-County Planning Commission for recommendation, the zoning administrator for recommendation, and after review and approval by the city council of the city.

EXHIBIT 5-1

PROPOSED LAND USE PLAN CATEGORIES MAP

EXHIBIT 5-2
PROPOSED ZONING DESIGNATIONS MAP